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THE CLAIM FOR URBAN SPACE AND THE PROBLEM OF EXCLUSION: THE PERCEPTION OF OUTSIDERS' RIGHTS BY COMMUNITIES AFFECTED BY XENOPHOBIC VIOLENCE IN CONTEMPORARY SOUTH AFRICA.

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Research Report

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DECLARATION

I, Samson Ogunyemi, do hereby declare that this Research Report is my own unaided work. It is submitted for the degree of Master of Arts in the African Centre for Migration & Society at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination at any other University.

Signed:

Date:

ABSTRACT

This research is located in the broader body of literature and activity that have sought to comprehend the xenophobic violence of 2008 in South Africa and the persistence of this phenomenon, especially in poor locales of the main urban areas. The primary objective is to explore the perceptions that South Africans have of the rights of those people designated as outsiders and/or foreigners who live in areas that have experienced xenophobic violence targeting foreigners as well as people of South African minority ethnic groups. This study attempts to unpack the discourse of insider versus outsider rights within South African communities in relation to South Africa's recent history - the xenophobic violence of 2008. Notably, it examines the challenge brought about by the crushing of space and time as an effect of globalization and how this has contributed to the process of multi-culturalism and multi-ethnicity that local communities are largely unprepared to cope with. This study contributes to the understanding of "otherness" as a key issue to design and implement better policies and practices that are necessary to promote the social and spatial inclusion of international migrants in Africa and the world. The empirics of this study give credence to the view that migrants' rights operate at the rhetorical level, largely due to the lack of political will to translate them into actual benefits. The study specifically looks at two communities affected by xenophobic violence - Tembisa and Alexandra. Focusing on South Africans, the study draws on information gathered through in-depth semi-structured interviews and group discussions carried out from July through October 2011. The findings are examined through thematic content analysis.

Key Words: Urban Space, Exclusion, Perception, Rights, Xenophobia, Violence, Belonging, Entitlement, Insider, Outsider, Inclusion, South Africa.

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Psalm 23.

TABLE OF ACRONYMS

ACMS: African Centre for Migration & Society

ANC: African National Congress

APC: African Peoples' Convention

AZAPO: Azanian People's Organisation

CoRMSA: Consortium for Refugees and Migrants in South Africa

CDE: Centre for Development and Enterprise

CSVR: Centre for the Study of Violence and Reconciliation

DA: Democratic Alliance

FMSP: Forced Migration Studies Programme

HSRC: Human Sciences Research Council

IDP: Integrated Development Planning

IFP: Inkatha Freedom Party

IOM: International Organization for Migration

JRS: Jesuit Refugee Service

LHR: Lawyers for Human Rights

RDP: Reconstruction and Development Programme

RSA: Republic of South Africa

SADC: Southern African Development Community

SAHRC: South African Human Rights Commission

SAMP: Southern African Migration Project

SAPS: South African Police Services

UDHR: Universal Declaration of Human Rights

UDM: United Democratic Movement

CHAPTER 1: INTRODUCTION

1.1 BACKGROUND

In this era of globalization, goods and services move freely and unhindered, whereas human mobility cannot be said to enjoy the same luxury. Still more challenging is the fact that when migrants do settle in new communities, the recognition of their rights as outsiders greatly depends on how the host community understands these rights and is willing to accept them. This insider/outsider distinction is obvious in South Africa, a country that has been going through rapid and unprecedented rates of largely unregulated in-migration since the end of apartheid in the early 1990s (see Landau, 2005; Nyamnjoh, 2005). While the South African government has entirely redefined the contours of citizenship in post-apartheid South Africa, far less attention has been given to non-citizens' rights, particularly in terms of how these rights translate into practice at the hands of impoverished local communities.

This lingering debate on rights for non-citizens in the context of migration is perennial. Gibney puts it succinctly: "migration creates non-citizens" (2009: 1). These non-citizens have lesser claims to rights and entitlement due to the deified privilege citizenship occupies in most societies. As a result, the dispute of human rights caused by migration has been recorded by scholars like Arendt (1951); Carens (1987, 2005); Malkki, 1992; Reitzes (1995); Huysmans (2000); Mamdani (2001); Landau (2004, 2006, 2011); Nyamnjoh(2005); Albertyn (2008), with views from different societies. The xenophobic violence of 2008 in South Africa opened a vortex in the efforts of researchers to understand the quandary of human rights and migration in the country. The event awakened scholars and practitioners from the illusion of the world as a global village as well as questioned the millennial promise of a global household (O'Niel, 2008: 27).

There are some factors that make the human rights discourse in South Africa an interesting

subject matter. These are among others: the country's history of colonialism, apartheid's spatial segregation; service delivery protest; xenophobia and community violence (HSRC 2008: 24). All these factors summed up make South Africa a 'living laboratory' for the study of human rights violations.

Social scientists, commentators and observers have established that South Africa's public culture has become increasingly xenophobic (see Landau, 2005, 2011; Nyamnjoh, 2006; Albertyn, 2008; Neocosmos, 2008; SAMP, 2008; Misago, Monson, Polzer and Landau, 2010). This xenophobic culture, these scholars hold, has led to institutionalized and individualized attitudes and mobilizations against foreign nationals. For Kollapen (1999) xenophobia in South Africa is not just an attitude of dislike but often accompanied with violence. Xenophobia as a form of exclusion has become commonplace across the country taking the form of violent attacks targeting more specifically foreigners or groups identified as ethnic, political, ideological or religious outsiders (see Madikizela, 2003; Nyamnjoh, 2006; Hassim, Kupe and Worby, 2008)

As a result, there is a growing demand to provide causal explanations for xenophobia and other forms of violent exclusion in South Africa. Consequently this study is at the intersection of analyzing the interplay between xenophobia, exclusion and the perception of the rights of outsiders in communities affected by xenophobic violence. It specifically focuses on Tembisa and Alexandra, two townships in the vicinity of Johannesburg, which have been affected by episodes of xenophobic violence and mobilisation in 2008. The study examines the perceptions 'insiders' have of the rights of 'outsiders' in these communities under study. It also looks at how these perceptions are formed. These questions are explored through the lens of the different forms of discourses, understood as sets of images, related notions, and narrative patterns mobilized by insiders to assert their claim to the urban space.

In examining these, it explores how outsiders' rights are construed by insiders around notions of access to space, housing, basic services, participation in community decision making and basic human rights.

The study observes that outsiders are generally 'unwelcome' in the two case studies - Tembisa and Alexandra, and where their presence is tolerated; they are mostly considered *right less.* The perception of outsiders' rights in both communities seems related to the insiders' inability to actualize their dream as *bona fide* citizens - the promise of a 'free' country in the post-apartheid era. These dreams include access to social amenities like proper housing, water, electricity, schools among others, and economic freedom such as employment or/and a conducive business environment. This free economic environment, the South Africans would prefer, must be one devoid of foreigners. The general claim in both communities is that foreigners kill local businesses by selling cheap and fake goods. Insiders also claim foreigners are being employed as cheap labour, thereby limiting the chances of the locals.

In the same vein, this study observes that, not so much has changed post-2008 in terms of the attitude of 'insiders' as well as the improvement of social amenities in these communities. While the absence or lack thereof of social amenities may not be the sole reason why outsiders' rights are not respected, they no doubt make the outsider a 'scapegoat' for shortages or lacks experienced by insiders. Although the levels of tolerance vary in the two communities, the study shows that the South African urban space and more specifically the types of under-privileged peri-urban communities investigated are construed, at least by most dwellers interviewed, as the exclusive preserve of South African citizens.

1.2 RESEARCH OBJECTIVES AND QUESTTIONS

In examining the perception of outsiders' rights in communities affected by xenophobic violence, this study takes a broader look at how this affects outsiders' claims to belonging and entitlement. It also attempts to specifically interrogate the nature and role played by the local dimension of these politics of exclusion (and inclusion) in relation to broader institutional and structural dynamics.

This study has three main objectives: (i) to explore factors that contribute to how insiders understand their own rights and those of outsiders, (ii) to examine systems of values underlying outsiders - communities relationships, and (iii) (deriving from the second) to document motivations and processes leading to anti-outsider mobilisation. Carrying out this research in 2011, three years after the 2008 xenophobic attacks, gives this study an opportunity to observe (*if any*) the shifts and changes in the attitudes and perceptions of insiders towards outsiders' rights to belonging in their urban space. To have a better grasp of this study, it is critical to differentiate and analyse the previous and current state of affairs in order to uncover shifts and changes in community co-habitation with foreigners.

This research also contributes to current efforts (see Landau (ed.), 2011; Misago, Monson and Landau, 2009; Pillay, 2008; Gelb, 2008) to identify underlying causes and triggers of the ongoing violence against foreign nationals and other outsiders in South Africa. In line with that, the study takes a broader look at the discourse of insider versus outsider rights within South African communities in relation to (i) the country's recent history, (ii) broader discourse on community based perception of rights and (iii) the gap in policy and practice in the light of constitutional and international rights frameworks.

Lastly, this research aims to contribute to the challenge of integration in Johannesburg. In trying to counter this problem, the city of Johannesburg identified in its Integrated

Development Plan (IDP) 2010/11, that promoting integration will be one of the province's strategic priorities. By exploring the rights of outsiders in communities affected by xenophobic violence, this study will throw more light on factors that encourage exclusion and inclusion.

In achieving these goals, the study is focused on this question:

- How do insiders perceive the rights of belonging and entitlement of outsiders, whether foreigners or South Africans, in communities affected by xenophobic violence?

Following from that, this study breaks this main question, in the following sub-questions:

- What influences communities' general perceptions of outsiders' rights?
- How do insiders exclude those deemed to be "outsiders" from their space and on what grounds?
- Who has the power and legitimacy to define residents' rights?
- Are these actors organised in groups?
- Do they share similar profiles in both communities?

1.3 RATIONALE FOR THE STUDY

Understanding the perception of insiders on the rights of outsiders in local communities contributes to the literatures and efforts that have sought to explain the South African xenophobic paroxysm. The study also aims to contribute to the epistemology of exclusion and inclusion in South African post-apartheid urban space. A more empirically grounded understanding of how local communities understand the rights of outsiders may help inform policy and/or change practice.

Secondly, this research looks beyond positivist readings of constitutional guarantees and human rights commitments to understanding the factors militating against inclusion in local communities through an emphasis on the micro level.

This study is also important at this point in time, as, four years after the 2008 riots, local governments and communities are still faced with the multiple challenges related to managing the presence of foreigners and outsiders in local communities. With continuous international migration and the steady growth of urban centres, issues encountered in 2008 are by and large similar today. It should be noted that this research was carried out when the threats from the Greater Gauteng Business Forum (GGBF) were leveled at foreign traders and shop owners to leave certain townships around South Africa (April, 2011). The forum claimed, among other things, that foreigners were taking their jobs, selling at very cheap prices and killing local business opportunities.

Finally, this study explores the (re)making of two forms of exclusion: the restriction of human movement in this age of globalization and the emphasis on citizenship based on autochthony and nativism (Maharaj, 2009). The question to ponder on is: what claims do people have to exclude others from their urban space, in the wake of globalization and urban

densification? Hence, this study corroborates Goodin (1992) in positing that there is something ethically inconsistent in the way liberal states support the free international movement of goods and services while restricting the free movement of people. While authors such as Carens (1987: 254) already considered that, "prohibiting people from entering a territory because they did not happen to be born there or otherwise gain the credentials of citizenship is no part of any state's legitimate mandate" in the 1980s, South African local communities echo a somewhat more conservative position where belonging and entitlements are, on the contrary, closely tied to one's citizenship, initial residence, and at times, ethnic group.

1.4 STRUCTURE OF THE DISSERTATION

This dissertation is divided into five chapters. Chapter one discusses the raison d'être for the study, establishing the importance of the research and the questions asked. The second chapter examines the literatures on urban space, the problem of exclusion, perception of rights and xenophobia. This will lead to explaining the variables used in this study which include: community, perpetrators, xenophobia, exclusion, urban space, insider/outsiders, migrants and perception of rights. The chapter goes on to look at the theoretical framework for this research. Then, it explains the methodology employed for this study, the analysis of the data and the ethical consideration and limitations of the study. Chapters three and four focus on a discussion on the general findings of this study. While chapter three centres on the contours of outsiders' rights, norms, perceptions and everyday interactions, chapter four deals with a discussion of the South African urban space and the criteria for belonging and even, albeit paradoxically, at the perceived benefits brought by foreigners/outsiders to South African society. Chapter five concludes with proffering ways of understanding the rights of outsiders in local communities.

CHAPTER TWO: LITERATURE REVIEW AND METHODOLOGY

The Office of the High Commissioner for Human Rights (OHCHR) holds that Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, ethnic origin, colour, religion, language, or any other status. The OHCHR goes further to argue that, 'we are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible'[1]. In upholding the rights of all human beings, most countries in the world are signatories and have ratified this convention. In the light of that, Landau (2004: 4) adds that South Africa has made commitments to all who live in the country, regardless of citizenship, nationality, or country of birth. However the challenge confronting respective member-states is in enforcing the law and moving beyond the rhetoric to the practicability- a society where 'all are equally entitled to human rights without discrimination'.

