

Migration and the Inclusive City

Migration and social inclusion

Literature Review

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Introduction

The core objectives of this project is to develop a network of partners who can inform a city led response to migrants in Durban that focuses on social inclusion, integration and participation. In addition it has a multi-tiered educational and awareness component that actively works at shifting problematic and xenophobic sentiment towards migrants and those seen as ‘foreign’. This project is a collaborative partnership between two civil society organisations, one established (DDP) and one emerging (ASONET), and a research unit within a South African public university (UFC at the Durban University of Technology). Inclusive, participatory local planning and decision-making remains a challenge within the city of Durban. This project aims to directly address this in relation to the issue of migration and inclusion in Durban. The project has been co-designed by the partners to facilitate a critical discussion with relevant stakeholders on the lack of a responsive and inclusive policy framework on migrancy, and against xenophobia, in the city.

The project purposefully uses a gendered lens through the collection of oral histories from migrant women in the city. These narratives of arriving and living in Durban are the starting point for reflective conversations and dialogue with community and local government stakeholders. Using women’s stories as a foundation ensures that intersecting axis of power and discrimination are addressed within these reflections. These community dialogue sessions bring together diverse stakeholders from the state and civil society sectors, as well as migrants themselves, to collectively think through how the city of Durban can design a more responsive and inclusive policy framework for migration and against xenophobia. This we believe is far more proactive and productive than beginning discussions of policy and government responses from a traditional top-down approach. In addition to a strategic report on policy implications of the research and dialogue sessions, the project also aims to reach a wider public audience. The oral histories and dialogues in this project will be scripted into a drama piece for community radio shows, and be performed as a community theatre production in various locations.

Given that the city of Durban has no formal policy framework that addresses migration, and in light of the recent violence within the city itself against people perceived as ‘foreign’, there is no better time than to start a more critical participatory dialogue on what sort of policy

frameworks would ensure a better urban existence for all people who live in Durban. The project takes seriously how to create responsive policy frameworks but also importantly how to create wider public discussions that address and problematize the polarised and essentialist discourses on foreigners in South Africa. Primarily it does this by rooting these issues within the contexts of women migrants lived experiences of the city. How existing or non-existing policies, interactions with state institutions and everyday experiences weave together to shape the lives of people who arrive here is a critical starting point to if we are to build inclusive and just cities for all urban residents.

This review contextualises the above project objectives and aims within existing literature and research on migration and inclusion. It begins by addressing the global dimensions of migration and how these shape the national and local South African experience. It then discusses the particular South African context of South-South migration and a brief history of the policy environment in this regard post-apartheid. This section of the paper offers a critical summary of the South African research and theorisations of xenophobia in the country. The review then moves on to the project focus on gender and migration and what it means to target specific interventions around xenophobia and rights at a city and municipal level.

Global discourses

The history of humans is one of movement across large expanses of land and sea. The contemporary movement of people between geographic locations, today commonly called migration, has increased exponentially during the 19th, 20th and 21st century. Simultaneously the creation of nation states through-out the 19th and 20th century have intimately tied ideas of belonging and citizenship with very specific geographic terrains. Migration in this age of political bounded nation states takes on new symbolic meanings and material experiences. In many parts of the world migration is portrayed as a crisis, an uncontrollable social problem for the ‘host’ country (Antonsich, Mavroudi and Mihelj 2016:1). The fear of a ‘flood’ of immigrants into a ‘stable’ nation state has elicited increasingly ludicrous responses, Donald Trumps’ idea of a physical wall around the southern USA border to ‘keep out’ Mexican and other migrants is one such example. Humans migrate for diverse reasons, and around the world migrants come from vastly different backgrounds. Yet this diversity does little to disrupt stereotypes that forcibly unites them in their identity as ‘foreigners’. The interplay between

global and local a discourse that presents migrants as an indistinguishable mass, this homogenisation in turn provides justification for both legislated and informal discrimination. The global discourse around immigration and migration is so prevalent that, as one participant in a study on immigration in Canada explains “I don’t feel I’m from here [Canada] or from there [Colombia]. I belong to this new race of people in this world who call ourselves immigrants” (Veronis, 2015:61).

