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NO EMBARGO

Office of the President of Al Jama-ah
Hon. Ganief Hendricks, MP
11 February 2026

The Office of the President of Al Jama-ah, Hon. Ganief Hendricks, MP, today issued a formal press statement objecting to Clause 3.4.4 of the Draft Revised *White Paper on Citizenship, Immigration and Refugee Protection*, commonly known as the "First Safe Country Principle." The clause would deem asylum seekers, who have passed through any country, classified as "safe" ineligible for protection in South Africa, a move Al Jama-ah describes as a stark departure from the nation's constitutional and historical commitments.

Hon. Hendricks opened his remarks by recalling South Africa's deep-rooted legacy of international solidarity. "During our struggle against apartheid, nations from Algeria to Cuba, from Tanzania to Libya, opened their doors to our exiles and provided the material and moral support that made our democracy possible," he said. "To now close our doors to people from those same countries is not only a betrayal of that history, it is a deliberate violation of the principle of *Ubuntu* that underpins our Constitution."

He highlighted the historical significance of Algeria's role in South Africa's liberation struggle, noting that President Nelson Mandela undertook his first clandestine military training in Algeria in 1962. "Algeria served as the 'Mecca of Revolutionaries' for our leaders," Hendricks said. "It was from Algerian revolutionaries and from the strategies of Frantz Fanon that Mandela gained insights and understanding of the art of war and the tactical necessities of an armed struggle to dismantle white supremacy in Southern Africa."

Algeria did not instruct Mandela to seek refuge in the 'first safe country' he encountered on his long journey; rather, Algeria provided him with the desired combatting skills, a usable passport, and military intelligence as well as the relevant psychological hardening that was required upon Mandela's return to lead Umkhonto we Sizwe."

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He also recalled the significant contributions of other ally countries. "Cuba's role in supporting our liberation movement is well-documented, with thousands of Cubans fighting alongside us in Angola against apartheid forces. The Battle of Cuito Cuanavale, where Cuban and Angolan forces defeated the South African Defense Force, marked a turning point in our struggle. Libya, under Muammar Gaddafi, provided financial and military support to the ANC, including training and arms. Tanzania and Zambia hosted ANC camps and provided bases for our operations, with Dar es Salaam and Lusaka becoming hubs for our exile community. Ethiopia, under Emperor Haile Selassie, offered political support and a base for ANC activities in Addis Ababa.

Ghana, under Kwame Nkrumah – the Pan Africanist, was one of the first African countries to support our struggle, providing financial assistance and training. Egypt, under Gamal Abdel Nasser, offered military training and diplomatic support. Palestine, through organizations like the PLO led by Yasser Arafat, shared experiences of resistance and offered solidarity. These nations stood with us when the world (such as the USA, UK, and Western Europe) turned its back, and their solidarity was instrumental in our struggle for freedom."

He emphasized that South Africa's legal framework already embeds robust protections for refugees. The Refugees Act 130 of 1998, particularly Section 2 on non-refoulement and Section 233 of the Constitution, obliges the state to interpret domestic law in accordance with the 1951 UN Refugee Convention, the 1969 OAU Convention, and other international human-rights instruments. Moreover, Section 231 of the Constitution binds the state to several ratified international agreements, and Section 39 of the Constitution requires courts to consider international law when interpreting the Bill of Rights. "Our courts have consistently upheld these obligations," Hendricks noted, referencing the Constitutional Court's decision in *Ruta v Minister of Home Affairs* (CCT02/18), which affirmed that non-refoulement is an integral part of South African law and that every asylum seeker must have access to a fair adjudication process.

Al Jama-ah argues that the proposed "First Safe Country Principle" imports a Euro-centric, neo-liberal model that ignores the unique historical context of South Africa's liberation struggle. "The drafters have taken a concept from a Brexit-inspired, anti-immigration narrative and transplanted it into our policy without regard for the moral debt we owe to our former allies," Hendricks stated. "Such a clause would effectively punish those whose ancestors helped us achieve freedom, and it would erode the very foundation of our democratic society."

In place of the restrictive clause, Al Jama-ah proposes a "Liberation Solidarity Exemption." Under this provision, asylum seekers from countries that provided strategic, military, or material support to South Africa's liberation movement between 1948 and 1994—Algeria, Cuba, Palestine, Egypt, Ethiopia, Ghana, Tanzania, Zambia, Angola, and Libya—would be automatically eligible for asylum, regardless of their transit route. "This exemption would honor our history, uphold our constitutional values, and ensure that South Africa remains a haven for those who once stood with us," Hendricks explained.



He further warned that adopting the clause, as it stands, could have far-reaching consequences for regional integration and South Africa's standing on the continent. "If we implement a policy that shuts out people from nations that were crucial to our own freedom, we risk damaging our reputation as a leader in refugee protection and undermining initiatives such as the African Continental Free Trade Area," he said.

Al Jama-ah calls on the Department of Home Affairs and the Portfolio Committee on Home Affairs to immediately withdraw Clause 3.4.4 from the draft *White Paper* and to engage in a genuine, inclusive dialogue that reflects South Africa's history, constitutional imperatives, and Pan-African responsibilities. "Our laws must be crafted with compassion, rooted in our past, and aimed at building a future where human dignity is never compromised," Hendricks concluded.

Issued by Asghar Khan on behalf of Al Jama-ah

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