This chapter starts by looking at some relevant literatures that relate to the subject of human rights and the South African urban space. Then, it moves on to explain the variables used in this study and the theoretical framework of analysis. Next, the chapter gives a broad description of case study sites and discusses the methods used in data collection and analysis. Lastly, it looks at the ethical considerations and the limitations of the study.

a.) Perception of Rights of Outsiders

This research locates itself within the literature on perception of rights, xenophobia and the problem of exclusion. It shows that there is both a growing academic concern for understanding exclusion and violence directed at groups identified as outsiders in South Africa. The discussion of the literatures is hinged on two parts: Firstly**,** the literature on perception of rights is used to examine the gap between principle and practice in relation to

[1]The Office of the High Commissioner for Human Rights, OHCHRhttp://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx

human rights in South Africa. It examines the historical antecedents of rights discourse in South Africa and how this feeds into the understanding of the right of the 'other'. It also looks at the factors that contribute to the various forms of exclusion of outsiders from the urban space. Secondly, the literature on urban space looks at the contestation for space in South Africa and the justification for inclusion. It then discusses the use of xenophobic violence or attitudes as machinery for exclusion.

The emergence of migrant communities in Africa has not only changed the ethnic fabric of most societies but also public attitudes and government policies. For scholars like Misago, Monson and Landau, 2009; Neocosmos, 2008; Nyamnjoh, 2005; and Raijman, Semyonov and Schmidt, 2003, outsiders/foreigners are often viewed by citizens as a potential threat to economic success, national identity and the social order and are likely to become the target of hostility, prejudice and discrimination. These stereotypes in South African communities have made the plight of migrants more precarious. Raijman, Davidov, Schmidt and Hochman, (2008: 196) argue that the presence of and discourses on migrants in most societies has been transformed from a labour market problem to one of national identity, viewing migrants as outsiders because of their lack of citizenship status. They argue that the massive presence of migrants in most states has essentially challenged the social and cultural homogeneity of host communities and has compelled states and citizens to reconsider their way of thinking about membership and citizenship (196). This invariably leads to questions of rights and entitlement for guest, migrants and foreigners.

Since asserting rights cannot be done in isolation, human rights advocates debate whether government is obligated to provide rights for its citizens and guests. Such debate is couched around access to social and economic rights and civil and political rights. Notably, civil and political rights are known as '*first generation'* rights. They are also known as 'negative

rights' because they do not require the action of others. These rights include political freedoms such as speech, opinion, movement and religion as well as political protection from violence and forced labour which are the foundation of liberal democracies (Holaday, 2010). On the other hand, social and economic rights are considered as '*second generation*' rights. They are also known as 'positive rights' because they require the action of others or provision by state and non-state agencies. These rights include access to health care, education etc.

For Holaday (2010) although the Universal Declaration of Human Rights (UDHR) does not distinguish between the two types of rights, nonetheless these distinctions continue to exist. From our daily experiences and understanding, it is clear that people do not experience rights separately in their daily lives; therefore talks of positive and negative rights are usually meaningless. Nyamu-Musembi (2005) opines that people do not experience rights or their deprivation in a split sense, distinguishing between rights of a civil-political nature and rights of an economic-social nature. For Donnelly (2003) there is a great disparity in the manner in which people conceive rights theoretically and the way they are actually experienced. He argues that, rights can change from positive to negative and vice versa, depending on the historical and social context:

> *For example, the right to food is more of a negative right in the wheat fields of Kansas than in Watts or East Los Angeles. Equal protection of the law is somewhat more positive in the South Bronx than in Stockholm. In Argentina, protection against torture was a very positive right indeed in the late 1970's. Today it is a much more negative right (see Donnelly, 2003: 30)*

This 'bi-polar' conceptualization of rights has led to the misunderstanding of rights as a universal concept especially in Africa.

The philosophical objectionists like Nozick, (1981); Rawls (1971); Locke (1690) argue that nothing can be universal; all rights and values are defined and limited by the individual or

community. To put it in another way, if there is no universal culture, there can be no talk of universal human rights. Ake (1987: 9) dismissing the universal conception of rights as meaningless, opines that "if the idea of human rights is to make any sense at all in the African context, it has to be incorporated in a concept of communal human rights." He goes on, the values implicit in the universal concept are clearly alien to those of our traditional societies (Ake, 1987). It is obvious from the Africa viewpoint that the continent has its peculiar challenges of poverty, religious and political unrest and protracted wars. For Ake (1987) these are the areas that the rights discourse in Africa needs to address. Although Ake does not negate the idea of universal human rights, he believes that human rights should be geared towards addressing some context specific issues that confront Africans especially. Until when these issues are properly addressed, will the whole concept of universal human rights begin to make meaning to the ordinary man.

Nevertheless, it is important to reiterate that universality does not presuppose uniformity. For Tharoor, "to talk of the universality of human rights is not to suggest that our views of human rights transcend all possible philosophical, cultural, or religious differences or represent aggregation of the world's ethical and philosophical systems. Rather, what is important is that human rights do not contradict the ideals and aspirations of any society and that they reflect our common universal humanity, from which no human being must be excluded" (2000: 6). Fundamentally, human rights derive from the very fact of being human. As such, it should not to be seen as a gift from a particular government or legal code or community or individual (Tharoor, 2000: 6; Ake, 1987: 5). For Ake (1987: 5) because of the singular importance of rights, "individuals are entitled to claim them and society is enjoined to allow them". Therefore it is the duty of the community to provide and protect the rights of everyone within it.

The communitarian ideology in Africa on the other hand gives the community greater powers; it is the community that guarantees the rights of every individual. The renowned African philosopher, Mbiti (1991) succinctly puts it "*I am because we are, and because we are therefore I am*." For the Liberian peace activist and Nobel peace prize winner, Leymah Gbowee[2], "*I am what I am because of who we all are*." This point runs into Arendt's (1971) position that our 'rights to have rights', that is, the universal human rights articulated in international law, depend on the concrete conditions of their actualization as members in a specific moral community. However where the power of the community as the arbitrator of rights is unchecked, it can lead to 'tyranny' and discrimination.

Such 'tyranny of the community' can be seen as antithetical to most African traditions as epitomized in the South African concept of '*Ubuntu*' (Albertyn, 2009: 175). A concept which univocally seeks to embody certain truth that is applicable to all mankind such as justice, truth, mercy, compassion, peace, solidarity etc. As Ake (1987: 7) puts it, "we ought to be interested in human rights because it will help us to combat social forces which threaten to send us back to barbarism, it will aid our struggle for the social transformation which we need to survive and to flourish as individuals and as a community".

Essentially, the rights discourse in South Africa can only be understood within the country's social, economic, cultural, and political history. Scholars like Nyamnjoh (2005) and Landau (2004) show how apartheid's policy of spatial exclusion guaranteed the distinction between 'us' and 'them'. In other words, it infused mentally the distinction between the 'haves' and the 'have-nots', in relation to rights and economics within the country. Although the newer form of this difference identifies non-South African blacks as the quintessential 'have-nots',

[2] Leymah Roberta Gbowee is a Liberian peace activist responsible for leading a women's peace movement that brought an end to the Second Liberian Civil War in 2003. She was awarded the Nobel Peace Prize 2011 along with Ellen Johnson Sirleaf (President of Liberia) and Tawakkul Karman (from Yemen).

Crush (2000) observes that white South Africans hold stronger, anti-immigrant views than other groups (cited in Landau, 2005: 4).

However, as opposed to whites, blacks interact with large numbers of non-nationals in largely under-privileged local communities. For Landau (2005: 4) "even within the black population there is considerable diversity of experiences, sentiments, and responses regarding non-nationals". Landau concludes that the overall attitudes of South Africans towards foreigners are generally negative, if not overtly hostile. Looking at the hostile nature of South Africans towards foreigners, Dodson (2002:1) argues that "South Africa is a highly xenophobic society, which out of fear of foreigners, does not naturally value the human rights of non-nationals".

As such there has been a strong contestation between migration and human rights in most states around the world. Scholars like Walzer, 1983; Carens, 1987, 2005; Black, 1998; Barbara Harrell-Bond, 1998; Gibney, 2004; Landau, 2005, 2009, 2011; Albertyn, 2008; or Bakewell, 2009, have vehemently advocated for the rights of migrants in host communities and the 'meaningful' existence of such persons in the new society they find themselves. For Carens (1987) and Drumett (1992), current entrance restrictions on refugees and immigrants are gross violation of human rights and liberty. Bakewell (2009: 1) posits that "the movement of people between sovereign jurisdictions usually (*with the exception of dual nationals*) involves migrants moving from a country where they hold full membership, to one where they do not." These are people who live under the authority of a state of which they are not members and thus not entitled to the rights reserved for citizens (Bakewell, 2009).

The global reality for migrants is the inability to be able to assert their rights in the new community because of stereotypes viewing them as a 'strain on the resources of the society', as taking jobs, houses and women (Misago et al, 2009; HSRC, 2008; Landau, 2006; SAMP,

2004, 2001). Although this stereotyping is not specific to South Africa, it nonetheless makes migrants more vulnerable and susceptible to abuse in the new society.

b.) Urban Space and Exclusion in South Africa

The 2008 xenophobic attacks put the country in the limelight. As the Human Sciences Research Council (2008) put it, one of the most striking features of the anti-foreigner violence of May 2008 is maybe just how unsurprising in form, the violence took. The attacks made government, human rights activists, the political class, the international community, scholars, migrant associations and a host of concerned bodies to seek understanding of the reasons for the attacks. The explanation and the negation of such explanations given for the attacks range from the possibility of a 'third force' (see Misago et al, 2009: 2; Gelb, 2008: 80), relative deprivation (Pillay, 2008: 94), influx of foreigners, perceived threats of foreigners to economic and social opportunities as well as the frustration of insiders not reaping the fruit of democracy (HSRC, 2008: 6).

The implication of the exclusion has become palpable with far reaching consequences. As Landau (2008b: 105) puts it, "the country's government and much of its civil society have long turned a blind eye to foreigners' systematic marginalization, mass deportation and the ever rapid and rabid murders at the hand of the citizenry". Landau further holds that the prevalent arguments of most South Africans swings from the need to cleanse the *Augean stable* to maintaining the *status quo ante* (Landau, 2008b). Some South Africans are of the opinion that "though killing foreigners may not be right, South Africa must remain the domain of those who have sprung from its soil" (Landau, 2008b: 106). It is on the basis of this that migrants are constantly being discriminated against by the police and locals. For this reason, migrants needing 'protection' have been used as cash cows and exploited for wanting

to gain access to the South African urban space and/or state support and services *even when they are legally entitled to them* (Coplan, 2008; Landau, 2008b).

In South Africa, Reitzes (1995: 29) argues that "the anti-immigrant sentiment is motivated by a desire to prevent 'outsiders' sharing in the benefits of 'citizenship' rather than 'nationhood'". On this basis, states and its citizens are more likely to exclude people solely based on their lack of not being native. Reitzes (1995) quizzes, if the sole responsibility of any state is restricted to ensuring law and order within its boundaries and securing the rights of its own citizens, is a reliance on identity to deny rights not merely replaced by an equally arbitrary reliance on place of birth? Refusing migrants entry or legal recognition makes them more vulnerable and it casts them as the 'scum' of society. More so, excluding them based on ethnicity and/or nationalism reduces the chances of those already pushed to the margins of society.

Ethnicity and Nationalism as forms of Exclusion

As a form of subjugation and for 'easy' rule in Africa, colonialism created multiple communities, an acrid system of ethnic and cultural diversities. It called to question the redefinition of concepts like migration, exclusion, citizenship, belonging and entitlement. Herbst (2000: 245) argues that colonisation "moved Africa from a continent where migration across putative boundaries was a time-honored tradition to a continent where geographic boundaries have a real effect on migration potential".

For Chabal and Daloz (1999) the civilisation project in Africa was an attempt to 'Westernise' the continent and infuse in it some form of modernity. This project among other things generated a polarized society where individuals became divided along racial, ethnic, cultural and political lines. This division further disintegrated into a distinction between native and

non-natives, insiders and outsiders and first-comers and later-comers. This division has in turn been the cause of violence and abuse of human rights in places like Nigeria, Rwanda, Somalia, Ivory Coast, Tanzania, Sudan, South Africa etc. This exclusion, as Landau and Misago (2009: 3) attest has been based on "ethnic or national suspicions, spatialized understandings of rights and belonging and political structures designed to control critical economic resources".

The basis of such exclusions from belonging especially in Africa is centered around autochthony and nativism. Autochthony is the struggle over land and space; it also involves the claim to have settled first in a certain space and to now be rooted in the soil (Geschiere and Nyamnjoh, 2000). Nativism on the other hand refers to a kind of 'internal xenophobia' linked to a 'new nationalism' or second nationalism which is no longer directed towards other countries but against non-citizens living within the African state (Aké, 1996; Kersting, 2009). Historically, claims to land symbolized local or regional citizenship in many African societies (Dorman, Hammett, Nugent, 2007). In contemporary Africa, claims over land have typically been expressed in terms of rights of first and later comers, a situation which dramatically increased competition in local communities (Lund, 1998; Chauveau, 2000; Crummey, 2005; Lentz, 2006; Nieftagodien, 2011).