Sensationalist (at times hysterical) commentary from the media and some politicians worldwide, positions migrants as dangerous others, this in turn serves a variety of agendas within the nation state. Local and global systems of privilege and power sculpt deep inequalities between citizens within a state. When citizens start to lose faith in the state’s ability to provide equal services and welfare, blaming the ‘foreign’ outsider can be a useful political tool to plaster over these internal fractures (Klotz, 2000:833). Xenophobia may in fact indicate a misplaced fear and distrust of the state’s ability to create a harmonious society. Bourdieu for example explains that xenophobic discourse in many countries works to “generate hatred out of the misfortunes of society – unemployment, delinquency, drug abuse, etc” (1998:16). Discrimination against people viewed as not belonging to the nation also has little to do with legal citizenship. Robert Castel’s, in his contribution to the edited collection titled *Dangerous Others, Insecure Societies: Fear and Social Division* (Lianos (ed) 2013), astutely illustrates this in the French case. Castel’s illustrates how for children and grandchildren of immigrants who are born in France their “foreign origins have not been erased” (2013:15). These citizens experience “differential management” through a myriad of exclusionary experiences when interacting with government officials or attempting to access services and jobs (ibid). Citizenship then is not a de facto guarantee of inclusion in the nation state. Similarly, the highly mobile middle to upper class migrant is usually exempt from exclusion, as their class status and global social capital enable them to integrate into similar class positions in many different countries. Indeed, many immigration policies world-wide are geared towards attracting, rather than expelling, migrants who already hold high value wealth and/or global skills that are in high demand.

The inherent tensions around migration in contemporary times arise from two opposing forces; roughly conceptualized at globalisation on the one hand, and the idea of the nation state on the other. Globalisation symbolizes the increasing movement of goods, capital and people around the world. Here the flows of material goods, ideas and media images prove powerful influences

on people's sense of self, a type of global experience albeit one that is heavily mediated by local context. In an age when visual, text and audio files are borderless "it is becoming more and more common for people to imagine travelling from their countries and settling in places that are not their 'home'" (Kihato 2007: 262). As Klotz states this "flow of people across borders, generated by diverse strategic, economic and cultural pressures, challenges the integrity of states as territorial authorities" (2000:833). In the political context of nation states migration then, of both people and ideas, requires careful management if one is to plan and design state services, practices, policies and a national identity.

The complexities of migration directly challenge the bureaucratic apparatus and planning processes of the state, especially when some migrants may be invisible and undocumented. But as Light reminds us, drawing on a history of migration in the Soviet Union, the dream of complete control and restriction over undocumented migrants "can only be approximated in a state that enjoys much more systematic control over civil society than is possible in Western democracies" (2012:425). Pervasive policing of immigration not only clashes with a global culture of human rights it is also "incompatible with modern capitalist economic development" that demands a supply of global human and other resources (ibid). With this in mind it is critical that citizens recognize that if a state did start to impose increasingly punitive controls and regulations over movement, into and within a country, this would ultimately result in an erosion of civil rights for all. Therefore, how a state chooses to identify and manage migration flows has important relevance not just for people categorized as legal or illegal immigrants or refugees, but for citizens of the state as well. Indeed, national responses to migration are fundamentally questions of what it means to be human in a specific part of the world.

The issue of migration also raises challenges for the universal ideals of equality and human rights, Nira Yuval-Davis (cited in Antonsich, Mavroudi and Mihelj 2016:6) captures this succinctly when she says:

The project of inclusive nationalism is virtually impossible to construct on full egalitarian basis, which does not mean, however, that it is not a worthwhile goal to aspire to and engage in. The issue is how to build inclusive convivial national solidarity as a normative aspiration and as a social and political process in practice which would take into account differential social, political and economic power

relations and would encompass the situated intersectional gazes of as many segments of society as possible.

Whilst Yuval-Davis is for the most part writing in the European context, her comments are equally pertinent for countries in the South. While “most empirical migration research and the theories that such research has produced are based on South–North movement” (Nawyn 2016:81). The majority of migration movement is from one country in the South to another. Countries in the South such as South Africa, the research location of this study, like their Northern counterparts “jealously guarded” their borders, and their “perceived right” to define who may or may not enter and stay inside these (Crush and Dodson, 2007:449).

Migration in South Africa

Waves of migration have shaped the history of what is now called South Africa, albeit in profoundly different ways. Migration was purposefully implemented by colonial administrators, such as in the case of indentured labourers from India, and later in the apartheid migrant labour system as a means to provide cheap labour to the mines. Apartheid racist segregation created a large black migrant labour force (also drawn from neighbouring Southern African countries) to supply urban areas, radically shaping the urban landscape and rural and urban networks. The pull of South Africa’s more recent urban job market has attracted both foreign and domestic migrants in search of better economic and social opportunities. Since the arrival of democracy in 1994, there has also been an influx of migrants from African countries beyond the Southern African region (Kihato, 2007:265).

Under apartheid, and up until 1986, all immigrants “had to be ‘assailable’ by the white population” (Crush and Dodson, 2007:440). The Aliens Control Act of 1991 was one of the last legislative acts to be passed before the demise of apartheid. South African responses to immigration after this has closely followed the global trends discussed earlier (Klotz, 2000:834), with some important local specificities. In 1995 there was an effort by the Southern African Development Community to adopt a draft Protocol on the Free Movement of Person in the community. However, as Oucho and Crush illustrate these efforts were largely blocked by South Africa, whose lack of support for the protocol were “based more on a powerful anti-immigrationist discourse than any systematic analysis of the merits and demerits of the

Gaborone proposals for free or freer movement within the SADC” (2001: 140). A further revision of this protocol in 1998 named the Draft Protocol on the Facilitation of Movement of Persons, faced objections from Namibia, Botswana and South Africa, and ultimately was not adopted (ibid:144).

