Article

Black, yellow, (honorary) white or just plain South African? Chinese South Africans, identity and affirmative action

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Abstract
On 18 June 2008, while the country was still reeling from outbreaks of xenophobic violence, the Pretoria High Court issued an order proclaiming that the Chinese South Africans fall within the broad definition of ‘black people’ as contained in the nation’s affirmative action policies. Reaction to the decision was swift, angry and overwhelmingly negative; across the board, South Africans were in disbelief that the Chinese South Africans could be viewed as ‘black’. In this essay the author, a Korean American long resident in South Africa, addresses concerns about affirmative action and argues that these race-based policies are re-racialising the country. Chinese South Africans have long held an ambiguous, confused, in-between position in South Africa. In light of continuing new Chinese migration to the country, the global rise of China, and its growing influence on South Africa’s economy and polity, the place and position of Chinese South Africans is further confused. Seen through the lens of the Chinese South African case, affirmative action policies impede progress toward building an inclusive, racially diverse national identity. So long as rewards are doled out solely on the basis of blackness, and blackness increasingly becomes the principal defining characteristic of South Africanness, South Africa fails to construct a national identity that reflects its history and its diversity.

Introduction
Notions of race, ethnicity, citizenship, identity and belonging in Africa are becoming increasingly complicated, particularly with increased movements of people between regions and across national boundaries. Limited exposure to ‘others’, particularly in remote corners of the continent, have resulted in some interesting cases of mistaken identity/identification. During a 1996 trip
to the Limpopo province in the northern reaches of South Africa, this writer, a Korean American, was identified by young siPedi-speaking field researchers-in-training, as a ‘lekgoa’. ‘Lekgoa’ in siPedi, as I have understood it, literally means ‘foreigner’ or ‘stranger’ but has come to describe white people in this part of South Africa, previously part of the Lebowa homeland. As a non-Pedi, non-black African, I was, no doubt, seen as a stranger and as such identified as ‘white’ – a surprise to me, having grown up in Los Angeles as an ethnic minority, a woman of colour, an Asian American.

More recently, white (both European and American) colleagues and friends traveling around the continent have related stories about how they have been (mis-)identified as ‘Chinese’ by local communities in various African countries; with China’s growing presence throughout Africa these episodes of confused identification seem to be occurring with greater frequency. Today, with increased movements of state-sponsored workers as well as intrepid, independent Chinese entrepreneurs into remote parts of Africa, Chinese people are often the first exposure that some local Africans have of the ‘other’. Subsequent encounters with other non-Chinese, non-locals result in these confusing cases of mistaken identification.

In South Africa, where such identifications and official classifications come attached to resources, contracts, jobs and promotions, confusion surrounding racial classification becomes politicised and highly contested. Certainly this was true during the apartheid era when virtually everything from education, residence, and medical care to relationships and even death and burial was dependent on racial classification. In the post-apartheid period, particularly following the passage of the Employment Equity Act 55 of 1998 and the Broad-based Black Economic Empowerment Act 53 of 2003, many have argued that race has become increasingly salient.

The May 2008 outbreak of xenophobic violence left over 60 dead; about one-third of those killed were South Africans who had ostensibly been mistakenly identified as *amakwerekwere* or foreigners because of their darker skin and their inability to speak Zulu. Many analysts subsequently argued that perceived competition over scarce resources, such as access to RDP housing, was one of the contributing factors leading to the xenophobic violence. In this tumultuous climate, even as thousands of internally displaced were struggling to find shelter, the Chinese Association of South Africa (CASA) won its court case against the South African government, ensuring that Chinese South Africans would henceforth be included as previously disadvantaged (or ‘black’ as written in the legislation) and
receive the ‘goodies’ attached to affirmative action legislation. Many South Africans balked. Headlines screamed: ‘What colour are Chinese South Africans?’ , ‘So, now the Chinese want to be black?’, ‘S African Chinese “become black”’, ‘In South Africa, Chinese is the new black’, and ‘Only in South Africa: Chinese are classified as black’. The strong negative public response dampened any sense of victory on the part of the small Chinese South African community, and provided them with further evidence of their marginal, in-between, and tenuous position in South Africa.