With the demise of colonial and apartheid regimes in South Africa, the quest for community was renewed on two fronts. On the one hand, it instituted an egalitarian society for all South Africans, reproducing among black South Africans the redefinition of concepts like belonging and entitlement. On the other hand, it narrowed the insider/outsider distinction (*though not totally*) from one drawn along racial lines to discourses constructed along autochthony and nativism. Owing to this reformulation and re-othering, Nyamnjoh (2006) argues that the 'black' South African has christened migrants and outsiders as

'Makwerekwere', a term which denotes not only a black person who cannot demonstrate mastery of local South African languages but also one who hails from a country assumed to be economically and culturally backward in relation to South Africa. According to Whitaker (2005), the use of the label 'stranger' to disqualify opposition parties has accompanied the democratization of authoritarian regimes in different African countries. As a result, terms like nativism and autochthony become important explanatory models for understanding claim to space and the challenge of excluding others from enjoying or negotiating equal rights.

Mobilisation and Exclusion in South Africa

There has also been attempts to look at community history; in this case Alexandra (Bonner and Nieftagodien; 2001) and to understand the political, social and economic history of the local. Understanding the community of Alexandra throws more light on the historic issue of contested space and the right to entitlement and belonging in that community. Nieftagodien (2011) observes that the criteria for belonging and entitlement in Alexandra have shifted over time. The shift and swing of the criteria for belonging has moved from issues around first comers, landowners and landlords to ethnic, political and national affiliations (Nieftagodien, 2011: 111). It is within the discourse and contest for space, entitlement and belonging that the xenophobic violence of 2008 broke out. Though the persistent nature of xenophobia in South Africa can undoubtedly be explained in terms of the deepening inequality, failure of development in poor areas and the state's criminalization of African foreigners (Nieftagodien, 2011; Gelb, 2008), these factors are inconclusive in themselves to explain the violence. For Sen (2008), there is indeed considerable plausibility in seeing a connection between violence and poverty but these factors do not necessarily translate to violent exclusions. To buttress the point, there are many countries in Africa and around the world that have continued to

experience the challenges of economic destitution, political and religious strife and a strong presence of foreigners, yet they are not explicitly xenophobic.

As such Landau (2006) submits that the feeling one gets, though tacitly from the government, immigration officials, the police, the media, the labour force and the general public accentuates that migrants, mostly black Africans are *persona non grata* in South Africa. This somewhat general stance in South Africa oftentimes makes xenophobic reactions continue unabated in communities where migrants inhabit. The demonization of the foreigner is heightened by the perception that foreigners are a threat to a progressive social and economic life (Landau, 2011; HSRC, 2008). The tendency to hold outsiders responsible for such deficiencies only breeds suspicion against them in the country.

Justification for Inclusion

According to Balbo and Tuts (2005:339):

> *rights to the city or urban space refers to the right for everyone, including international migrants, to have access to the benefits the 'urban space' offers based on the principles of solidarity, freedom, equity, dignity and social justice, irrespective of nationality, race, gender and religion.*

However, in the process of asserting and negotiating for rights by outsiders, there are social and political struggles over the appropriation of these rights by host communities. Lefebvre (1974) opines, in the process of defining and claiming rights, that there are social and political struggles over the appropriation of urban spaces, the subject of contestation between insiders and outsiders in South Africa. In recent years there has been some critical scholarly endeavour to understand who has rights to a certain urban space and other reasons for exclusion (Carens: 2005; 1987). This shows that there is a geographical dimension to rights and how people perceive space and belonging. For Zukin while urban development is

determined by how "people combine the traditional economic factors of land, labour and capital … it also depends on how they manipulate symbolic languages of exclusion and entitlement" (1995:7). Therefore the community is both a territory and a living space in which values of human dignity, tolerance, peace, inclusion and equality must be ensured among citizens.

Rationalising the Use of Violence in the Xenophobic Attacks of 2008

For Madikizela (2003) exclusion is done for reasons of maintaining the *status quo ante*. She holds that, 'perpetrators' of human rights violation redefine morality and start believing that they can commit systemic crime and other atrocities 'for the greater good'. The perpetrator starts off with ratiocinations, to convince himself/herself of the legitimacy of his/her acts and then s/he begins to communicate his rationalisation to others thereby gaining approval. At this point it is no longer a rationalisation but a 'truth' that releases the perpetrator from any sense of guilt he may still feel about the evil deed. Hence people/communities who turn out to be violent are more likely to be encouraged by the idea of the 'greater good'.

Most often, gross human rights violations of the 'other' almost always hide their true nature finding justification elsewhere, which is by its very nature delusional (Madikizela, 2003). The point to note here is that individuals have the propensity to act non-violently. However, often times find themselves incapable of acting due to ignorance, uncertainty, group pressure, external influence or a general lack of understanding of the situation or the right of the 'other'. Rhodes (1999) cited in Madikizela (2003) maintains therefore that if violence is a choice the 'perpetrator' makes, and therefore their personal responsibility. 'Our' failure as individuals, community or government to protect 'perpetrators' from having to confront such a choice is a choice we make.

2.2 OPERATIONAL DEFINITION OF TERMS

Since the object of study pertains to a field replete with highly debated notions used by various schools of thought within the social sciences, it is pertinent to unpack these terms as used in the study. As Misago (2004: 4) argues, "the operational definition of terms gives variables a contextual meaning within a particular study". It gives specific meaning of concepts for the purpose of the study and a clear delimitation of the scope of the study. This study has made use of several terms which include: community, perpetrators, xenophobia, exclusion, urban space, insiders, outsiders, migrants and perception of rights.

A community in this study is a physical, social environment where people live. It also refers to a place of distinct geographical boundaries with shared values. However, one of the attendant effects of globalization and the 'free' movement of people is the blurring of a homogenous identity in most communities. Subsequently, it is in a bid to reassert the 'value' and 'identity' of the community that xenophobia occurs.

The term perpetrator refers to a spectrum of individuals, groups, institutions or organizations in communities affected by xenophobic violence and who play active part in the exclusion of foreigners/ outsiders. It also relates to how these 'actors' engage constructively in addressing the rights of migrants and outsiders. In observing this category of people, this study seeks to understand their action or inaction, position, voice or silence and mobilization in the violence. As Foster et al (2005: 2) opine, a perpetrator is "a person or group of people who commit an act that is held to be beyond some legal or moral principle and who can be judged as guilty of that offence or crime". The Truth and Reconciliation Commission (TRC) of South Africa on the other hand describes a perpetrator as an individual (or group) who committed an 'act, omission or offence' which amounted to a gross violation of human rights (see Foster et al

2005: 2). Hence the study looks at the role played by the different agencies in the society, to understand the rights of outsiders as individuals and as a group.

Xenophobia for the purpose of this research is seen as excessive fear or uneasiness towards those regarded as outsiders in the community. Although the 2008 attack was characterized by violence, it is important to state that not every violent reaction towards foreigners is *ipso facto* xenophobic. However for present purposes, we are adapting the concept to include all forms of discriminatory attitudes towards non-nationals or those considered to be outsiders (Hassim et al, 2008; Landau, 2006; Nyamnjoh, 2005). Scholars like Neocosmos (2008); Crush and Williams, (2008) have shown with strong evidence that South Africans are generally uncomfortable with the presence of black non-nationals in the country. Although most respondent in the study are internal migrants, the term 'migrant' in this study and from the understanding of people in the communities refer basically to non-South Africans and/or foreigners.

The term 'right of belonging' has often been the subject of violent reactions like the struggle of black South Africans during the apartheid era (see Landau, 2011, 2004; Misago et al, 2009; SAMP, 2008; Nyamnjoh 2006; Lapping, 1986). The 'right of belonging' characterizes the struggle in which black South Africans were denied rights to the urban space, following the policy of spatial segregation. In more recent times, the right of belonging relates to the exclusion of non-South Africans and South Africans from minority ethnic groups. On the other hand, the term 'exclusion' refers to the discrimination against foreigners/outsiders by South Africans in communities and as individuals. It relates to the means and forms South Africans engage in to deny foreigners the claim to belonging, entitlement and socio-economic participation. In its recent form, there are subtle yet discriminatory modes of exclusion for

instance the denial of access to medical care, banking, loan services, education and employment opportunities (see Landau, 2006b; Motha and Ramadiro 2005; Nkosi, 2004).

Broadly speaking, the term 'outsider' as opposed to 'insider' refers to individuals and groups who from the perspective of 'autochthons', do not share common origin, culture or language with the 'other' (Nyamnjoh, 2005). In this case an outsider can be a South African or a foreigner, depending on the degree of claim to the urban space or location. Interestingly, the study observes that there are some groups and individuals in communities who regard themselves as autochthons but who are not originally from Johannesburg. These ethnic groups have gone-on to assert their 'superiority' and claim to the urban space over other groups, for instance the Xhosas in Tembisa and the Zulus in Alexandra.

Closely related to these distinctions, is the urban space. The claim for urban space in post apartheid South Africa has been made around those who have assumed the status of insider, as well as by those considering themselves as insiders but only recently so and lastly by those seen as the quintessential outsiders. This negotiation for equal opportunities with the host community is captured by Landau (2006) and Comaroff and Comaroff (2001). This claim for urban space is usually granted on the basis of the belief that an 'insider' has more entitlement and privilege to belonging than the foreigner or outsider.

2.3 THEORETICAL FRAMEWORK

The entitlement theory follows from Foster (2000) use the theory as an explanation for perpetrators action during the apartheid era in South Africa. The implication of this theory is that the claim to the urban space and the exclusion of 'outsiders' in South Africa, is justified on the understanding of the rights of the 'other' as inferior. As Lamb (1996: 81) holds, "entitlement is a sense of deservingness in which a person feels that they deserve to be treated with respect and privilege". For Foster (2000: 11) "it is made manifest in a set of rights: the

right to fulfill one's own needs and wishes, the right to be heard, or to space, or the right to bodily integrity". However, entitlement can be exaggerated when it carries these two characteristics: Firstly, a sense of superiority - the right of my space over spatial freedom of others or the right of power and secondly superior status and complete inattention to others' reactions, showing no concern for victims; a lack of empathy or a selectiveness in empathy, for example towards one group and not another (Foster, 2000: 11). As such Lamb (1996) holds that exaggerated entitlement is a quasi-emotional state which marks the person as superior and is the overriding state of perpetrators in action.

From a social constructionist perspective, entitlement is also a kind of identity (Foster, 1996: 11). It is not a state or a kind of personality but a varying sense of position in relation to ideologies, discourses, other people, objects and events. Here entitlement enables or condones abusive actions in some social configurations and not in others. Furthermore, entitlement can be viewed as a variable stance (Foster, 1996: 11) in forms of patriarchy, nativism, racism and autochthony. For instance a person can be tolerant towards people of his/her own ethnic group, race or nationality and be aggressive and abusive towards other people of different ethnic, racial or national identity. From the psychoanalytic view, entitlement involves the dominance of the pleasure principle over the reality principle (Foster, 1996: 11). This involves the blaming and 'scapegoating' of the other and keeping intact a sense of self-righteousness. As a form of defense mechanism such people are quick to blame others for the ills in the society or their lives. This theory helps to explain the xenophobic violence of 2008, in the light of insiders believing outsiders have 'lesser' claims to belonging and entitlement in the South African urban space.

2.4 METHODOLOGY

This research adopts a qualitative approach. Qualitative research is an umbrella term encompassing several techniques (Silverman, 1993) which describe and analyse people's "individual and collective actions, beliefs, thoughts and perceptions" (Macmillan et al 2006: 315). The qualitative approach was chosen due to its advantage of offering insight into human behaviour — the social and cultural contexts of human activities that cannot be understood without reference to the meanings and experiences attached thereto (Guba & Lincoln, 1998). It has also been argued that "qualitative methods can give the intricate details of phenomena that are difficult to convey with quantitative methods" (Strauss et al 1990: 19). In adopting qualitative method, this research attempts to "sacrifice uniformity of questioning to achieve fuller development of information" (Weiss, 1995: 3). Since this research is focused on perceptions as well as individual and collective actions and attitudes, qualitative methodology seemed to offer the best chances of collecting rich and textured material related to our central question.

a.) Sampling: Strategy and Data Collection

As Landreneau (2010:1) puts it, "a sample is a subset of your population which you select to be participants in your study". This research makes use of the non-random sampling method known as convenience sampling (Galpin, 2011: 87). Convenience sampling as the name implies refers to choosing easily accessible respondents but in ways that do not necessarily undermine the outcome or responses. It is most appropriate in a research site where it is extremely difficult to get the human demographics or distribution of the people in that area or where a proper random sampling will not be easy to do. This is not to say that convenience sampling is devoid of its own pitfalls. One way this study countered the inherent flaw in this method is by making efforts to get as many respondents as possible and from different parts

of the townships and from different types of dwelling like houses in yards, back room, shacks, squatter camps etc.

Because the research is aimed at 'perceptions', it is my belief that social standing even within these communities could be a contributing factor to attitudes and reaction towards foreigners. Hence, respondents were taken from across different backgrounds including ethnic, linguistic, socio-economic, employment, educational, migration experience etc. The scope of the respondents was strictly limited to South Africans living in these two townships and willing to give at least a verbal consent.