Whilst the SADC protocols failed, South Africa did adopt three separate immigration amnesties during this time. The first in 1995, based on certain criteria, gave permanent residency to SADC contract mineworkers who had been in the country for more than 10 years. The second in 1996, gave amnesty to undocumented SADC immigrants who had lived in the country for more than 5 years. And the third was offered to refugees from Mozambique who had entered the country before 1992 and continued to live in South Africa. Although as Peberdy explained while this last amnesty was “announced in mid-1997...for various bureaucratic reasons, [it was] not implemented until February 2000” (2001:20).

In 2002 the Aliens Control Act of 1991 was finally repealed and replaced with a new Immigration Act, which came into force in 2005 (ibid:436). This act, and its amendments, has some laudable aspects, such as South Africa’s insistence on local integration and protection programs rather than building specific camps for refugees (Landau, Kihato, Misago, Obot, Edwards, 2016:6). In many ways, this ideal of integration and certain freedom of movement for refugees is a more humane approach than isolated camps, but South Africa also attracts a high level of individual asylum claims due to this (ibid). These policy shifts primarily moved away from the previous strict barriers to entry for all migrants, and adopted an economic selection model, where barriers to entry are lowered for migrants with specific government identified scarce skills. Similarly, the 2016 Green Paper on International Migration (Department of Home Affairs, 2016) in South Africa overtly indicates immigrant selection criteria as being about skills sets linked to productivity and perceived economic growth areas. Post-apartheid it is critical to recognize not just the local factors influencing ideas of national identity, but how these internal factors interact with international markets, institutions and discourses of nationhood (Klotz, 2000:285). However, as Sally Peberdy states “immigrant selection may be tied overtly to criteria of productivity, class, wealth, and skills of potential immigrants, but the process of selection conveys powerful ideas about the self-image of the destination state, race, national identity, and the stereotyping of non-nationals and their places of origin” (Peberdy, 2001:16).

As elsewhere the project of nation building for South Africa, a recent and urgent imperative given the change of regime, has been caught up in defining the “outsider”; in this case ‘foreigners’ from the rest of Africa. That African ‘foreigners’ are designated as the “dangerous other”, to use the title of Lianos’ collection (2013), is deeply concerning given South Africa’s move into democracy and away from its notorious racist past. Whilst racism is no longer legislated, democratic South Africa has a continued emphasis on different social, cultural and even moral spheres associated with spatial geographies and categories of people. Indeed the ways in which foreign black African are superficially identified has disturbing consistencies with the apartheid past (Peberdy, 2001:20). In what Greenburg has called the ‘new pencil test’ physical features such as skin colour and scarification, as well as language ability and accent act as markers of difference (2010:69). In short our history of spatial segregation means that for many South Africans “questions of ‘who we are’ are often intimately related to questions of ‘where we are’” (Dixon and Durrheim 2000:27).

As stated earlier the discourse around ‘foreigners’ or ‘amakwerekwere’ (a local derogatory term) in South Africa makes no distinction between permanent (immigrants) and temporary migrants, nor between migrants and refugees (Peberdy, 2001:24 and Klotz 2000:839). Popular anti-foreigner discourse is supported by various government officials’ public comments on immigrants, some of which are openly xenophobic (Peberdy 2001). This gives popular discriminatory talk and behaviour against people viewed as ‘foreigners’ official legitimacy and “reveal[s] the way in which ‘official’ and ‘popular’ exclusions cannot be separated from one another but occur together” (Greenburg, 2010:68). ‘Foreigners’ in popular and official ‘talk’ are seen as increasing criminal activities and taking jobs from South Africans, rather than creating employment opportunities or increasing the skills set in the country (Peberdy, 2001:25).

The homogenizing effects of these discriminatory discourses erases not just the diversity within this group, but also many of the shared daily experiences migrants have with South African citizens. Conditions for many migrants in South African cities are less than ideal, “sometime worse than the home country – limited economic opportunities, difficult to access services and overcrowding in houses”, as well as being victims of crime (Kihato, 2007:265). These social and economic hardships are shared by many South African citizens living in urban environments. As Landau et al remind us, in relation to people who are classified as refugees, or displaced people,

are also parents, traders, students, clients, service providers, consumers, and potential investors. As such, their daily lives and economic impacts on cities are shaped by policies and practices that intersect with but are not framed by protection or migration concerns. Questions of public order policing, registration of new businesses, access to bank accounts, and regulations surrounding housing and health care (including physical and psychological care for gender-based violence) are often far more important than immigration or asylum policy in determining individual outcomes. Legal protection remains important, but local governance and service delivery practices may matter more on a day-to-day basis. (Landau et al, 2016:2-3)