The Chinese in South Africa have long occupied a nebulous, in-between position in South Africa – sometimes squeezed between coloured, Indian and white, more often excluded, forgotten or dismissed as insignificant. The concessions granted to the community during the latter years of apartheid and the influx of wealthy, educated professional or investor classes of Taiwanese in the 1980s further added to the confusion surrounding the position of Chinese during apartheid. The CASA case reveals many of the flaws of current affirmative action legislation and underscores the ways in which these policies continue to hamper the nation-building process. China’s growing importance to South Africa’s economy and the increasing presence of Chinese migrants in South Africa further confuses the place and position of South Africa’s smallest ethnic minority group – the Chinese South Africans. This article reflects the author’s attempts to address concerns about affirmative action and race classification in South Africa in light of the CASA case and in the context of China’s global ascendance, China’s increased presence in South Africa, and South Africa’s nation-building project.

**China and Chinese in South Africa**

South Africa has multiple communities of Chinese and people of Chinese origin. These include the small community of approximately 10,000-12,000 second-, third- and even fourth-generation Chinese South Africans, many with roots going back to the late 1870s; a smaller community of approximately 6,000 Taiwanese and Taiwanese South Africans, who arrived in South Africa during the latter part of apartheid; and a growing community of newer Chinese migrants, the vast majority from mainland China, but also including smaller numbers of ethnic Chinese from North America, Australia, Hong Kong, and South East Asia. For various reasons, including high rates of irregular entry and tremendous fluidity of movement, numbers for this last group are difficult to ascertain, but most observers place the number at well
over 300,000 (Park 2008b, Park and Chen 2009, Naidu 2008). There are, to add to the complexities, growing numbers of migrants from Japan, Korea, Malaysia, the Philippines and other Asian countries; often people from these countries are mistaken as Chinese by South Africans who often cannot distinguish one from another.

The small community of Chinese South Africans, scattered across the country and much diminished by emigration to Canada and Australia during the past five decades, has been alternately invisible or splashed across headlines because of their in-between position. The small size of the community made it cost-prohibitive for the apartheid bureaucrats to enforce the Group Areas Act; as such, Chinese South Africans became the first ‘non-white’ group to integrate white schools (first private, church schools and later government schools), white hospitals and white residential neighbourhoods. While the community received concessions and privileges, these came with high costs attached: not having their own group area meant that they were vulnerable to the whims of white bureaucrats and potential neighbours. In order to move into a white area, they had to get signed approval from white neighbours. Chinese businesses were often ‘owned’ by white proxies; unscrupulous businessmen sometimes stole these businesses and the Chinese had no legal recourse. Despite these challenges, the vast majority of the small community managed, over the course of two generations, to move into the middle class, predominantly through education, hard work, and their collective knack for remaining ‘under the radar’. This move into the middle class has resulted in their incorrect identification as ‘honorary whites’. However, it should be made clear: the Chinese never had any legal rights, they remained classified as ‘non-white’, and they never had the right to vote until 1994.

China’s global rise, China’s deepening economic ties with the continent and particularly with South Africa, together with increased Chinese migration to South Africa over the past decade has had a tremendous impact on South African policies, local Chinese South Africans, and South African perceptions of all things (and people) Chinese. In fact, it is possible that South Africa’s increasing economic linkages and friendship with China played some indirect role in the government’s final decision, as respondents, not to oppose the Notice of Motion in the CASA court case of 2008 (Erasmus and Park 2008). There are, in fact, precedents for such about-turns in South Africa, as occurred with Japan in the early 20th century and later with Taiwan in the 1970s and 1980s, when economic ties (and potential trade and investment
deals) trumped the dominant racist ideologically-driven policies of both eras to persuade political leaders to make exceptions for different East Asian populations under certain segregationist and apartheid-era laws. Failure to grant visas to the Dalai Lama on two separate occasions in the past few years is also viewed by many as a testament to China’s growing economic power translating into influence in the political arena.