The Sample group consisted of about 37 adult males and females in both communities. 20 participants were taken from Tembisa and 17 from Alexandra. Interviewees range from leaders in the community, key members of associations, social groups and ordinary members in both communities. The study involved a focus group of 7 young men in Tembisa. The interviews were in-depth, semi-structured, with open-ended questions. The data was collected through face-to-face interviews and informal discussions with the respondents.

b.) Focus Group Discussion (Tembisa)

The focus group discussion was targeted at the predominant ethnic group within Tembisa (**Xhosas**) and sought their opinion on the right of foreigners to live with them. The discussion was held in a pub in the area. While I had planned to have the discussion with this particular group of people at a pub in the morning around 10am, I observed that due to the 'weighty' nature of the discussion some other people stopped by to make their minds felt about the place of foreigners within their township. It became particularly clear to me that what comes out on a personal interview may differ from what is said in a group because of the influence of the audience. It is also an opportunity to know what a group feels, other than an individual. While the group discussion was going on I immediately observed how the people in the

group who were all Xhosas, continually asserted their 'insiderness' over a Venda man, by teasing him and telling him to keep quiet. From that I was able to single out one of the respondents who had so much to say for a one-on-one interview in his house immediately after the group session. And this led to some more intriguing and interesting findings.

Data was collected personally using a voice-recorder and taking field notes. Interviews were conducted in English language due to my inability to speak any of the South African local languages. However, I made use of a translator where respondents were incapable of speaking English or articulating an idea properly in the English language. The interview questions were developed by the researcher and were adapted where there was a need to make any particular enquiry i.e. when I interviewed a pastor of a local church in Tembisa, I asked particular questions like; are foreigners allowed to hold executive position in the church? Here I was probing to see if the level of acceptance for foreigners was any different from the opinion in the secular community.

c.) Data Analysis

The data collection and analysis spanned over four months (July-October, 2011). The data have been analyzed using themes emerging from the interviews and discussion. Thematic analysis, analysis of field notes and transcripts was influenced by discourse analysis, taking into consideration that reality in a qualitative method is a social construct. Fulcher (2005) opines that discourse analysis refers to the sorts of tools and strategies people use when engaged in communication, such as slowing one's speech for emphasis, use of metaphors or choice of particular words to display affect.

My personal field notes were also used as sourcebook to reflect on the data collected. It also helped in developing the rising themes from the responses. The study also made use of interpretive technique, which is a method of analysis used in qualitative research using the

researcher's impressions of the respondent and the environment (Guba and Lincoln, 2005). This technique aims to suggest insights into how an individual, in a given context, makes sense of a given event or phenomenon.

Lastly, the study used the narrative approach which involves where people are open to tell their personal experiences of an event. Due to the fact that the study involves people's experience of the xenophobic violence, their involvement- whether passive or active and what they make of the experience gives a sense of their perception of the 'other'. This method is justified on the premise that stories and their open-ended nature present the best means from which one can learn about an individual's experiences and perceptions (Lieblich, Tuval-Mashiach and Zilber, 1998; Gergen, 1997). Narratives can be defined as a discourse with a clear sequential order that connects events in a meaningful way for a definite audience (Elliot, 2005). This method is based on the theory that people narrate particular experiences in their lives often where there has been a gap between ideal and real, self and society.

d.) Use of Secondary Materials

This study also made use of interview transcripts of research conducted by the African Centre for Migration & Society (ACMS) for the International Organization for Migration (IOM) report and other publications from the South African Human Rights Commission (SAHRC), Lawyers for Human Rights (LHR), the Consortium for Refugees and Migrants in South Africa (CoRMSA), Human Sciences Research Council (HSRC), the Jesuit Refugee Service (JRS), Centre for the Study of Violence and Reconciliation (CSVR), and Southern Africa Migration Project (SAMP).

2.4.1 Site Description - Tembisa and Alexandra

The case studies for this research are Tembisa and Alexandra. Due to the fact that a good number of researches have been done on Alexandra in the aftermath of the attacks, Tembisa is the central focus of this particular study and Alexandra is used in a comparative sense, testing for similarities and differences. They were chosen because they were affected by the xenophobic violence of 2008. The violence reportedly started in Alexandra, Sector 2 and spread to other parts of the country including Tembisa- Madelakufa 2.

In setting the scene, the following gives an overview of the case studies, with special attention to the areas most affected by the violence. This study discusses **Madelakufa 2** in Tembisa and **Sector 2** in Alexandra.

a.) Tembisa

Tembisa was established in 1957. The name comes from the Zulu word 'Tembisa' meaning "There is Hope". The township came about after the Afrikaner-dominated National Party gained power in 1948 and began to implement apartheid's policy of racial segregation. It should be noted that in 1956, townships were laid out for particular ethnic groups as part of the state's strategy to sift black Africans into groupings that would later form the foundations of the so-called 'independent homelands'. As a result, it became a 'resettlement' site for blacks from Alexandra, Edenvale, Kempton Park, Midrand and Germiston. Hence, the township became a symbol of hope for those who were suddenly homeless (Moloi, 2005).

Tembisa is a large township situated to the north of Kempton Park on the East Rand of Gauteng province and the second largest township in Gauteng following South Western Township (Soweto). Recent report show the estimated population of the area is 511, 655 (City of Ekurhuleni, 2011). The municipal administrator holds that unemployment is very high in the area, while a majority of those employed work as unskilled and semi-skilled

labourers in the nearby industrial area - Isando (2011). The age distribution of the area shows that a majority of the population is in the 'youth' bracket. The township has access to some public services and utilities such as electricity, water, proper sewage and drainage systems, a sports complex and roads. The ethnic distribution of the area shows that there are: Xhosa, Pedi, Zulu, Tswana, Venda, Sotho, Shangaan etc. There are also a significant number of foreigners in this area which include Zimbabweans, Mozambicans, Pakistanis, Somalis, Bangladeshis and Ethiopians. Most of these foreigners are engaged in petty trade like operating 'spaza' shops and selling fruits and vegetables on street corners (Personal Communication).

Although there have been no major incidences of xenophobic violence in this township prior to 2008, there has been incidences of ethnic and political clashes among locals in the early 90's (Pers. Comm.). For Moloi (2005: 26), from the time the township was established to 1976, it did not experience any political protests or mobilization, except for the formation of the Pan Africanist Congress (PAC) cells which existed for a brief period in the early 1960s. The xenophobic violence of 2008 brought this 'peaceful' township to the centre of attention. The most affected area was Madelakufa 2 popularly known as 'Madela' and it is the area where this study is mainly focused. Other sections covered are: Umthambeka, Umfayaneni, Endayini and Umnonjaneni.

Area affected by the xenophobic violence of May 2008

Madelakufa 2 is the area most affected by the violence of 2008. It is one of the six Sectors constituting Ward 8 of Ekurhuleni Metropolitan Municipality and was established 16 years ago. The area comprises of developed and non-developed zones. According to the ward councillor, the non-developed zone forms 70% of the area (see Misago, Monson, Polzer and Landau, 2010: 84). The area is heavily congested with shacks built very close to one another

and in an unorganised manner. Efforts by the municipality to organise shacks to create space there have been consistently resisted by residents. Misago et al (2010: 84) hold that the area counts an estimated 1200 occupied shacks, according to the councillor. The aerial map in Appendix 1, show the spatial congestion in this area.

The area has free communal water taps but no drainage and sewage systems and no toilets. There is also no proper refuse collection service. There is no electricity, during the period of the interview; I observed that a lot of people sat outside their shacks when the weather was hot. Most people use paraffin for illuminating and cooking, this is evident in the evenings with a thick cloud of smoke rising in the air. Unemployment and crime are the other challenges in the area. The population composition of residents is mixed. There are Xhosas, Pedis, Vendas, Sothos, Tswanas, Shangaans, Zulus and Ndebeles. However, Xhosas from the Eastern Cape are reported to be in the majority. While no open clashes between these ethnic groups has been reported, there appeared to be tensions among these different groups. The Tembisa Community Police Forum (CPF) Chairperson also confirmed that there is tribalism in Madelakufa 2 and that "Xhosas feel they are running the show" (see Misago et al, 2010: 84). The main political party is the African National Congress (ANC) but there are members of other political parties like the Inkatha Freedom Party (IFP), United Democratic Movement (UDM), African Peoples' Convention (APC), The Azanian People's Organisation (AZAPO) and the Democratic Alliance (DA).

Interestingly, Mozambicans are reported to be among the people who started the settlement. However Zimbabweans who started moving into the area in the past seven years constitute a sizable group, they are said to be the majority of the foreigner group in the area. Foreign nationals had been living in this area for a long time and many had South African spouses or partners. Foreigners are mostly accused of having relatively easy access to some public

services such as schools and clinics. Most residents expressed negative perceptions and attitudes towards non-nationals living in the area. They perceive foreign nationals as criminals, illegal, corrupt and ill-mannered.

South African residents spoke of foreign nationals as people coming from other countries. However, the Xhosa majority group in the area claimed autochthony and ownership of the space and have treated other South African minority groups as foreign nationals. Asked who is a foreigner in the area, a South African man said: “It is someone from outside the country. But in this case, we as Pedis are treated like foreigners, we are now even afraid of mixing with Xhosas” (see Misago et al, 2010: 84).

b.) Alexandra

Alexandra was established in 1912; in that same year it was proclaimed as a "native township" or native reserve. Sarakinsky (1984: 2) observes that, because the area was established before 1913, “Alexandra was excluded from the general provisions of the 1913 ‘Native Land’ Act and it was one of the few urban areas in the country where black people could own land. However, when the National Party came into power in 1948 and started implementing its apartheid policy, Alexandra was put under the direct control of the then Department of Native Affairs.

It is situated on the banks of the Jukskei River. The township is located about 16 km from Johannesburg Central Business District (CBD) and shares close proximity to South Africa’s financial centre, Sandton. The township covers an area of more than 8 km² and has an estimated population of 470,000 people. In addition to its original, reasonably well-built houses, it also has a large number (estimated at more than 20,000) of informal dwellings or "shacks". Nieftagodien (2008: 68) holds that, the township is hugely overcrowded with 81 % of the population crammed into the 2km sq. of old Alexandra. He goes further that the vast

majority live in 74, 000 informal structures of which 34, 000 are shacks. Misago, Monson, Polzer and Landau (2010: 48) add that Alexandra residents "occupy 8,500 formal houses, three hostel complexes, 2,500 flats and numerous old factories and buildings."

The township is typified by high population density and growth rates, elevated levels of unemployment, an age profile skewed towards younger age categories, relatively low levels of education, and low monthly household incomes. Nieftagodien (2008: 68) argues that unemployment is especially high at 29 %, while 71 % of the employed work in unskilled and semi-skilled jobs. As such, income levels are low, with 20 % of households earning less than R1, 000 per month. Crime also presents itself as an alternative means of survival among the marginalised and at-risk youth who are mostly uneducated.

The age distribution of the area shows that "most of the population is in the age group 17-35, and (70%) are under 35 with an overall average age of 23 years." (Misago et al, 2010: 49). Much of the township does not have access to public services and utilities such as electricity, water, gas, proper sewage, drainage systems and the roads are poorly maintained. Accommodation is also a major challenge in this area. The demographics of the area shows the area is culturally mixed. Data from the 2001 Census Report shows that Alexandra is mostly black (87%) with white (11%), Indian (1%) and coloured populations (1%). The Census data also indicates that the demographic composition covering the major ethnic group of the black population is as follows: Zulu (30%), Northern Sotho/Pedi (26%), Tswana (12%) and Xhosa (10%). The Centre for Development and Enterprise- CDE (2008) estimated the number of foreigners in Johannesburg to be 14% of the City's population amounting to about 500 000 people, while the Community Survey estimated the number to be 13.2% or 300 000 (Statistics South Africa, 2007). Interestingly CDE argues that Alexandra has the least number of foreigners, with South Africans 97 % and non-South Africans 3 % (CDE, 2008).

Alexandra has a long history of political unrest and organised and criminal violence including xenophobia and violent exclusion of foreign nationals (Misago et al, 2010: 49). This violence was reported back in December 1994, January 1995, May 1997 and 2000- during the occupation of flats on the East Bank (see Nieftagodien, 2008: 73). Historically, the township is popular for various protests like bus boycotts, taxi violence, protests over service delivery, political protests and protests against migrants. However the xenophobic violence of 2008 mostly affected Sector 2 of Alexandra and this is where the majority of the respondents in this study are located.

Area affected by the May 2008 xenophobic violence

The area most affected is Sector 2. It is one of the 6 Community Policing Forum (CPF) Sectors of Alexandra Township. It extends from 1st to 7th Avenue and overlaps between two council wards (1-5 avenues fall under Ward 75, and 6-7 avenues fall under Ward 76) because CPF Sectors do not match the usual administrative demarcations (Misago et al, 2010: 50). It is located next to the Madala and Nobuhle hostels. The housing pattern in this area is mixed and includes bond houses, RDP houses, hostels and shacks. There is free communal tap water and prepaid electricity in this area. However, there seems to be no effective rubbish collection service, as refuse was seen littered on the roads. The shacks are densely congested. The area has a clinic, a community centre, a public library, a sports ground, a nearby police station and some schools.