As early as 1998 the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on his South African visit warned of brewing trouble around xenophobia and immigration laws in the country (E/CN.4/1999/15/Add.1, 1999). In South Africa this sentiment manifested into violent attacks on ‘foreigners’, both sporadic and organised. In 2008 violence against ‘foreigners’ and their from other African countries erupted around the country resulting in physical attacks, murders, looting of foreign owned businesses and a large displacement of people into temporary camps (Hassim, Kupe, and Worby 2008). The displacement of people over this period is estimated at around 100 000, and at least 60 people died during the violence (Crush and Tawodzera, 2014:656). Threatening anti-foreigner mumblings continued and in April 2015 there was a large-scale resurgence of violent attacks around and in the city of Durban, which then spread to other parts of the country. These attacks were in the majority aimed at people seen as belonging to other African countries, the legal status of people appeared irrelevant when identifying, and then terrorizing victims. People targeted as ‘foreign’ also came from neighboring countries such as Zimbabwe and Mozambique (many of whom are now permanent residents or citizens), and even South Africans who according to the attacker do not ‘sound’ or ‘look’ like they come from here. In the 2015 attacks, for the first time, Pakistani and Bangladeshi shop owners in Durban were also threatened. These incidents are not easily explained. There is an undeniable xenophobia aspect to these actions but there are also racial undertones since foreign black Africans have felt the brunt of this violence (Matsinhe, 2011; Mngxitama, 2008). In addition, there is a form of class violence fueled by deeply embedded

myths around competition for economic resources. South Africa's gross social and economic inequalities have certainly offered a fertile ground for the dark side of nation building.

Some scholars attribute these attacks in South Africa to a process of "relative deprivation" (Tshitereke, 1999). Relative deprivation theory assumes that "a person's or group's satisfaction is not related to their objective circumstances but, rather, to their condition relative to other persons or groups" (Dambrun, Taylor, McDonald and Crush, 2007:1032). Dambrun et al explain further that "in terms of prejudice, relative deprivation theory postulates that unfavorable comparisons (the cognitive component of relative deprivation) can generate feelings of deprivation (the affective component of relative deprivation) that motivate outgroup hostility" (ibid). In the South African case, it is argued that discrimination against migrants indicates concerns around an economic downturn amongst South Africans (ibid:1043).¹ Certainly many service delivery protests, a loose word for protests about poor government services and programmes, often have within them groups voicing anti-foreigner sentiments (Pernegger, 2015:65).

Whilst examining the cause and variables driving these attacks is critically important it is also worth addressing government responses to this. There has been an insufficient response by government at a national, provincial and municipal level to the issue of overt and subtle anti-foreigner sentiments and actions. In large part, it has comprised of symbolic condemnation of these attacks and an appeal to inclusivity and solidarity with Africa (Peberdy, 2001:16). Yet on the ground there has been very little change in attitude from government officials (ibid), no any real attempt to revise immigration policies, create platforms for social cohesion or generate civic education campaigns that nurture a culture of inclusion. Even after the overt violence starting in 2008/2009 we still lack a responsive local policy framework or proactive educational and awareness campaigns. But agents of the state are implicit in issues of migration in more than just a policing and monitoring role, they are often complicit in border crossings and document falsification through accepting illegal payments (Amit, 2015; Gebre, Maharaj & Pillay, 2011). So, while the state sets the parameters of legal entry into the country it is also "implicated in this extralegality" (Kihato, 2007: 263). Of more concern is that when the state does enforce policing there have been incidences of violence and human rights abuse against

¹ See Dambrun et al, 2007 for an interesting argument on how relative gratification can also fuel prejudices in SA.

migrants (ibid and see Crush and Dodson 2007). African migrants are often targeted through state led operations that raid areas known to have large migrant populations (Peberdy, 2001:20).

Migration into and out of a country also puts pressure on the state in relation to strategic planning for infrastructure and services requires. Planning of this kind requires fairly accurate statistics on urban populations, but measuring urban migration and population flux is a difficult task. Due to the “clandestine and often unofficial nature of crossborder migration on the continent, it is extremely difficult to corroborate the figures and quantify cross-border migration with precision” (Kihato, 2007:263). Large sections of South Africa’s 7,000-kilometer land border remain unguarded (Peberdy, 2001:20), although border policing has substantially increased in recent time, making undocumented border crossing precarious but fairly common. In addition, some migrants obtain false documentation once in the country, or over stay their visitors permits compounding difficulties of quantifying migrant numbers (ibid). In these circumstances, accurate claims on immigration figures are dubious. South African research has in the past suffered from problematic data collection methods which produced overestimated figures. This means that statistics on migration populations are unreliable at best, and at worse inflated (Crush and Dodson, 2007:442). Indeed, the continuing lack of reliable data collected on diverse categories of migrants makes possible only the “crudest estimates of these diverse and dynamic populations” (Landau, 2016:6). Unfortunately, inflated figures, repeated frequently in the media and by politicians, legitimize the myth of a “country under siege” and fuel antagonisms towards people viewed as ‘foreign’ (Crush and Dodson, 2007:444; Klotz, 2000:838).