In the last decade, China has become one of South Africa’s key trading partners; the volume of bilateral trade increased from US$14 million in 1991, to over US$1.5 billion in 1997, to US$2.75 billion by 2007 (Naidu 2008:174). These figures increased significantly with the Industrial and Commercial Bank of China (ICBC) investment in Standard Bank of October 2007, and other large investments. Most recent figures indicate that trade between the two nations has now topped $16 billion and will continue to increase with the signing of various cooperation deals by President Zuma during a state visit to China in August 2010. In this same period, the numbers of Chinese people (including those of Chinese descent) in South Africa have increased more than tenfold.

Perceptions of Chinese people in South Africa and the continent are heavily influenced by general West-led media biases against China, often portrayed as a resource-hungry, predatory, neo-colonial power on the continent (Sautman and Yan 2009:198, and Mawdsley 2008). China as an authoritarian, human rights abusing state is also a common theme in the media. However, contrary to the popular discourse of rising anti-Chinese sentiment throughout Africa, preliminary analysis of a small survey on African perceptions of Chinese indicates that most South Africans maintain fairly balanced views of the Chinese. The vast majority of survey respondents viewed the Chinese as hard-working and disciplined; most also said that Chinese were generally friendly. While there were complaints about the low quality of China-made consumer goods (called ‘fong kong’ throughout the country), South Africans also indicated that they were happy about the greater availability of affordable products. At the same time, there was an increasing awareness of the challenges presented by Chinese merchandise and Chinese traders to local industries and local businesses. There were also a number of complaints about poor labour practices and low wages. Few were able to distinguish between the various communities of Chinese in the country.

A generally positive view of China in the official, macro-level discourse and a fairly balanced view on the part of most South Africans has meant that,
under normal circumstances, Chinese people have not borne the brunt of South African animosities or xenophobic attitudes. However, the news of CASA’s victory in the court case against the government, and, in particular, the way in which the media reported the news, raised the ire of many South Africans of all shades. To a large extent, the (over)reaction of many South Africans stems from a conflation of all the different Chinese in the country, no doubt influenced by general anti-Chinese bias in the media. The issue of race, or rather ‘blackness’, also featured prominently. What was never made clear in most of the reporting of the CASA court victory was that the only group that stands to benefit from South Africa’s affirmative action policies are the Chinese South Africans and other Chinese or Taiwanese who became South African citizens prior to 1994, probably fewer than 12,000 in total – a point that has been lost on many. The negative reactions, I would argue, stem from the increasingly racialised and ethnicised discourses of citizenship, belonging and resource distribution in a context of an economic downturn, poor service delivery, and political struggle – all exacerbated by South Africa’s failure, thus far, to form any consensus around its nation building project.

South Africa’s nation-building challenges

On questions of race, nation building, and identity, two contradictory schools of thought have dominated the South African discourse in the post-apartheid era. Non-racialism was dominant during the struggle years and into Mandela’s presidency. While it was more aspirational than real, it was seen as the necessary glue to hold together the disparate, racially diverse political elements in the struggle against apartheid. The non-racialism school – of the ‘rainbow nation’ and ‘many cultures, one nation’ – was espoused most prominently by Nelson Mandela and Archbishop Desmond Tutu. Critics of the metaphors for the ‘new’ South Africa have argued that the ‘rainbow’ images gloss over real differences, ongoing tensions and inequalities. These criticisms notwithstanding, in general discussions, these slogans and ideals were understood to be inclusive of the nation’s ethnic, racial, and religious diversity. In a speech for a conference on coloured communities held in 1996 Nelson Mandela articulated these ideals: ‘Freedom, justice and fairness are the ideals we must strive to fully realise… Non-racialism is one of those ideals that unite us. It recognises South Africans as citizens of a single rainbow nation, acknowledging and appreciating difference and diversity’ (in James et al 1996:7).
President Mbeki, during his tenure, espoused a more Africanist view, in which South Africa (and he, as its leader) would take up a leadership role on the continent, as an African country. While his agenda opened up spaces for dialogue about race and racism in South Africa, it also left unanswered mounting questions about who, in fact, belongs to, and in, post-apartheid South Africa. Mbeki paid lip service to the notion of non-racialism; however, the policies of transformation and redress enacted under his tenure, some argue, have re-racialised the country.