This Sector is largely populated by Zulus from KwaZulu-Natal but has a host of other ethnic groups like Xhosas, Pedis, Shangaans, Tswanas, etc. The hostels have almost exclusively Zulu residents, many of whom are IFP members (Misago et al, 2010: 49). There are also members of other political parties like the African National Congress (ANC) in the area as well. This area has been home to a significant number of international migrants, particularly

from Zimbabwe, Mozambique and Malawi. There are also other foreign shop owners 'Spaza' like the Somalis and Pakistanis. Foreigners in this area are mostly blamed for the increase in crime, lack of social amenities (housing especially), inability to operate a profitable business and the lack of jobs. One respondent in the Misago et al (2010: 50) opines, "…we do not have jobs because of them. They are more than us here in South Africa." Stemming from the general opinion that foreigners are a drain in the community.

In addition to the general challenges of poverty, unemployment and poor service delivery faced by many residents of greater Alexandra, Sector 2 is particularly known for its high crime rates and political violence. The area has been nicknamed 'Beirut' due to a lot of conflicts between ANC and IFP in the early Nineties (Misago et al, 2010: 50). Misago et al also show that according to respondents, the fighting resulted in Zulu-speaking IFP supporters removing ANC supporters and other ethnic groups from the area in 1993-4. The removed groups went on to settle in other parts of the township such as Sector 5/ Setswetla, an area reported not to be affected by 2008 xenophobic attacks (see Misago et al, 2008; Misago et al, 2010: 50).

The maps in appendix A give a pictorial description of the two communities- Tembisa and Alexandra. Figure 1 shows the surrounding areas from which blacks were moved to Tembisa i.e. Alexandra, Edenvale, Kempton Park, Midrand and Germiston. Figure 2 shows some sections covered in this study in Tembisa like; Umthambeka, Umfayaneni, Endayini and Umnonjeni while figure 3 provides an aerial photograph of Madelakufa 2 - a squatter camp and the area most affected by the 2008 violence. Lastly, figure 4 presents the map of Alexandra and the area most affected by the xenophobic violence - Section 2. These maps are meant to give a geographical understanding of the areas under study in this dissertation.

2.5 ETHICAL CONSIDERATION

Taking into cognizance the critical role ethics plays to produce any meaningful contribution to this research; high ethical standard was of paramount importance to produce quality research and to protect myself and participants from victimization, guilt or trauma from the previous experience. All participants were informed of the nature of the study; participation was strictly voluntary. All participants were also informed that there was no reward for participation. On that basis participants were allowed to terminate their involvement at any point during the research. Interestingly, no respondent called it off. Although some respondents thought I was a journalist (since I had a voice-recorder and note pad), they used the opportunity to express their frustration of continuous air play the media gives to them with no concrete actions or changes. However, when I made it abundantly clear that I was a student; they were even more willing to partake.

After verbally explaining the nature of the study, verbal consent was obtained before every interview began outlining the rights of every participant. In particular, the right to refuse interview being recorded, the right to anonymity, the right to refuse to answer questions that were sensitive, the right to withdraw from the interview at anytime, the right to review quotes used in research. Despite the caveat, many respondents expressed their involvement or approval of the attacks. In some cases they expressed dislike for the xenophobic violence but not necessarily being remorseful. Though this made me uncomfortable, I was conscious that the 'interest' in my research findings was their willingness to bear out their minds freely.

The major challenge relates to the subject of study. This study needed to balance the objective of answering the research question while avoiding to be seen as 'naming and shaming' those who would have participated in such violence if stumbled upon during the sampling and interview. Since the aim of this research was not an attempt to expose or point

accusing fingers at the 'perpetrators or community' but rather to better understand their perception of the rights of outsiders, this was stated clearly to all those who were involved in the research to attain transparency and diffuse any form of suspicion.

I did not particularly come across any individual expressing trauma or discomfort caused by the interview. Rather I came across people who were unwilling to talk due to the fact that they were still afraid that they would be victimized by people of the dominant ethnic group, and some still felt uneasy about the whole event that happened or were afraid or suspicious that they might be discovered as participants in the xenophobic attacks.

Another concern was the potential risk of attack by locals due to my nationality (I am Nigerian). Nigerians are not known to have an enviable reputation in South Africa, more so in local communities. This was greatly minimized by avoiding dodgy or shady places and not remaining in the community till very late. I made use of a research assistant/interpreter who lives in Tembisa and was willing to introduce me to the community and as well as inform me of security risks. In Alexandra, the same research assistant worked with me, although I made contact with some people in the community ACMS has previously worked with on other projects or people other researchers have worked with in Alexandra.

a.) Confidentiality, Anonymity and Storage of Data

Although full anonymity could not be guaranteed, due to the fact that the selection process was through convenience sampling and my presence as a researcher in these communities was obvious. The confidentiality of the each interviewee (except for the focus group) was ensured each time before an interview, by choosing homes and closed locations rather than public places. In addition to this, the anonymity of interviewees was fully guaranteed through coding of the interviews and blurring of contextual references in the dissertation and potential publications. This was explained to all participants involved and recordings were replayed for

respondents who wanted to verify their statements. Finally, interview tapes and notes have been stored away in a secure place.

b.) Limitation of Study

There were a host of potential and real limitations that confronted this study. One major challenge was the researcher as a foreigner. There was the difficulty in understanding the local language. Here I made use of an interpreter to help me effectively communicate with the locals and translate discussions and interviews. Being a Nigerian, I could not comfortably ask particular questions about foreigners since I was a foreigner to. Some respondents when talking about the 'harm' foreigners were causing in the township or country readily mentioned how Nigerians drug dealing has affected the country. This particularly made me uncomfortable, in some cases trying not to be seen as defending such stereotypes to the ire of the respondent.

Another challenge was in the translation and transcription. Since English was not a popular language in the townships, most of the interviews were done in vernacular to make the respondents comfortable to express themselves. This took a longer time getting to translate and transcribe *to and fro*.

Other constraints relate to time frame and a very limited budget. These were limiting factors that could not allow for a larger sample, longer length of time to observe certain attitudes or meet some other community leaders and members of these communities. Due to the short time frame, I was unable to include other communities affected by xenophobia outside Gauteng province. This would have been especially useful to reach a more general conclusion of the various trends and forms of exclusion of foreigners in communities across South Africa.

CHAPTER 3: DEFINING THE CONTOURS OF OUTSIDERS' RIGHTS: NORMS, PERCEPTIONS AND EVERYDAY INTERACTIONS

3.0 INTRODUCTION

This third chapter is one of the two chapters (the other being the following chapter 4) that thematically present and analyze the key findings of the study. This chapter specifically discusses the community's understanding of the rights of outsiders, the role of the government in shaping rights perceptions and the forms of differences made in communities in relation to outsiders.

The understanding of the rights of the 'other' has been one of the most contentious issues in South African urban history (Nieftagodien, 2008; Crush et al, 2008; Nyamnjoh, 2005; Reitzes, 1995). While, on the one hand, foreigners, migrants, refugees and asylum seekers are constantly faced with the challenge of trying to claim or assert their rights in the new society, citizens, on the other hand, are at the crossroads of the challenge of what rights the host community owes them (Holaday, 2010; Crush et al, 2008). This tussle basically determines how much of 'rights' insiders are able to allow outsiders claim in the host community. This is not to suggest that outsiders do not have rights prescribed in the new society and entrenched in the constitution, rather the study observes that the understanding of the 'rights' of the 'other' is different at the micro level. The study also observes that this differential in enforcing the rights framework at the local level is owing to some intervening factors like ignorance, low level of education, poverty, social and economic status, historical antecedents (apartheid), language difference and a strong sense of ethnicity and nationality (see Misago et al, 2009; Nyamnjoh, 2005).

As Herbst (2000: 232) opines "in Africa, ethnic identity runs thicker than national citizenship…" Respondent **T1M** living in Tembisa says of the presence of foreigners in the community, "we get along but it's not normal". For this respondent, 'normal' could mean

his historical understanding of the 'other' helped on by South Africa's history of segregation. It also relates to the effects of migration in the modern society occasioned by high mobility and an increasing multi-ethnic and multi-cultural community, for which many people are unwilling to cope with. Following from this, what rights do outsiders have or what informs the understanding of outsiders' rights in the communities under study?

3.1 What Rights Do Outsiders Have? - A Communities' Understanding

Many of the respondents in this study claimed to be familiar with the rights of outsiders in the country. Some are aware of the presence of foreigners in both communities but just a few are friends with them. This distancing of foreigners in these townships (Tembisa and Alexandra), in most cases emphasises the 'otherness' of the outsider. It is safe to reiterate that the broader category of outsiders in this study refers to South Africans of minority ethnic groups and non-South Africans. This research observes that although South Africans of minority ethnic groups are still discriminated against, much more of the dislike is directed to foreigners. Respondent **A3M**, a male in Alexandra asserts "I am not feeling alright with foreigners".

Similarly, respondent **T2M** in Tembisa states, on the rights of outsiders to belong to the community:

> *No we are not the same; we are just not the same. These people do their own thing. Outsiders group themselves together and they sometimes want to interact with us when it suites them. Zimbabweans, foreigners do not belong here. They must go back to where ever they are from and vote there. When elections occur in their countries it is irritating that they must travel from here to their place of birth to vote when they can just stay there permanently… They must go back as well!*

For respondent **T2M**, belonging means being permanent in a place and to be able to participate in the socio-political life of that community for instance being able vote there. It

also relates to the foreigner/outsiders unwillingness to interact or group with other member of the community. For him such interactions or grouping should not be done at convenience nor should it be based on ethnic or national affiliations. Remarkably this form of social interaction along ethnic or national lines is not only limited to foreigners, even South Africans of minority ethnic groups are observed in this study to be interacting in the same manner. For respondent **T2M**, "Pedis group themselves together and other groups hang around together too, they group themselves according to place of origin Pedis, Zulus, Vendas". In essence such forms of social interactions foster difference in the community not just among ethnic groups but also nationalities.

The call for a dismantling of ethnic barriers in South Africa is rooted in the need for creating a post-apartheid national identity (Haupt, 2010). The study observes that as part of apartheid's policy of spatial segregation, black South Africans who were resettled in 'homelands', were further structured into living and attending schools according to ethnic affiliations. Apparently this sense of ethnic division still exists in both communities, though it is observed to be blurring out slowly. Nonetheless there is still a deep sense of hierarchy of belonging and entitlement among South Africans in both communities. Respondent **A4M**, a Zulu male living in Alexandra opines that "no, foreigners and South Africans are not the same. Foreigners do not belong here in the same way like South Africans".

What makes this finding intriguing is the fact that Johannesburg and Ekurhuleni are seen or known as migrant areas populated mainly by local and cross-border migrants. Although there is the possibility of a few 'autochthons' or natives living in these communities, most of the respondents encountered in this study were internal migrants. More so, the respondents were not born in their present location but only moved there, for some in the last twenty years.

Intriguingly, some ethnic groups in both townships have risen through the ranks to assert 'more' claim to belonging and entitlement over other South African ethnic groups and foreigners. Members of these 'dominant' ethnic groups in both communities are seen to assume the duty of determining who has right to the urban space. This respondent who is Xhosa living in Tembisa claimed during the focus group discussion: "You see this one (*pointing to his friend*) he is Venda, he is from there Venda but we are able to sit with him."

Another respondent who is also Xhosa in the focus group shows the depth of ethnic division in the township, "Pedis are right and wrong: they are wrong because at work places they act as spies for our employers". For another respondent also in the focus group: "I have never worked with Pedis before but from what I have heard they do not like people who speak a different language to theirs…" Still another respondent in the focus group says about the Pedis, "they are ridiculous because...basically they 'discriminate', they behave as if they own *Jozi* (a short name for Johannesburg)". Notably, the observation during the focus group discussion is the fact that when asked about what difference was made about people who speak a different language, the immediate retort by one of the participant was, "even Shangaans"! Firstly, this statement shows that people of minority ethnic groups have not been fully accepted in the society. It also goes to show the continued discrimination in the community based on a sense hierarchy of belonging centered on ethnicity, then nationality.

Such heightened sense of discrimination in these townships, is probably partially bred from primary schools were learners are grouped into ethnic groups for learning purposes. There are primary schools for Zulus only in Alexandra and in Tembisa there are schools for certain ethnic groups only. According to respondent **A8M**, a young Pedi man living in Alexandra, "you find in high schools that the Zulus want to dominate, despite the fact that the school is a

mixed ethnic school". He reveals that Zulu is the 'preferred' language of communication and learning. This Pedi respondent in Alexandra says "when I speak Sepedi they laugh at me".

Consequently, the study observes that speaking the 'right' language which is either Xhosa or Zulu in respective communities is a major factor for acceptance. It is observed that both communities are sectioned around ethnic identities with the 'majority' ethnic group like Zulus in Alexandra and Xhosas in Tembisa dominating in many aspects. To gain acceptance in Alexandra even as a South African citizen, you have to speak Zulu. This corroborates the findings in most of the studies done around the 2008 xenophobic violence (Holaday, 2010; Misago et al, 2009; HSRC, 2008). Evidently one of the criteria for belonging used during that attack was the knowledge of the Zulu word for 'elbow', which guaranteed one's approval in the community. Not so much about the South African identity book, not nationality, not legal status of migrant!

