

XENOPHOBIC VIOLENCE IN SOUTH AFRICA: THE LIMITS OF DIPLOMATIC PROTECTION FOR AFRICAN CITIZENS

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Key points

- The resurgence of xenophobic attacks in South Africa in 2026 highlights the limitations of African mechanisms for protecting nationals abroad.
- Despite the existence of recognized legal tools in international law, diplomatic protection has been little used by the States concerned.
- The reactions observed mainly took the form of diplomatic condemnations, repatriations and appeals to regional organizations.
- The effectiveness of diplomatic protection depends as much on political will as on the diplomatic and consular resources available.
- This crisis underlines the need for African States to strengthen

their protection capacities and cooperation in the face of serious violations of the rights of their nationals.

Strategic Issue

In the first half of 2026, South Africa experienced a new wave of xenophobic attacks targeting primarily nationals of other African countries. Although acts of xenophobia are not new in the country, their resurgence, their organized nature, and their impact on foreign populations raise serious concerns regarding human rights, security, and regional cooperation.

This situation also highlights an often-overlooked issue: the ability of African States to protect their citizens when they are victims of serious human rights violations abroad. While several governments have responded with diplomatic condemnations, political consultations, or repatriation operations, diplomatic protection—despite being recognized as a traditional instrument of

international law—has remained marginal in the observed responses.

Through the case of South Africa, this analysis examines the practical limitations of diplomatic protection in Africa and explores the reforms needed to strengthen the protection of African citizens beyond their borders. It argues that the main challenge lies not in the absence of legal mechanisms, but in their limited use, the institutional constraints of States, and the insufficient resources allocated to diplomatic and consular activities.

Introduction

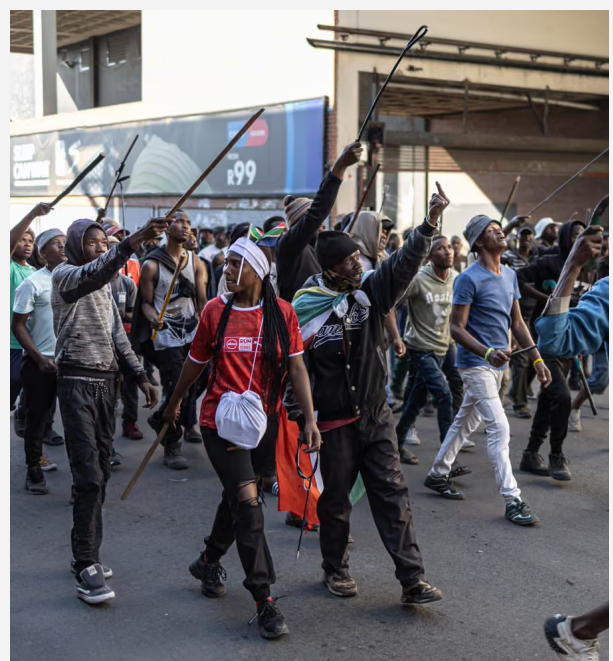
Already facing recurring criticism regarding xenophobic violence on its territory, notably [apartheid in the 20th century](#), South Africa is once again at the center of international attention following events that occurred in the first half of the year 2026. Indeed, the country has been the scene of xenophobic attacks against nationals of other African States. The first wave of xenophobia, which claimed [approximately sixty deaths occurred in May 2008](#). Starting in the Alexandra township north of Johannesburg, it spread like wildfire to major cities such as Durban and Cape Town. Further deadly attacks occurred [in 2019 and 2021](#). The resurgence of these attacks in the first half of 2026 is all the more concerning because they are no longer isolated incidents but a practice that appears to be taking root in the South African collective consciousness.

Indeed, xenophobic acts are actions, behaviors, or attacks inspired by xenophobia, that is, [systematic hostility, fear, or rejection toward foreigners or those perceived as such](#). The systematic nature of this phenomenon results in acts that perpetrate blind injustice against innocent people. This injustice is all the more

barbaric because it targets all foreigners without any other consideration, including anyone who shows tolerance toward foreigners. Given the negative consequences of xenophobia on the well-being of victims and the security of their property, [protective measures must be implemented with complete efficiency and with equal speed](#).

However, several observers believe that the [measures implemented have failed to effectively curb the violence](#). Faced with these shortcomings, the home countries of these foreigners can invoke diplomatic protection. This is considered by the Permanent Court of International Justice (PCIJ) in [the Mavrommatis case](#) as a fundamental principle of international law that allows a State to protect its nationals harmed by acts contrary to international law committed by another State, for which they have been unable to obtain redress through ordinary channels.