Since the end of apartheid, South Africa has struggled to find a balance between two national projects: (1) the need to construct a strong national identity from South Africa’s divided past and diverse population; and (2) the need for transformative and redistributive policies, necessary to address past injustices and inequities. While there has been no clear direction or agenda for the nation-building project, the ANC government passed and implemented two pieces of legislation ostensibly aimed at righting past (economic) wrongs and preventing further discrimination in the economic sector. Together, these affirmative action policies prohibit discrimination, provide guidelines of affirmative action for employers, and give certain advantages to previously disadvantaged individuals and communities in terms of job preference, training, and contracts. In practice, they seem to have done little more than to enrich a tiny black minority, although other contributors to this special issue might argue that benefits of affirmative action are more widespread.

A number of prominent scholars have criticised the Acts because they utilise the same racial categories used under apartheid laws without serious question or critique, and they conflict with the ideal of non-racialism. One well-known historian pointed out:

The further irony is that affirmative action, as a policy pursued by the ANC will continue to racialise our society. The African middle class put in place by way of affirmative action has everything to gain by maintaining racial boundaries and a racially structured system of promotion. In view of our history these responses are understandable. What is less understandable is how all this can be called non-racialism. (Giliomee 1996:9)

These policies are, by their very nature and purpose, racial; as such, many have argued that they have made race and ethnicity more salient. While proponents might argue that they have created a class of black elite and bourgeoisie, they have not addressed larger and more daunting problems of
poverty, unemployment, skills shortages, and service delivery. In fact, the gap between rich and poor has increased in the 17 years since the end of apartheid. With increasing poverty, and joblessness, leading to increasing service delivery protests and industrial actions, it seems clear that the two pieces of affirmative action legislation have not accomplished what they set out to do. Moreover, they may be further dividing a nation desperately in need of leadership to stitch together its disparate parts.

The court case and the reaction
Despite ample evidence of past discrimination, the Chinese South African community was excluded from the very specific language of both pieces of legislation. The EEA, for example, specifically identified ‘Blacks’, ‘Coloureds’, and ‘Indians’ as ‘Black people’ and therefore, previously disadvantaged.\(^9\) Read broadly, the Chinese might have counted as ‘coloured’, as they did in some instances during apartheid. However, because the Chinese were not specifically mentioned in either the EEA or the BBBEE legislation, employers and government officials were left to use their discretion, resulting in great confusion for and about the Chinese South Africans.

After much internal discussion and debate over a period of several years, meetings with government officials to seek clarification on their position vis-à-vis affirmative action legislation, a May 2003 CASA presentation and submission to Parliament,\(^{10}\) and years of government indecision and inaction, CASA decided to press ahead with a court case. They contracted the services of well-known human rights advocate, George Bizos, to represent their interests and hired the law firm of Nathan Edward Sonnenberg to launch a court application. CASA launched a court challenge against the South African government, specifically, the Minister of Labour, the Minister of Trade and Industry, and the Minister of Justice and Constitutional Development in December 2007. While there were both practical and material motivations for CASA’s position, the symbolic nature of their claims were central to their argument: their exclusion from EEA and BBBEE legislation was symbolic of their continued exclusion from the nation of South Africa (Harris 2008). In the words of Patrick Chong the chairperson of the Chinese Association of South Africa (CASA) at the time: ‘The [Chinese] community’s struggle has not been about economic opportunism, but about [the] lack of recognition and clearing up of misconceptions of the historical injustices the South African Chinese faced’ (Ho 2008).
On 18 June 2008, the Pretoria High Court issued an order that the Chinese South Africans fall within the definition of ‘black people’ as contained in the Employment Equity Act and the Broad-based Black Economic Empowerment Act. In the aftermath of the decision, there were, as indicated at the beginning of this piece, an alarming profusion of newspaper articles, many featuring interviews with senior government officials, black business leaders and average black South Africans, almost all negative. The sensationalist headlines also ensured that the news was broadcast to all corners of the globe. Many of the reactions confirmed the confusion about the Chinese South African position under apartheid and the various communities of Chinese now present in South Africa. At the core of many of these articles was the firm belief that the Chinese were not black, or certainly were not black enough to qualify for affirmative action. What does the negative public reaction to the CASA court decision say about how South Africans define citizenship and belonging of non-black South Africans?