Gender and Migration

There is however a worrying tendency for migration policies and research to work at a technocratic level of border and homeland monitoring and control, but “these relatively ineffective measures indicate a pervasive lack of understanding of the perspectives, and hence motivations, of migrants themselves” (Klotz, 2000:838). This lack of perspective is compounded when viewed through a gendered lens. A gendered lens that analyses both masculine and feminine roles and performance is also important to tackle when analysing the violent attacks on ‘foreigners’ in South Africa. In the large majority of these attacks the

violence has been perpetrated by younger South African men. In what Bozzoli calls a “patchwork quilt of patriarchies” (1983) that makes up South African society violence is a reoccurring pattern intimately linked to masculine identities. Migration is often framed as a masculine experience in South Africa (Phillips and James, 2014:410), compounded by the “socialised masculinization” of mining work (Crush and Dodson, 2007:448). The migrant labour system, which continues to draw people from within and outside of South Africa, was shaped around attracting and exploiting the labour of men. Of course there was a largely undocumented and informal movement of women entering the country to work; “in ‘white’ agriculture and domestic service, as well as serving as beer brewers, cooks, laundrywomen and sex workers for the mine labour force” (ibid). Yet the labour of women in these sectors, often deemed domestic and informal and therefore undervalued as ‘productive work’, has been of little interest to scholars of migration until more recently (Phillips and James, 2014:413).

After the fall of apartheid documented migration in South Africa remained predominantly male (Crush and Dodson, 2007:448). Partly this can be explained through what Crush and Dobson call “a classic case of state masculinism” where immigration policies are skewed in favour of male immigration, and create additional hurdles of entry for women (2007:449). The Immigration Act of 2002 in which the “two dominant models of migrant implied are those of the unaccompanied male migrant worker, as in the mining industry, and the skilled (male) breadwinner with unemployed (female) spouse” is one such example (ibid). In many ways, this bias serves to keep migrant women’s voices and experiences ‘hidden’ from government’s, and at times civil society’s, responses to migration.

More recently scholars have researched and written rich text that analysis the everyday lives of migrant women (see for example Phillip and James, 2014, Kihato, 2007 and Dodson, 2001). Rather than studies on women migrants composing its own field of enquiry it is critical that this analysis profoundly expands understandings of, and official responses to, the complexities of migration in today’s world. Indeed, it is only through doing this that we may more fully make sense of the impact of immigration policy and implementation on the formal and informal ‘world of work’, family life, sexual relations, childhood experiences and issues of identity and belonging in the city. Including the experiences of migrant women also highlights the shared experiences of arrival that this grouping has with migrant South African women coming into urban spaces. As Phillips and James indicate both South African and ‘foreign’ migrant women “counter their vulnerable position by constructing personal relationships with officials, their

encounters with and attempts to negotiate the faceless bureaucracy of an inhumane system” (Phillips and James, 2014:424). Indeed, when taking into account the experiences of women arriving in the city trying to access housing, employment, education, health and childcare the focus shifts to one of “common situation rather than common nationality” (Kirshner, 2015:125).

The possibilities of an inclusive city response?

As a response to 2015 violent attacks against ‘foreigners’ in Durban, the Provincial government took a more localized response by setting up a special reference group to investigate the causes of the attacks, and make programmatic and policy suggestions for provincial government. After several months of inquiry, the Special Reference Group on Migration and Community Integration in KwaZulu-Natal published its findings (2015). It identified a complex mix of structural inequalities and social divisions as causes of these conflicts, as well as that institutional “deficiencies in policy implementation contributed to the dynamics underpinning the violent attacks” (2015:3). Its recommended findings ranged from national policy shifts and border control to more specific dialogue initiatives and support resources for organizations working with refugee and immigration rights. The majority of these suggestions and recommendation are targeted at a provincial government level, with little focus on municipal structures and blockages. Taking the complex factors outlined in this review into consideration why look at issues of migration at a city level?

Rapid urbanisation has occurred in most South African cities, with domestic and international migrants drawn to the possibilities of upwards mobility and access to services that cities offer (Landau et al, 2016:1). Yet a lack of systematic planning around issues of migration and the displacement of people is common in many developing countries (ibid:2). At present the city of Durban has no formal policy framework that addresses migration and inclusion in the city.