Moreover, [the home countries of the victims of these xenophobic acts have largely remained inactive](#),



Armed protesters march in Alexandra, near Johannesburg, on 16 July. Photograph: Emmanuel Croset/AFP/Getty Images

raising the question of whether diplomatic protection can still guarantee the safety of their citizens persecuted abroad. It is necessary to analyze the scale of the phenomenon before outlining the role and scope of diplomatic protection.

The violence that erupted in South Africa in 2026 extends beyond the issue of migration alone. It raises questions about the capacity of African States to effectively protect their citizens when they face massive human rights violations in another African country. This situation also highlights the gap that often exists between available legal mechanisms and their actual use in African diplomatic practice.

I - The new wave of xenophobic violence in South Africa

Xenophobia, like any phenomenon, has causes, whether justified or not. In South Africa, this phenomenon arose in a context of economic and social crisis. Since the end of apartheid, [South Africa remains marked by inequalities that lead to enormous frustrations](#) . Impoverished populations blame migrants to be responsible for unemployment, crime, and the deterioration of public services. These accusations are made with the [tacit support of certain political actors](#) . Similarly, influencers amplify anti-immigrant rhetoric on social media, [exploiting the migration issue to divert attention from the real challenges facing society](#) . Therefore, a link can be drawn between anti-immigrant violence and the upcoming municipal elections of November 2026.

In fact, the xenophobic acts that began in March 2026 have reached a new

level. In the past, these acts consisted of violence against property, businesses, and buildings, or attacks on individuals. But since 2021, new forms of protest have emerged, resulting [in the creation of organized movements around a public agenda](#) and strong mobilization through social media have fueled the movement. From the *hashtag* “*Put South Africans First*,” the focus shifted in 2021 to “*Operation Dudula*,” which claims to combat crime and the deterioration of public services. In 2025, the “*March and March*” movement emerged with the [agenda of deporting illegal migrants](#). Its rise introduced new practices such as blocking access to schools and healthcare facilities to prevent foreigners from entering, and violent attacks on the premises of companies accused of employing foreign workers.



European Pressphoto Agency (EPA)

From March 2026, the *March and March and Dudula* movements intensified their protests against undocumented foreign nationals. These xenophobic campaigns escalated in April with raids targeting migrant businesses, [resulting in physical](#)

assaults, property destruction, and forced evictions. In May, the movement hardened, leading to deaths among Ethiopian, Mozambican, and Malawian nationals, and displacing hundreds of families. In June, anti-immigration groups issued an ultimatum demanding that all undocumented foreigners leave South Africa by June 30, 2026. By that date, despite violent looting, burglaries, and assaults, police made over 900 arrests among the protesters. On the brink of a humanitarian crisis in July, more than 53,000 foreign nationals left South Africa or were expelled.

Faced with this phenomenon, reactions have been mixed from both South African authorities and those in the victims' countries of origin. Ambiguously, the African National Congress continues to send police forces in raids against migrants, while its leaders combine calls for calm with respect for human rights, insisting that immigration is a real problem. For his part, President Cyril Ramaphosa has repeatedly reaffirmed that xenophobia has no place in the country, recalling the pan-African ideal of *Ubuntu*. The reaction from the migrants' countries of origin reveals a certain laxity, limited to empty condemnations and, at most, the repatriation of some victims. In this regard, the Nigerian president, through his Minister of State for Foreign Affairs, Bianca Odumegwu-Ojukwu, strongly condemned the targeted attacks and police brutality, deeming them unacceptable. Ghana's reaction has escalated, his minister of Foreign affairs, Samuel Ablakwa, summoned the South African High Commissioner to strongly condemn these attacks. His country also appealed to the African Union, whose specialized institutions warned of the risks associated with such acts and hate speech. At the sub-regional level, the issue became central to discussions at the Southern African Development Community (SADC) summit

in August 2026 in Durban, where the hardest-hit countries (Zimbabwe, Malawi, Nigeria, Ghana) demanded concrete security guarantees and concerted action against *Africaphobia*.

However, these actions could have been reinforced by diplomatic protection.

II - Why diplomatic protection remained marginal

Xenophobia directed against nationals of a State abroad is one of the situations in which that State can invoke its diplomatic protection. Several legal instruments govern this protection. In international law, the Vienna Convention of 18 April 1961, on Diplomatic Relations stipulates in Article 3 that the functions of a diplomatic mission include, inter alia, protecting the interests of the sending State and its nationals in the receiving State, within the limits permitted by international law. Similarly, the Draft Articles of the International Law Commission on Diplomatic Protection of 2006 recognize the right of States to exercise diplomatic protection over their nationals, both natural and legal persons. These instruments are complemented by regional African human rights conventions, which guarantee the right to life, freedom of movement, and physical and moral integrity of migrants and displaced persons.