**Race, redress, citizenship and nation-building**

Race and ethnicity, rather than, say, poverty, continue to be, by far, the most salient factors in the distribution (and re-distribution) of resources in South Africa. Given the history of apartheid, this is inevitable, and perhaps, to some degree, necessary. During apartheid resources were allocated on the basis of race, with a clear hierarchy of whites on top and black Africans at the bottom. The current government, in its redress efforts, must therefore also consider racial difference and racial position in redistributing resources. However, the critics abound. In addition to political (mostly white) opposition and more scholarly criticisms, various ethnic minority communities in South Africa have voiced concerns about affirmative action. The coloured community, in particular, because of ‘their intermediate and somewhat ambiguous position’ during apartheid, expressed fears that they would be subjected to discrimination under a black government; these fears have led segments of the community to distrust the current government. (Caliguire 1996:12-13) Similarly Indians and Chinese have been feeling rising insecurities about the ways in which these policies are implemented.

A number of scholars have noted that in some ways race is more salient today than it was during apartheid times, at least amongst those who participated in the struggle against it. For example, during the apartheid/struggle days, the political usage of the term ‘black’ to encompass African, coloured, and Indian activists was common. Today, however, the racial
differences between and amongst the various racial groups have become more salient. Competition theory provides one explanation for the tenacity of ethnic boundaries and the rise of spontaneous and organised ethnic movements (Olzak and Nagel 1986:9). Competition theorists point out that processes of state building that implement policies targeting specific ethnic populations increase the likelihood of ethnic collective action. They suggest that policy changes focused on specific ethnic groups, such as ethnic/racial civil rights laws, designating official lands, or implementing language rules, result in increased ethnic awareness and the likelihood of ethnic movements (Olzak and Nagel 1986:4, and James and Nagel 1986). In a comparative study of race in Brazil, the United States, and South Africa, another scholar similarly concludes that in the two nations where specific racial policies were implemented – the US and South Africa – race became more salient than in Brazil, which steered clear of racially-specific policies (Marx 1998).

In South Africa, boundaries between race and ethnic groups have, indeed, thickened and hardened as various groups now compete for resources being (re)distributed through EEA and BBBEE channels; competition theory provides one explanation of the government’s role in the paradoxical processes. These policies, as they are currently written, understood, and implemented have resulted in increased ethnic, racial, and class cleavages. These cleavages, in turn, continue to hamper the construction of an inclusive, pluralistic, and strong national South African identity.

A recent round of highly publicised race debates involving popular columnist Kuli Roberts, government spokesperson Jimmy Manyi, and senior economist Trevor Manuel highlights the racial tensions in the country. Efforts by the Labour Department to amend affirmative action legislation to institute quotas that would reflect national race figures have caused concern amongst coloured and Indian communities with their concentrated populations in the Western Cape and KwaZulu-Natal, respectively. At the core of these debates lies a link between blackness and South Africanness.