English or any other language apart from Xhosa and Zulu in Tembisa and Alexandra respectively is an obvious indicator of outsider status (Holaday, 2010). For respondent **T5M**, the ability to speak a language and be understood gives you a sense of belonging and entitlement. He states: "everyone is the same to me as long as we understand each other when communicating." This was particularly evident when I was commuting with public transportation to the research sites; my inability to speak Zulu made me an obvious outsider. When asked a question during one of my several trips and I was unable to respond, sometimes it would attract looks and jeers from other passengers which made me rather uncomfortable.

Ironically, Zulu is not the most popular language in Tembisa but it is often used as a medium of communication in taxi parks. The South African language spoken in a particular locality becomes a major determinant for classification of insider or outsider, where one is not

understood, you are instantly cast as an outsider. Respondent **T7M**, a male lawyer living in Tembisa, attests to the role language plays as a form of identity for the individual in the community:

> *Dissent comes from there; we can't speak the same language that is why they say Amakwerekwere. Because they (South Africans) are saying when these people are speaking among each other, all you hear is kwere kwere. You cannot make out the dialect, whether it is closer to Sotho or closer to Zulu or closer to any of our languages that we speak in South Africa. That's why they call them that.*

This is not essentially particular to South Africa, in most communities around the world ability to speak the local language 'guarantees' a form of acceptance. Similarly, language can be a form of shared identity and solidarity among people of different nationalities as Polzer (2004) shows in her study of Mozambican migrants in rural South Africa. Respondent **T7M** typifies this shared identity; "The Shona Zimbabweans are not liked that much because of the language...but the Ndebele Zimbabweans are mostly accepted because of their relations with the Zulus which is a dominant group here in South Africa, so you find that they are acceptable." For this same respondent **T7M**, "others find it easy for instance; a person from Botswana will not be treated the same as a person from the Shona, Zimbabwe".

Some other respondents claim a form of shared identity in the sense of being human and in the colour of the skin. Compare the comments from these respondents in both communities:

> *They are people like you and I, if the person is cut they will bleed red blood like you and me and they suffer here in South Africa (**Respondent A5M**)*
>
> *I am associated with black persons of which I feel I belong when I'm with black people, even with whatever language they speak (**Respondent A2M**).*

*I am not different from them in anyway, they are human and deserve to live, they are here for the same opportunities as myself so that they can support their families. We all have the same problems (**Respondent T4M**)*

For respondent **T6M**, a young male living in Tembisa, our shared identity comes from the fact that everyone is a creation of God; as such God alone has the authority to exclude. For this respondent: "We are all the same, we were all created by God and we have the same needs, there is no one who is better than the other. There is no such thing as an outsider or insider, no, no, no!"

Another form of shared identity that guarantees acceptance is the belief that migrants and citizens are 'running the same race' to gain a better life. It is an identity shared as being the 'oppressed' as against the oppressor. For respondent **A1M**, a male living in Alexandra "we are here [Johannesburg] to get employment and money as they [foreigners] are unable to attain the above mentioned in their native lands. People don't cross borders for nothing".

However, one major factor that contributes to the discrimination as opined by some respondents is the perception that foreigners are given better treatment over South Africans by the government. Hence the foreigner is seen as depriving the insider of enjoying the benefits of a democratically free South Africa (Hlobo, 2010). For these South Africans, the fact that foreigners have money and can bribe the 'authority' makes them gain access to amenities that the insider cannot and will ordinarily not be able to access. This is a major source of discomfort in the township.

*"…you see these structures that these **people from outside** that they are building. If I can do that being a South African it will be destroyed. But they are allowed to build structures like that. That tuck shop [he points to one of the houses], I think they have more privilege because if I can do that they will destroy it. That is an informal structure if you can look at it, and we have rules and regulations here.*

> *You cannot build such an informal structure in a community and make a spaza shop there and there is another one 100 meters away, there is another one 50 meters away, you can't do that. (emphasis added,* ***Respondent T4M****).*

The belief that foreigners are gaining more rights than South Africans is one of the major reasons why South Africans are trying to exclude foreigners to regain the rights perceived to be 'stolen' by foreigners. This goes with the idea that there is an influx of foreigners in the township which has occasioned the proliferation of 'illegality' in housing and business structures. Foreigners are perceived as gradually taking the reins of power and taking over the township. For respondent **T3M** in Tembisa, "Nowadays most of the people who lived here have moved out. We are left with *I'm sorry to say foreigners* (*emphasis added*)… I mean the community it's not happy it's not only me, everywhere people are not happy about this". He goes further:

> *I mean our people, our spaza shops they have closed down because of these people. I mean they, to my perception are bringing down the person. The people they found here are going to be more poor in future.*
>
> *But now they are too much they must move out. They must move out, so there can be space for people to start. There is no space. They are in every corner. There is no room for people here they have taken every corner.*

For this respondent, for South Africans to start actualizing their potentials, foreigners have to be evicted. The proffered solution is for foreigners to leave the communities so locals can have space to develop themselves individually and as a community. Although most respondents in the study will not explicitly support another xenophobic attack, such mobilizations to exclude for respondent **T3M**: "must be done strategically."

There is also the perception among South Africans in both townships that the government is not giving due recognition to South Africans. This claim is based on the widespread rhetoric

that there is a stiff competition for scarce resources in terms of housing and employment between migrants and South Africans. Many South Africans argue that the government should give citizens first priority before thinking or talking about foreigners. For respondent **T6F**, a female respondent in Tembisa, "firstly the government must prioritise the South African citizens then after it can give them [foreigners] houses". This understanding of entitlement based on insider status is prevalent. For respondent **T5M,** a young male in Tembisa**:**

> *But if you can look, it has been four to five terms matriculates have been. We have got plenty standard 10's who are sitting doing nothing and when I'm talking four to five terms I'm talking of the term of government, the president in government. All these standard 10's have been passing and passing and the ratio as I look only 10% are successful so the 90% are still here without jobs.*

Interestingly migrants/foreigners are allowed to belong to associations or stokvels within both townships provided they are able to meet their financial commitment as members. For purpose of clarification, a stokvel is a club serving as rotating credit union, where members contribute fixed sums of money to a central fund on a weekly, fortnightly or monthly basis for specific individual purposes. Each month a different member collects the money from the fund, which was contributed during the prescribed period. This point is specifically not clear, especially for those kinds of associations or societies that are structured based on ethnicity. Nevertheless, the study observes that the perception of entitlement and belonging in both communities is in line with a sense of hierarchy of rights and access to social and political participation based on ethnic and national affiliations and identities.

3.2 Perpetuating the Discrimination in Society: The Role of the Government in Shaping Rights' Perception

Many of the respondents in both communities argued that the government is partly responsible for the continuing discrimination in the society. Most agreed that many South

Africans are ignorant of the law. Another factor observed is the inability of most South Africans to differentiate the types of migrants (i.e. asylum seekers, refugees, tourists, economic migrants, etc) and to know what rights are accruable to them. As Segatti (2011) observes the presence of foreigners in South Africa is regulated by the Refugees Act (**N°130 of 1998**) and the Immigration Act (**N°13 of 2002**) and amendment.

Regardless of the formal rights framework, many of the respondents expressed a general sense of dissatisfaction about government's inability to conscientize the masses and with the manner they handled the conflict in 2008. The HRSC (2008) findings confirmed that respondents were particularly concerned (or unhappy) about: the ineffective communication and/or engagement with the local population around the violence and its underlying causes; the insufficient pace and processing of service delivery as contributing to tensions; and more directly perceived corruption and impropriety of government officials in their dealings with foreign nationals.

One major factor contributing to the glaring ignorance of the law as respondent **T7M**, a male lawyer living in Tembisa remarked:

> *Despite the weighty nature of xenophobia in the country, the government cannot take at least five minutes during the 'state of the nation' address to enlighten people about the rights of migrants in the country; they just pretend that it does not exist. The president of the country has never given himself time during his state of the nation address, during his public appearances to specifically bring out the issue of xenophobia. Single it out and explain it in details (interjection)… you see, so they-(South Africans) feel betrayal from the main political party. The ANC in trying to address the xenophobic issue came up with a statement, a very beautiful statement saying we will need to start-up a political school and educate people, they haven't to this day. People are saying where is the political school? Nothing! So they vent their frustration on foreigners via xenophobic activities.*

For this respondent, attempts by government to simply gloss over the issues of xenophobia, rights of outsiders etc, has led to unimaginable consequences for migrants and foreigners. Consider the following comments:

> *Political parties are failing to address xenophobia properly. Political parties deal with it as if it is something in passing; they never actually sat down or educated people to explain what it means for foreign nationals to be here or what it means if we send out a xenophobic message… I mean they only criticise it without finding the real, true facts about it. They just criticise, no don't be xenophobic and they leave it at that. But there is never being an inter-departmental (interjection). When there are situations in South Africa we are used to commissions of enquiry being appointed, we are used to have committees formed by the president to say I have an inter-departmental committee comprising of ministers who will look into the situation in Zimbabwe, why elections are not running smooth. We have an interdepartmental committee on… you know? But never an inter-departmental committee on xenophobia, never, never an imbizo, specifically and tailor-made-for xenophobia, to educate South Africans… (Respondent* **T7M** *in Tembisa)*

> *In my opinion, I see government at fault; they have a responsibility to let us know how they expect us to live with other people (foreigners) in line with the constitution. They should teach us that violence is not a solution, we should sit together and resolve our problems, and when we are facing problems, they should attend to us in time (Respondent* ***T4M*** *in Tembisa).*

> *I want to stress that this type of things are related with government policies, the manner in which they relate to people "from the grass root". The people are poor and they have need from the government then they use xenophobia as a means for solution which is not. The government must interact with the people and understand their needs and fulfill them according to the people's demand (Respondent* ***A5M*** *in Alexandra).*

Some other respondents believe the government betrayed them by not giving them the 'right' direction. He argues that South Africans have been groomed in a way that they take orders from their leaders and things are done based on majoritarian decisions. For respondent **A1M**:

> *If the majority or the leaders have made a certain decision, the community is forced to be in line with that decision that they have made, like maybe if they said they were mobilizing. Cause I mean, that is how we used to handle issues here in South Africa remember during apartheid if a decision was made by community leaders you were forced to be in line with that and do what has been said that is how is works.*

The Human Sciences Research Council (HSRC, 2008) similarly observed respondents' concern over government's shoddy communication with residents about the attacks. Some respondents hold that government had talked past communities on the issue of foreign nationals, instead of engaging residents directly about their concerns. One respondent opines; "The government officials must come down to the people ask what is wrong…instead of come up with words: they are going nowhere, 'they are here to stay'. Comments like this can only breed animosity and further widen the gap between 'us' and 'them' (HSRC, 2008: 28).

For some of the respondents, the immediate challenge is dealing with poverty and lack of social amenities. As Ake (1987) argues, rights are sociologically specific. He goes further, "socio-economic rights appeal to people with a full stomach who can now afford to pursue the more esoteric aspects of self-fulfilment (1987:5)." Obviously, the vast majority of people in these two communities under study are not in this position. Ake (1987) argues that the 'poor' have little or no time for reflection and hardly any use for free speech or any other freedom at that. They have little interesting choice for there is no choice in ignorance.

The spate of service delivery violent protests has been a major concern in most local areas around South Africa and particularly in the communities under study (see for example Misago, Monson and Landau (2009), Gelb (2008), Nieftagodien (2008, 2011)). The major issue for most respondents is the perception that government is providing services to

foreigners while 'deserving' insiders are unable to have them. Respondent **T7M** living in Tembisa observes:

> *There was a disaster in 2009/2008 (sic), when they were putting tents. South Africa went an extra mile, within the space of a week- there were tents that were put there. Within the space of a week, there was sanitation, there was everything. Now it comes back to the issue of service delivery. If you can be so quick to deliver a service for this people who are not paying for them, why are you so slow? So then, the question was, why are you leaving us-(South Africans) out?*

This point shows that insiders are of the opinion that outsiders/foreigners are getting more privilege than South Africans; this is a thorny subject in the insider/outsider relations in both communities.

Another contributing factor in the discrimination of outsiders is seen in the competition for scarce resources and the government's underestimation or lack of projection of the foreigners that could come into the country post-apartheid. The Southern African Migration Project (SAMP, 2001) report for instance, highlighted the 'unpreparedness' of South Africa to cope with migrants and foreigners. The report indicates that between 1996 and 2000, government offered generous amnesties to longstanding contract workers, undocumented migrants and ex-Mozambican refugees. About 350,000 people benefited from this effort. This study particularly observes that South Africans still hold such sentiments in these two townships about government's unpreparedness. Many of the respondents believe migrants impact South Africa negatively, in terms of increase in crime, threat to jobs and the economy and increase in disease. As such some of these respondents are in support of 'better' migration management. Consider the following from respondent **T7M**, a male lawyer living in Tembisa**:**

…when Mandela announced that thing- asylum for migrants in the country, instead of him coming back to South Africans to say, when I say free movement of the people, I mean this and this and this and this. No he didn't, he just said free movement then there was the influx. In 1995/1996- I can't recall, he gave all foreign nationals who were here free access to ID documentation that sent a wrong message to both South Africans and the people who were wishing to come here.