However, diplomatic protection is only exercised under certain conditions, namely, the violation of international law against a foreigner, the applicability of nationality, and the exhaustion of domestic remedies. First, the violation of

international law against a foreigner is the starting point for an action for diplomatic protection according to the International Court of Justice. In [the Ahmadou Sadio Diallo case](#) , the condition for the enforceability of nationality stipulates that the requesting State can only invoke diplomatic protection for its own nationals, as the Permanent Court of International Justice applied in [the Panevezys-Saldutisk Railways case](#) . This nationality must be effective at the time the protection request is initiated. Finally, the exhaustion of domestic remedies means that the individual must have previously exhausted *local remedies before the State of nationality can assume diplomatic protection*. This protection [is](#) only granted if the victim has tried, unsuccessfully, to obtain redress before the domestic courts of the respondent State or any other competent body. This condition is one that the victims of xenophobic attacks in South Africa could not meet. However, diplomatic protection remains valid if the victims [were unable to exercise their rights of recourse due to violence or complicity within the State apparatus](#) . Subjected to attacks aimed at deporting them, foreign nationals were practically unable to seek legal recourse. Their primary objective was to find safety, as protective measures were only available sporadically.

When these conditions are met, the State may intervene on behalf of its nationals to demand the cessation of violations, [reparations, or any other appropriate measure](#) . However, the exercise of this protection remains largely discretionary and depends on the political decision of the State concerned.

III - What this crisis reveals about the limits of African diplomatic action

The main lesson from the South African crisis is therefore not so much the absence of legal mechanisms as the failure to make effective use of them. The mechanisms exist. The conventions exist. Diplomatic channels exist. Yet the responses observed have consisted mainly of political statements, diplomatic protests, and repatriation operations. This situation reveals the structural limitations of the foreign policy of many African States, which are often faced with budgetary constraints, limited diplomatic networks, and political trade-offs that prioritize the preservation of bilateral relations.

Diplomatic protection remains a relevant tool, but its effectiveness largely depends on the political will of African States and their capacity to act collectively when the safety of their citizens is threatened abroad. While this responsibility is formally enshrined, [it must be acknowledged that it seems limited](#) .

Firstly, diplomatic protection is contingent upon the presence of diplomatic missions in the State in question. However, among African States, the diplomatic network appears insignificant because [priorities focused primarily on internal crises come at the expense of external protection](#) .

Secondly, the discretionary nature of diplomatic protection makes the State the sole judge of its implementation, [generally described as an act of government not subject to appeal](#). The primacy of the State's higher interests compels it to

inaction if diplomatic action threatens its security, unity, or strategic relations with the host State.

Thirdly, the resources allocated to diplomacy **are often insufficient to meet the challenges of diplomatic protection**. The high cost of diplomatic interventions abroad and the need to assign specialized personnel to address the multifaceted interests of the State and its citizens are of little interest to public authorities.

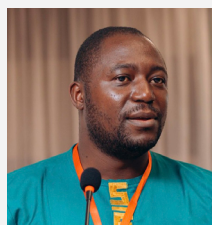
IV - Recommendations to strengthen the protection of African citizens abroad

Under these circumstances, here are some recommendations to African States:

- Move toward establishing an individual right to protection to compel the State of origin to intervene effectively in cases of xenophobic violence or serious human rights violations. In this vein, it would be worthwhile to grant individuals the right to file complaints with regional organizations regarding violations of their rights in a Member State;
- Allocate human, material and financial resources capable of ensuring the protection of the interests of the State and those of its citizens abroad;

- Strengthen consular services in high-risk countries;
- Put in place early warning mechanisms;
- Create legal assistance funds for nationals who are victims of violence;
- Make greater use of African human rights protection mechanisms.

The xenophobic violence witnessed in South Africa is not merely a humanitarian or security crisis. It highlights a broader challenge: the actual capacity of African States to protect their citizens beyond their borders. While diplomatic protection remains a recognized instrument of international law, its effectiveness largely depends on political will, available resources, and the ability of States to act collectively. The South African episode thus serves as a reminder that the protection of nationals abroad can no longer be considered a secondary foreign policy issue, but rather a central matter of governance, African solidarity, and the credibility of public institutions.



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