Certainly for the small community of Chinese South Africans, their eventual court-ordered inclusion in affirmative action policies and the negative public response has only served to underline their own tenuous hold on their South Africanness. While Chinese in South Africa have long occupied a confused, nebulous space, their initial exclusion from affirmative action policies and the later negative public reaction to their court-ordered inclusion has reinforced their sense of ‘in-betweenness’. The global rise of China, the growing importance of both economic and political ties between
China and South Africa, and the increasing presence of new Chinese migrants in the country further confuse the issue of Chinese South Africans’ belonging in South Africa. If affirmative action policies continue to dole out benefits based solely on race, perceptions of ‘blackness’ (who is ‘black enough’?) or calculations of relative suffering or deprivation during apartheid, they will continue to divide South Africa. In the opinion of this writer, a long-term resident of South Africa and a beneficiary of American affirmative action policies, South Africa’s affirmative action policies must be revisited and revised. It is time to go back to the drawing board, starting with a clearer understanding of the ultimate objectives of such policies and their potential impacts on future generations of increasingly diverse South Africans.

Notes
1. See Park 2008a for a discussion on the role and influence of the state in identity construction projects; see also Yap and Man 1996.
2. The ‘African perceptions of China and the Chinese’ was implemented amongst University of Johannesburg faculty and students in collaboration with Barry Sautman and Hairong Yan in 2008; they have since published the results of their comparative study including nine African countries (Sautman and Yan 2009). A follow-up questionnaire was implemented by the author in various parts of Johannesburg (in Soweto, the central business district, and a couple of shopping malls in the northern suburbs) to try to ascertain a broader perspective. These are currently being analysed. Further surveys are also being implemented in Maseru and Harare.
3. It should also be noted, however, that a small sample of approximately 50 owners of ‘China shops’ and Chinese factories interviewed over the past two years, revealed that these alone provide jobs for probably close to 2,000 South Africans or other African migrants.
4. Even assuming that most Taiwanese and some small number of mainland Chinese became citizens before 1994, one would have to deduct the numbers of minors, the self-employed, and pensioners from those who might potentially benefit from EEA.
5. Many of the arguments made in this and the final sections of this piece have been gleaned from the author’s PhD dissertation and the subsequent book, A Matter of Honour: being Chinese in South Africa (2008b).
6. D Posel, J Hyslop and N Nieftagodien (2001) write that there was a clear tendency to steer clear of the subject of race and the language of race as this was the language of the apartheid state; apartheid’s critics, therefore, positioned themselves as advocates of non-racialism. They also write: ‘the ideological commitment to non-racialism was also a tool of organisational discipline to prevent the emergence of deep racial fault lines on the left…one of the most
striking features of opposition ideology and politics in South Africa has been the resilience of its commitment to non-racialism.’

7. In the preface to the World Economic Forum’s *South Africa at 10*, Mbeki writes that in the past ten years South Africa has moved from a ‘past marked by oppression, racism, conflict and instability, and a continuously deepening economic crisis’ to ‘the current reality of freedom, dedication to non-racialism and demonstrable stability, and robust economic recovery’ (2004:11).

8. The Employment Equity Act specifically states that the purpose of the act is ‘to achieve equity in the workplace by a) promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and b) implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce’.


10. Debate over the CASA’s handling of the employment equity issue led to in-fighting within the national body. The Kimberley Chinese Association (KCA) resigned its membership from CASA due to frustrations that CASA was not adequately addressing the employment equity issue in a timely fashion. The KCA has also considered bringing a class action lawsuit against the government for what they viewed as discrimination; however, because of financial constraints the lawsuit has not, as yet, been pursued. CASA, on the other hand, never accepted the withdrawal of KCA from CASA citing that KCA did not consult the entire community and did not follow procedures. The leadership at CASA claims that KCA is being ‘led astray’ by two individuals who have personal interests with regard to the employment equity issue.


12. In her PhD thesis, Subera Surtee points out that during apartheid when Indian teachers were in the employ of Indian Education, the majority of them did not share common notions about their class interests. However, with the disintegration of apartheid, Indian teachers began to close ranks and formed a unitary identity with teachers from other race groups. This solidarity at the time of her study was showing signs of fragmentation due to a resurgence of ethnic identity (Surtee 1998: 9-4, 9-5). Also see Wilmot James et al (1996). ‘A supreme irony asserts itself in post-apartheid South Africa: the funeral of formal apartheid has been accompanied by the increasing legitimacy of ethno-racialism’ (Adam and Moodley 1996:110-7).
References