Laws on migration and refugee status are governed by national policy, as well as shaped by international bodies, such as the UN treaties. City municipalities seldom see the possibilities of setting policy frameworks around issues that are set at these levels (Landau et al, 2016:3). However, it is in the cities that the social and economic costs and benefits to migration are most often felt (Kihato, 2007:267). It is also at a city level that officials have to grapple with the difficulty of planning strategically within the context of inaccurate statistics around migrancy

and the movement of people (ibid:263). While cities may not be able to influence national policies per say they are able to create responsive municipal frameworks around inclusion and planning in ways that may mitigate the existing tensions and conflict for its denizens. City led strategies can also exacerbate conflict and in some instances directly contradict constitutional rights. Gastrow and Amit in an extensive research report based on Cape Town show how both city officials and civil society have in at least 6 townships “brokered various agreements to restrict Somali shops and prices in an effort to alleviate tensions with South African shopkeepers” (2015:7). While these efforts attempt to reduce conflict between locals and ‘foreign’ business owners there are serious adverse consequences, not least of which is undermining the Competition Act in the country which prohibits price fixing and prohibition of small businesses (ibid). In addition, these agreements contravene refugees right to work in South Africa. But as Gastrow and Amit astutely point out these short-term city interventions may have disastrous long term effects for all small spaza businesses. For example, placing the “focus on restricting Somali trade rather than adapting business practices to be more competitive will make it harder in the long run for spaza shops to remain competitive against increasing competition by corporate supermarkets” (2015:7). There are increasing examples of how local level state services deny access to people viewed as ‘foreigners’, directly contravening South Africa’s Bill of Rights (for an example of how these contraventions are played out in healthcare sector see Crush and Tawodzera (2014)).

Inclusive and participatory planning are still not common practice in South African cities, and usually takes the form of a public meeting in which city officials present a pre-established plan. Indeed, South Africa’s legacy of spatial segregation “leaves many low-income households disconnected from the existing redistributive and inclusive practices” (Haferburg and Huchzermeyer, 2015:5), regardless of citizenship or immigration status. Migrant livelihood strategies to cope with this disconnection create what Kihato calls “alternative regimes that step in to provide where the host state has failed” (2007:263). These “extra-legal” networks are also present in spaces such as hostels that attract South African rural migrants to the city (for example see Vearey 2010). Migrant communities themselves form extensive networks to assist people with accessing housing, healthcare, documentation and work (see Kiwanuka, Jinnah and Hartman-Pickerill, 2015:7). These networks are often linked into official formal networks of power and resources within government and business, albeit in informal ways. These “parallel centres of authority” within local contexts are what “many immigrants owe their existence [to], rather than the state.” (Kihato, 2007:272).

Finding extra-legal livelihood strategies is not unique to migrants alone in South Africa. Many municipal administrations are already unable to meet the needs of their broad urban constituencies. Landau et al in their report on humanitarian efforts in relation to refugees and migration, are correct in pointing out that in most African cities a lack of realisation of human rights is common amongst the majority of urban dwellers (2016). This poses difficult questions for advocacy and activist working in the immigration and refugee services, as they fight for government resources which already insufficiently service citizens of the country. As Landau et al explain in relation to targeting solutions at a city level;

In an environment of widespread scarcity and disillusionment with public performance and service delivery, refugee-rights based arguments or specialized programs oriented toward refugees are likely to foster popular resentment. Given the acute threats of violent exclusion and harassment, organizations are warned against regularly using judicial process to “force” inclusion. That formal, legal rights often translate poorly into practice further limits the value of such an approach. As such, advocates are advised to quietly capitalize on existing programs and opportunities while building solidarities with poor members of the community facing similar challenges. By working to improve ladders into housing, the economy, and services for new urban arrivals of all backgrounds, advocates may ultimately be more effective in expanding the protection space. (2016:11)

Indeed, there is even a risk that where open hostilities exist towards ‘foreigners’ local level politicians may capitalise on these to win favour with their constituencies (Perneggar, 2015:70; Landau et al, 2016:12). The negative impact of local politics and separate city programs for migrants can be seen during 2008 and 2009 in the Durban example of Albert Park, an inner-city high density residential space housing a large South African and migrant community.

Already in 2006, the then newly elected ward councilor, Vusi Khoza, stated in his first municipal publication that he had a duel challenge in the area to “curb crime in Albert Park and deal with the influx of foreigners” (eZasegasini Metro, 2006:8). Although South Africans and so called ‘foreigners’ in many situations lived together as neighbours in this densely populated urban space, xenophobia was a growing concern in Albert Park. There was

resentment by some residents close to the ward councilor, who themselves had no or very low incomes, about the refugee social services being offered in the Diakonia Centre in Albert Park (Erwin, 2012:126). Despite this, during the 2008 violent outbreaks there were no reported attacks in the area. However, in July of 2008 the city decided to forcibly remove migrants who had camped in front of the city hall requesting protection and/or repatriation, to a temporary camp in Albert Park's large public park. Civil society groupings and individuals offered tents, food and clothing donations to the people living in the camp. During this time media reports focused on the camp but also started to associate the crime in Albert Park with 'foreigners' in the area. The number of people living in the temporary camp started to dwindle and in November 2008 the city forcibly removed the last make-shift shelter in the park (Schwarer and Mwelase, 2010:5).