He also switched off the fence that separate South Africans from the rest of Africa. They switched it off, you got people coming in streamily, I mean it was funny, every day when you watch the news, you will see people crossing, literally crossing the fence, just running over and they will cross and they became arrogant. Some of them will be arrested, deported and they will announce am back here tomorrow. You see and nothing will be done. So they will cross, get arrested, sent back, come back.

Respondent **T5M**, a male living in Tembisa opines in a similar vein:

I think that the government must regulate the number of people that come in the country, so that not everyone who feels like coming in the country could. This brings South Africa a lot of problems like crime, increased population, when the population is dense it results in diseases and work opportunities are scarce because they get paid low salaries and this makes us uncomfortable not because I hate them. I understand that they came here seeking opportunities. There should be a regulation of "immigrants".

Many respondents also blame the government over the 'porous' nature of the borders and for the ineffective control of migration to South Africa. For some of the respondents, the xenophobic attack was as a result of government's inability/unwillingness to control the South African borders. It was also meant to be a 'clear' message to the government and migrants about the discontent of community members on the issue. For most respondents, the presence of migrants is viewed as making harder the competition for already scare resources. Consider the remarks of these respondents **T7M**, a male lawyer living in Tembisa:

Xenophobia is fuelled from a number of perspectives one perspective is our borders are open; it's free for all I mean you could walk in and walk out. I mean one border I could make an example with is the border between South African and Lesotho; you know you can cross the border like (Snaps finger). Make a phone call, cross it with no hustle so some of them come in with the excuse of making a phone call and then there is 15km between the capital city of Lesotho and the main highway that connects so you could walk, there are no securities, its relaxed. So the border between Swaziland there are two to three borders ... also they are very relaxed, that's also where most of the Pakistanis enter via Swaziland, there it is easy and the most strictest would be your Limpopo-Zimbabwe border because they are not using legal stuff they are using (interjection), you see.

Similarly, **T5M**, a young male living in Tembisa opines:

…*to be frank I think that our government have made a big mistake. If you remember when South Africa got independence it was 1994, that is when the problem started because once you...your borders then you allow anyone to enter, there is no control. The more you don't have control, the more difficult it will be to even control your own people now. If you remember things before were regulated. We used to know what's going to happen when and how but now we don't know what happening. We just see things happening and we are still figuring out how, why? And no one is giving an answer in such a way that even yourself you are a student at Wits but you don't have any guarantee any certainty that after you finish your degree/diploma you will get job because there are things that have put pressure on all our systems.*

Some other respondents have also accused the government of fraud which enables outsiders to gain access to 'limited' social amenities in the country. This advantage of foreigners over South Africans, the study observes is one of the major causes of xenophobia. Respondent **T2M** decries "*there is a lot of fraud within the system. Officials sell houses to people who did not register or even qualify to get a RDP house".* When asked, if he feels foreigners are part

of the community and having 'equal' rights as members. For this respondent, "they are but there are things that do not rest well with me not because I hate them". He also agrees that they should not be taken out of the houses but there should be a prioritizing of the needs of South Africans before anybody else is considered:

> *No they should not be taken out of the houses, there has to be a right policy from the government. I will make an example if 50 houses (RDP) come out they should give 5% to non South Africans and the rest should be given to South Africans.*

This understanding of superior right for citizens over foreigners is what Neocosmos (2008) refers to as entitlement based on 'indigeneity'. For respondent **T2M**, this type of sharing formula is justified on the belief that the benefits of acquiring resources, jobs and all the other socio-economic opportunities must give priority consideration to natives before foreigners. Such argument if pushed further will necessarily lead to the discourse on who is more entitled as well as what parameters to use in judging entitlement. Such parameters will revolve around questions like, should entitlement be based on legal identity, nativism or ethnicity?

In the same vein, the study observes that outsiders are excluded from the South African urban space on the belief that they are a strain on the community. It also shows that the communities' general perception about foreigners is given vent by the perceived 'failure' of the government in defining and enlightening the public on the rights of foreigners. This has led to ignorance on the part of insiders and increased suffering for outsiders. This tardiness on the part of government to address the understanding of rights of foreigners will continue to encourage discrimination by government officials, police, schools, employers etc. Xenophobia and the violent reactions by citizens will lead to the 'destruction' of the already insufficient amenities in the township will always slow the pace of development in local

communities. This adversely affects the livelihoods of those considered as outsiders and the overall progress of insiders.

3.3 How is Difference Made?

The discourse on difference has been one of the most distinguishing yardsticks of exclusion in South Africa, following apartheid's policy of segregation where difference was made based on race. This study observes that the discourse on difference has been 'expanded' to include distinctions made based on language, physical appearance, nationality, ethnicity and race. And each of these differences carries with it varying perceptions of entitlement and belonging. For example respondent **T2F**, a female living in Tembisa, draws on the difference made between foreigner and citizen in the township as having the 'South African characteristics'. She states:

> *Even though we may not be born in the same place we have South African characteristics from the hospital when we were born we acquired South African characteristics you see this (drawing her shirt up and showing me a mark on her arm), this is a South African mark those who know it can confirm that.*

For the respondent above, people with such marks can lay claims to equal rights and entitlement in South Africa than foreigners. In other words, no South African marks, less rights!

This other respondent **A4M** living in Sector 2, Alexandra, draws on the sense of homogeneity in the community as form of identity formation. He says:

> *Remember communities know themselves. They have got their own..., most especially in townships in urban areas. They have got their own systems of living. As such communities are able to determine a person, if he is able to conform to the 'system of living'- culture, practice and language.*

This statement becomes particularly informative because those South Africans attacked during the violence could probably have been perceived as 'not conforming to the system of living'; as such they were categorized as outsiders.

This point also partly explains why people from some neighbouring countries were spared from the attacks. Blacks from neighbouring countries were seen as 'conforming to the system of living', for instance people from Botswana, Lesotho and Swaziland because of the sense of shared culture and identity. However, this does not fully explain why whites were not attacked during the violence but people of South Asian origin were. For Landau (2010) 'negrophobia' cannot also explain the regular attacks on Chinese and South Asians. Nor does it help us understand why citizens of Swaziland and Lesotho were left alone and some South Africans targeted.

Underpinning the discourse of difference is the hierarchical perception of belonging of outsiders. The study observes that 'white' foreigners are seen to have 'more rights' than black foreigners. Such racial distinction for instance is based on the belief that white foreigners have more economic capital as such they are not so much a threat to the society. This could also partly account for the reason why white foreigners were not attacked during the xenophobic violence. Observe the following comments:

> *Xenophobia is someone (sic) from outside the country, but you won't call a white person 'kwerekwere' that is what kills us black people. We care about what you have; you won't be friends with a man who does not have money (Focus Group, Tembisa).*
>
> *There is xenophobia, you may be a white man from the US and be xenophobic but we won't tell you in South Africa because you have money (Respondent **A6M**, Alexandra).*

You have a black man as your neighbour and you call him xenophobia and I beat him up because he is black? A person from Portugal comes here and starts a business, why can't I kick him out? But I kick out my neighbour who is starving (Focus Group, Tembisa).

On the other hand, some respondents believe foreigners' are being unfairly discriminated against and disliked because they are willing to work for little pay and are ready to eke out a living from selling petty things or doing menial jobs that most South Africans will not want to do. The willingness of foreigners to do menial jobs has exposed the 'laziness' of South Africans as some respondents attest to, this in turn has exacerbated the dislike of foreigners in both communities. For respondent **T7M**:

I think the main reason, because it was on TV, it was on radio, foreign nationals standing up and saying no, I have started my own little business, am selling on the side of the road, am selling sweets, why can't South Africans sell sweets? And in South Africa, selling on the side of the road was illegal, you wouldn't just put a stand, it was illegal...There was a sentiment spread by the foreign nationals that South Africans are lazy, you would hear on a show a foreigner saying South Africans are lazy they don't want to work, because they (foreigners) are providing cheap labour, because they are not responsible to paying anything. I mean when a foreign national comes to South Africa he does not bring his whole family…

For this female respondent **T2F** living in Tembisa, she acknowledges the opinion that South Africans are unwilling to work. Many South Africans do not want to work for 'little pay' but will rather castigate foreigner as stealing 'their' jobs. They admit that foreigners are becoming 'relevant' in the community and this is one reason for hatred and discrimination:

South Africans are very lazy you hear people say that because they have studied at universities they cannot be sweeping streets and selling things because they are not idiots, but non South Africans can do all sorts of jobs even if I ask them to sweep here (pointing to the ground) they will do it because they want the money. We South Africans cannot do it because we are concerned about gossip but when we see

*these people doing their own thing and making money we rob and kill them. We say they are taking our jobs (Respondent **T2F** in Tembisa).*

*They accept any kind of work that may be given to them even if it is a low paying job. They left and stopped selling we were struggling with runaways; we were struggling to find tomatoes and paraffin. We had money but did not know where to use it. We need them! (Respondent **T1F** in Tembisa).*

One participant in the focus group attests to the fact that doing such menial jobs was not the prerogative of South Africans. In other words, South Africans are entitled to better standard of living. He states:

You as a South African citizen, you would not buy apples and banana's sit at the corner and start selling you would not do that. But someone from Zimbabwe is able to do that". What is my girlfriend going to say when she sees me selling tomatoes? Five years later he (foreigner) will have two million from selling tomatoes. People from outside have talents and skills we don't have skills. Here in South Africa if you pass standard 10 you want to become a policemen. You see what I am saying?

One Pedi speaking man in Alexandra admits that discrimination is not only limited to foreign nationals but also affects South Africans who are not Zulus in that community. He claims that foreign business owners have been forced out of the area because they (insiders) would enter their shops and take their stock telling them that they are not South African. When quizzed on what he would do if people were being attacked, he says, "no, I would go back home (Limpopo) these people can kill you. They did not choose anymore if you are not Zulu you are the same as the foreigners to them. If you do not speak Zulu they can even take your house."

South Africa has been hailed for having a progressive and practical democracy which seeks to uphold the rights of all who live in it. However democracy can lead to tyranny where the majority does not allow freedom for to the minority. For instance, the fact that major ethnic

groups still discriminate against minority ethnic groups and foreigners in the country shows this imbalance in the community. The large presence of Zulus in Alexandra still makes people of other ethnic groups feel that Zulus are 'more entitled', even the Zulus feel this sense of deservingness. Although there are members of other ethnic groups in leadership positions in the community, Zulus remain the *Alpha Male*.

> *Let me tell you how things are, the truth is that Zulus instruct that is the truth and that is how it is. We want things to be done our way that is how it is... If it is not the 'Zulu way' there is going to be a problem. Besides living arrangement I can have a Pedi neighbour...they will be there but it will be "just passive". I will be the leader, "when it comes to voice I will dominate" I am Zulu I do not want to be questioned. (Respondent **A1M**, a young male living in Alexandra)*

Conversely some members of the focus group in Tembisa who are Xhosas have a certain dislike for Zulus generally. This shows the deep rooted nature of ethnic contestation and rivalry in both communities. Consider the views of these two respondents in the focus group: "No Zulu is boring, when Zulus want to say five rand they say five 'land' (laughing). Another opines, "they cannot pronounce R properly".

Interestingly the idea of insider becomes a fluid concept and changes as people migrate from one place to another. While Zulus carry the insider status in Alexandra, they can hardly claim that in Tembisa. On the other hand, a Xhosa person who is seen as an outsider because of language differences in Alexandra holds an insider status in Tembisa. This is an important observation because a foreigner who is regarded as an outsider before migrating to South Africa carried an insider status in his/her homeland. More so, a South African will also be seen as outsider when he/she migrates to another country. Hence the changing status of 'insiderness' carries with it the accumulating or shedding of certain rights and entitlements in a new community.

For this female respondent **T2F**, due to the fluidity of the insider/outsider status, it is unfair to make certain categories in order to exclude the 'other' from belonging: "I don't have any problem with that because even me myself I'm in South Africa beside violence or I'm a refugee or whatever it is, if I go to Zimbabwe today I'm still a foreigner. It's the same thing". This female respondent living in Tembisa adds, "we are all humans; even Mandela got married to Graça Machel (a Mozambican). Freedom got us together to unite although we may have different languages". Drawing on the acts of such a powerful figure gives justification for the inclusion of foreigners in the urban space regardless of what country they come from.

3.4 Conclusion

This chapter concludes that there is a gap in the understanding of rights of the 'other' in local communities different from the stipulation of the constitution. This chapter shows that difference and discrimination towards the 'other' is owing to the perceived threats by insiders towards outsiders. These perceptions the study observes have continued unabated due to the government's inability to take a stand, to educate and conscientize the citizenry on the rights of outsiders. The study also observes that such difference has continued to fester due to the historical antecedents of apartheid and a deep sense of ethnicity and nationalism that is most palpable in both communities.