The unintended consequences of the city's strategy of locating the camp in Albert Park was dire. Firstly, the media reporting during this period cemented in the public's eye the presence of 'foreigners' as being related to the urban degeneration and high crime levels in the area. Secondly it fueled the resentment of South African residents in the area (Erwin, 2012:127). Watching the donations given to the people living in the park, and comparing this with the lack of assistance from the state and civil society with their own struggles of urban poverty rapidly fueled anti-foreigner sentiments. In early January 2009, a group of residents close to the ward councilor at the time, mobilize a mob attack against 'foreigners' in the area (The Mercury 6th January 2009). During this attack three men were forced to jump out of the windows of their flats to escape brutalities, 2 died that night and another was rushed to hospital in a critical condition (Mail and Guardian 7th January 2009). The five accused of leading the attack included the ward councilor and members of the then community policing forum.

When city officials act on issues of migration and inclusion only as a response to a crisis, in this case as in the case of the Cape Town city and the Somali spaza owners, the decisions and program put in place may in the long-run create increased antagonistic and adverse effects. Whilst this project actively sets out to challenge problematic stereotypes around migrants within the city of Durban (and prevalent throughout South Africa) it takes seriously the above caution about methodologies for change, and thinking through the possible spin-offs of city strategies for addressing issues of migration. It also takes seriously an examination of how "extra-legal" networks mobilise and operate to provide resources and needs within migrant communities in Durban, and in particular whether and how these networks are gendered. These

livelihood strategies also provide innovative responses to the needs of migrants into the city of Durban that may well offer points of entry and learnings for city officials.

With the continuous threat of violence within the city of Durban against people perceived as 'foreign', there is no better time than to start a more critical and creative participatory dialogue on what sort of policy frameworks would ensure a better urban existence for all people who live in Durban. Processes that would build forms of solidarity rather than segregation. How existing or non-existing policy, interactions with state institutions and everyday experiences weave together to shape the lives of people who arrive here, from within and outside of South Africa, is a critical starting point if we are to build inclusive and just cities for all urban residents.

References:

Amit, R (2015) 'Queue Here for Corruption: Measuring Irregularities in South Africa's Asylum System', *A Report By Lawyers for Human Rights and the African Centre for Migration & Society*. Lawyers for Human Rights: Pretoria.

Antonsich, M, E Marvoudi and S Mihelji (2016) 'Building inclusive nations in the age of migration' *Identities*, 1-21.

Appleyard, R (2000) 'The human rights of migrants' *International Migration* 38(6).

Bourdieu, P (1998) *Acts of Resistance: Against the Tyranny of the Market*. The New Press: New York.

Castel, R (2013) 'Citizenship and otherness: differential treatment of ethnic minorities in France', in Michael Lianos (ed) *Dangerous Others, Insecure Societies: fear and social division*. Surrey and Burlington: Ashgate.

Crush, J and G Tawodzera (2014) Medical Xenophobia and Zimbabwean Migrant Access to Public Health Services in South Africa, *Journal of Ethnic and Migration Studies* 40(4), 655–670.

Crush, J and B Dodson (2007) 'Another lost decade: The failures of South Africa's post-apartheid migration policy', *Tijdschrift voor Economische en Sociale Geografie* 98 (4), 436-454.

Dixon, J and K Durrheim (2000) 'Displacing place-identity: A discursive approach to locating self and other', *British Journal of Social Psychology* 39, 27-44.

Dambrun M, DM Taylor, DA McDonald and J Crush (2007) 'The Relative Deprivation–Gratification Continuum and the Attitudes of South Africans Toward Immigrants: A Test of the V-Curve Hypothesis', *Journal of Personality and Social Psychology*, DOI: 10.1037/0022-3514.91.6.1032.

Department of Home Affairs (2016) *Green Paper on International Migration in South Africa*. No. 40088 GOVERNMENT GAZETTE, 24 JUNE 2016. Available at: www.gov.za/sites/www.gov.za/files/40088_gon738.pdf

Dodson, B (2001) 'Discrimination by default ? Gender concerns in South African migration policy', *Africa Today* 48(3), 73-89.

E/CN.4/1999/15/Add.1 (1999). Report by Mr. Glele-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights resolution 1998/26, Addendum Mission to South Africa (24 February – 5 March 1998). Available at: http://ap.ohchr.org/documents/alldocs.aspx?doc_id=1424 [Accessed March 2017]

Erwin, K (2012) *Race, Place and Belong: A case study in Albert Park, Durban*. Doctoral Thesis. University of KwaZulu-Natal.

eZasegasini Metro, 2006. Published on page 8 on the 7th July.

Gebre, L, P Maharaj and N Pillay (2011) 'The experiences of immigrants in South Africa: case study of Ethiopians in Durban, South Africa', *Urban Forum* 22, 23-35.

Greenburg, J (2010) 'The spatial politics of xenophobia: everyday practices of Congolese migrants in Johannesburg', *Transformation: Critical Perspectives on Southern Africa* 74, 66-86.

Gastrow V and R Amit (2015) *Lawless Regulation Government and Civil Society Attempts at Regulating Somali Informal Trade in Cape Town. ACMS Research Report*: Wits University.

Haferburg C & M Huchzermeyer (2015) An introduction to the governing of post-apartheid cities, in C Haferburg & M Huchzermeyer (eds) *Urban Governance in Post-apartheid Cities*. Borntreager Science Publishers: Stuttgart.

Hassim, S., Kupe, T. and Worby, E. (eds) (2008) *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa*. Wits University Press: Johannesburg.

Kihato, C (2007) 'Governing the city? South Africa's struggle to deal with urban immigrants after apartheid', *African Identities* 5(2), 261–278.

Kiwanuka M, Z Jinnah, B Hartman-Pickerill (2015) *MiWORC Report N°10*. Getting the house in order: Foreign migrant workers in the domestic work sector in South Africa. Johannesburg: African Centre for Migration & Society, University of the Witwatersrand.

Klotz, A (2000) 'Migration after apartheid: deracialising South African foreign policy', *Third World Quarterly* 21(5), 831-847.

Kirshner J (2015) Reconceptualizing xenophobia, urban governance and inclusion: the case of Khutsong, in C Haferburg & M Huchzermeyer (eds) *Urban Governance in Post-apartheid Cities*. Borntreager Science Publishers: Stuttgart.

Landau, L, CW Kihato, JP Misago, D Obot, B Edwards (2016) *Becoming Urban Humanitarians: Engaging Local Government to Protect Displaced People*. Research Report for the Urban Institute. Available at:

http://www.urban.org/sites/default/files/publication/84356/Urban%20Institute%20Research%20Report%20-%20Becoming%20Urban%20Humanitarians_FINAL.pdf

Lianos, M (2013) 'Normative otherness: from "sovereign subjects" to "collateral damage"', in Michael Lianos (ed) *Dangerous Others, Insecure Societies: fear and social division*. Surrey and Burlington: Ashgate.

Light, MA (2012) What Does It Mean to Control Migration? Soviet Mobility Policies in Comparative Perspective. *Law & Social Inquiry* 37(2), 395–429.

Matsinhe, D (2011) 'Africa's fear of itself: the ideology of makwekwere in South Africa', *Third World Quarterly* 32(2), 295-313.

Mngxitama, A (2008) 'We are not all like that: race, class and nation after apartheid' in Hassim, S., Kupe, T. and Worby, E. (eds) *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa*. Wits University Press: Johannesburg.

Nawyn, S (2016) 'Migration in the global south: exploring new theoretical territory', *International Journal of Sociology* 46(2), 81-84.

Oucho, J and J Crush (2001) 'Contra free movement: South Africa and the SADC migration protocols', *Africa Today* 48(33), 139-158.

Peberdy, S (2001) 'Imagining immigration: inclusive identities and exclusive policies in post 1994 South Africa', *Africa Today* 48(3), 15-32.

Perneggar, L (2015) The agonistic state: metropolitan government responses to city strife post-1994, in Christoph Haferburg & Marie Huchzermeyer (eds.) *Urban Governance in Post-apartheid Cities*. Borntraeger Science Publishers: Stuttgart.

Phillips, L and D James (2014) 'Labour, lodging and linkages: migrant women's experiences in South Africa', *Africa Today* 73(3), 411-431.

Schwarer, S. and Mwelase, W (2010) *Stepping into the Breach - Philanthropic and Civil Society Responses to Xenophobia in Durban 2008, a Young Researchers Philanthropy Initiative*. Available at:

http://africanphilanthropy.issuelab.org/resource/stepping_into_the_breach_philanthropic_and_civil_society_responses_to_xenophobia_in_durban_2008 Accessed: March 2017.

Special Reference Group on Migration and Community Integration in KwaZulu-Natal (2015) 'Report of the Special Reference Group on Migration and Community Integration in KwaZulu-Natal'. Available at <http://www.accord.org.za/publication/report-special-reference-group-migration-community-integration-kwazulu-natal/> Accessed: March 2017.

Tshitereke, C (1999) 'Xenophobia and relative deprivation', *Crossings*, 3(2).

Vearey, J (2010) 'Hidden spaces and urban health? Exploring the tactics of rural migrants navigating the city of gold', *Urban Forum* 21, 37-53.

Veronis, L (2015) 'Immigrants' Narratives of Inclusion and Belonging in the Transborder City of Ottawa-Gatineau, Canada's National Capital Region', *Canadian Ethnic Studies* 47(2), 45-65.