CHAPTER 4: THE SOUTH AFRICAN URBAN SPACE AND THE CRITERIA FOR BELONGING

Over the years, the South African urban space has been a fertile ground for social sciences researches based on the acrid discourses of exclusion and discrimination around race, ethnicity and nationalism. These forms of exclusions have been carried over into the new South Africa with far-reaching consequences characterised in most cases by violence. The HSRC (2008) report holds, despite the popular representation of South Africa as a 'miracle' nation, high levels of violence testify that post-apartheid South Africa is not conflict-free. Poverty, inequality and access to social services remain key obstacles to attaining a balanced human rights culture in which all, regardless of origin, are equal. More than that, the competition for the limited resources available results in high levels of violence due to mistrust, suspicion and fear of the 'other'. These factors have become palpable in many inter-personal and inter-cultural relationships. The HSRC (2008) report further argues that there are positives to draw from the new South Africa such as the criminalization of racism and difference, a progressive Constitution as well as systems and institutions that protect and promote human rights.

Despite the progress made, South African society is constantly being tainted with talks of racial discrimination, 'negrophobia' and xenophobia with poor local communities being the most affected. Consider the following remark form respondent **A6M**, a young male living in Alexandra:

> *In Joburg after Oriental Plaza there is a place called Mayfair, no South African lives there, it's only people from Somalia. I do not think that it is good that they should be a place in the country that is only occupied by foreigners, it's not right.*

For the respondent quoted above, it is improper for foreigners to lay claim to certain part of the South African urban space. Such non-South African groupings are viewed as a threat to the sovereignty of the state. It should be noted that many of the laws and processes which have framed the urban space discourse in South Africa are changing at accelerating rates. As such the demise of apartheid marks a significant moment for considering alternative ways in which we understand the divided nature of the South African urban space. A shift from the past treatment of urban South Africa along race now includes other forms of discrimination especially of black Africans from other countries.

The criteria for belonging can also be viewed from the conflicts of interest around competition over scarce resources, including job opportunities and public goods as noted by some of the respondents. For respondent **A1M**, a young male living in Alexandra; the number of foreigners doing business and their prices make a good case for them to belong to the community for cheaper economic options. He insists that it will be more 'sensible' to buy from a cheaper shop, putting aside any kind of blind patriotism.

> *Now I do not care if you go to River Park, Soweto, townships in general, shops are now owned by Somalis, we do not have a problem with that in this community. I was looking at the situation in general. Those who owned stores here before we do not buy from them anymore. Why? They are "expensive". Somalis prizes are 'less'. South Africans are expensive because (interjection)…I won't run to buy something for R5.00 when I can get it for R2.00.*

Although foreigners have been constantly accused of closing down businesses owned by locals, the same respondent **A1M**, does not feel that way. For him pricing is key for any competitive market. This form of competition makes things affordable for a majority of people living in these communities who are poor.

> *I won't say as such that they (foreigners) are closing opportunities for South Africans I think South Africans should learn a lesson from this. When you start a business you should not solely look at making profit, you should observe the people that you are going to serve and understand the prizes they can afford. If there comes a 'competitor' with a low price, we will go to their store.*

While doing a price comparison in both townships, most shops owned by South Africans were observed to be selling at quite expensive prices (although not all items), compared to foreign-owned shops who sell at somewhat affordable prices. The study observed that items like condiments for cooking were sold at a much higher rate in some South African shops compared to shops owed by foreigners. The thriving of businesses owned by foreigners on account of price differentials was the major reason for their purported exclusion by members of the Greater Gauteng Business Forum (GGBF)[3]. This price differential has also resulted in many respondents suspecting the modus operandi used in doing business by foreigners. Consider the following comment from respondent **T7M**, a lawyer living in Tembisa:

> *I don't know where they get their stock from… sometimes they sell fake and adulterated product. Even if you look at their bread, there is no name. I don't think they make it in South Africa. These are the kind of products that are capable of endangering the health of South Africans.*

Such suspicions of foreigners selling fake and adulterated items, is fairly common in both communities. It is in this context of the suspicion of the 'other' that the critical overall finding from most of the respondents in this study must be viewed. This relates to an overwhelming sentiment that while the violence committed against foreign nationals was not

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[3] Misago and Wilhelm-Solomon (2011) show that the organisation knowns as the Greater Gauteng Business Forum (GGBF) was formed in Freedom Park in February 2011, the group had threatened foreigner-owned shops throughout the province with forced closure and warned of "drastic measures" if its demands are not met. The primary targets are Asian, Somali and Ethiopian traders. Paradoxically, some Mozambican and Zimbabwean shop owners are involved in the forum.

legitimate and not acceptable, foreign nationals are seen as a threat to the economic and physical health of South Africans. As such, it is essential for government at all levels to engage with these sentiments as it embarks on its Integrated Development Planning (IDP) 2011/ 2012. Closely related, many of the respondents in both communities want foreigners to leave the communities 'immediately' to give way for local businesses and initiatives. Observe the following respondents:

> *The other difference (speaking of how difference is made in the community) is that they must go. They must go back! (Respondent **T1M**, a young male living in Tembisa)*
>
> *They (foreigners) should go back to their countries; the situation in their countries is not that bad it just needs its people (Respondent **T3M**, a young male in Tembisa).*
>
> *To be honest with you I do not like these people I don't want to lie to you; these people in South Africa I don't like them (Respondent in the Focus Group in Tembisa).*
>
> *I don't like this thing of foreigners; I don't like it (Respondent **A4M**, a male living in Alexandra).*
>
> *I buy from them but I don't like it (Respondent in the Focus Group in Tembisa).*
>
> *We don't have houses; I don't even want to see them (Respondent in the Focus Group in Tembisa).*

Opinions like those stated above, if not properly addressed by the government at the national and local levels have the tendencies frustrate the smooth running of the any programmes like the IDP that seek to encourage an integrated cohesive society.

4.1 Documentation and Access as Criteria for Belonging

This study observes the yarning gap between the *de facto* and *de jure* aspects of the Constitution, which is best exemplified by the vacuum between formal laws which guarantee rights for 'everyone' and the selective nature with which these laws, are being practiced in local communities. Most of the respondents are of the belief that legal identity will guarantee rights to belonging and entitlement. As observed, most respondents talk of all migrants as the same, as such they are unable to properly differentiate between who is legal or not or the differences in permits migrants carry and the rights/ entitlement accruable to them.

On another level, most of the respondents are conscious of the role the South African legal identity plays in 'guaranteeing' access and entitlement to the urban space. For this respondent **T4F**, a female living in Tembisa, "they are trying to make a living; some do not have ID's so how does one expect them to be able to find employment, they are trying to make money". The ID here is seen as an instrument for inclusion/exclusion. From my personal experience doing volunteering work with the Jesuit Refugee Service in Johannesburg, many migrants and foreigners constantly report how they are unable to get jobs because they do not have the South African bar-coded ID, even where they are qualified. This practice of exclusion is in contradiction with the South African constitution which allows refugees and asylum seekers the right to work in the country with the refugee/asylum seeker permit. Foreign students also complain of their inability to secure scholarships or funding because they do not have an ID number. All this accentuates how the South African ID has become a tacit form of discrimination and exclusion.

Some respondents also believe that foreign nationals are taking advantage of the country. For them despite the fact that foreigners do not have the South African legal identity booklet, they are able to access social amenities. The inability to have the ID as a 'certificate' of

entitlement and yet being able to have access to the urban space is akin to circumventing the system, in the understanding of respondent **T7M**.

> *South Africans felt, see I have an ID which is a disadvantage, I cannot do anything, the ID will require that I register if I have a business. Foreign nationals could just put a stand anywhere and fix cars...a South African cannot because they are easy to trace if the police get there, I mean if a foreign national is arrested for putting that thing, tomorrow he is out he does not have an ID he's got no record, untraceable finger prints, then he moves from where he was operating to another place.*
>
> *When they start opening their spaza shops, they are required to register with taxes, the bank law requires that you don't keep certain amount of money in the house, but foreign national are free to do that. You don't have an ID, therefore you can't open a bank account, it's reasonable and (accepted), for you to have loads of cash stashed somewhere without you having to bank, you see! So the view is, you going to take that cash and plough it back to the country or to your country, but no, they are not doing that (Respondent **T7M**).*

Here the South African ID book is seen as a *sine qua non* for gaining access, it also enables rights and entitlement. On another level, there are questions around the socially perceived legitimacy of foreign migrants on the ground in South African communities. Respondents believe there needs to be increased formalisation of the migration process through documentation and control of migrants entering the country. For respondent **T2M**, a young male living in Tembisa and working as a car guard, "as long as they are residing legally they are welcome…They need to have their finger prints taken so that if they commit crime they can be captured". For this other female respondent **T4F**, living in Tembisa, "if they (foreigners) have all the documents that are needed in the country I do not see a problem."

Another criterion for belonging for some respondents will be a sense of social attachment with the people and the community. Foreign nationals are depicted as particularly brutal and violent. According to respondents, this is related to the fact that they do not have social attachments to the people they live with and are untraceable due to lack of proper identification (South African ID). As some participants in the focus group explained:

> *There is one problem, he comes (foreigner) and breaks in my house, takes my DVD, TV and everything. I then tell police that my house has been broken into when police arrives they take fingerprints, and their fingerprints do not show on the computer. He doesn't have an ID (Respondent in the Focus Group, Tembisa).*
>
> *These people beat us! (Respondent in the Focus Group, Tembisa).*

For the respondents above, foreigners seen as criminals and not being traceable is a major grouse in both communities. They would prefer that foreigners have a traceable identity, to forestall crime and malpractice.

Another area of friction in the South African society relates to access to social amenities like low cost housing, housing ownership and rental practices. Some respondents insist that access should be based on legal status in the country. This male respondent **T5M**, living in Alexandra holds: "The problem is that they jump borders when they come here. When they come they must come properly with their things so that they can get houses. But now they won't be able to get houses because they don't have their papers." For this respondent, legal status and access are seen as conjoined.

Similarly, this female respondent living in Tembisa **T5F** opines:

> *It hurts but if they qualify, there is nothing that one can do because if they have been in the country for more than five years then they automatically qualify. Some of them are married to South Africans and have children so you have to understand that there is nowhere these people can go to as they already have a*

family here. Yesterday we had a meeting: it was announced that there were foreign nationals who got houses, those who qualify and have ID's.

In her opinion, people who have stayed in the country for more than five years are entitled in the same way as South Africans. This is the same point Carens (2005) emphasizes when he argues that once people have been settled for an extended period, five years or more - foreigners are morally entitled to the same legal rights and ought to be subject to the same legal obligations as citizens. This is also the position of the South African Immigration Act (**No 13 of 2002**). Carens (2005) argues further that, as people stay longer, their moral claims grow stronger, and after a while they pass a threshold that entitles them to virtually the same legal status as citizens. This respondent concedes that although this can be an uncomfortable and painful feeling, it is one people living in the new South Africa have to come to terms with. For her **T5F**, "well it hurts, we are hurt and not hurt at the same time, they say it is a new South Africa and we must all get along with each other hand in hand". From the foregoing, it is pellucid that there is an emotional and deeply entrenched hostility based on feelings of injustice and unfair treatment by the 'entitled' citizenry.

Some other respondents hold contrasting views about the motive of the stay of foreigners in South Africa. Such respondents believe foreigners come to the country with insincere and ulterior motive and as such should not be allowed to stay in the country. Anything contrary on the part of the government to keep foreigners out is capable of exasperating the community to take 'drastic' measures against foreigners. In the same breath, some other respondents, agree that foreigners can be allowed to stay provided they are only in the country temporarily and they must conform and abide by the system of the community. Consider the following comments:

> *They are actually right because there are those who are here for business and there are those who are here for criminal activities so these people I don't agree that they should belong in the country (Respondent **A3M**, a male living in Alexandra).*
>
> *We do not mind them living here but they must behave like we do in their countries because we are allocated a number of days we can spend in their countries. They request passport from us to enter in a legal way, so they must do likewise but they do not want to (Respondent **T5F**, a female living in Tembisa).*

In one of my discussions with respondents, I asked a young male working in a car wash in Tembisa, if he thinks foreigners belong in the community like South Africans and if they have rights in the community. He responded that no one has the authority to discriminate or exclude the other. In his words, "Yes they do, no one owns the world".

From the discussions, it is obvious for the majority, that the South African urban space is still the exclusive preserve of South Africans alone, foreigners and outsiders who have tried to make claims to the urban space have been met with stiff resistance from 'entitled' South Africans.

4.2 Criminalizing the 'Other' – Outsiders as Evil

In terms of crime, foreigners and crime have come to be seen as synonymous in South Africa. Foreigners are often blamed for the increase in crime in the country. Respondents in Alexandra claimed that crime is mostly committed by foreigners and local-outsiders. For them, while locals run back to their provinces when there is a search for them, foreigners are simply untraceable. It is for this reason that most respondents were in favour of a strong anti-immigration policy and control. As the SAMP (2001) report holds, South Africans are in support of restrictionist policies that prioritize control over management, expulsion over admission, exclusion over inclusion.

For instance, Respondent **T7M** a lawyer living in Tembisa is of the opinion that foreigners run a 'cartel' for criminal purposes. He sees foreigners as opportunists and their methods not just a means to survive but as putting the 'deserving'- South Africans at risks of not getting social amenities when needed. He states:

> *Then in terms of accessing health services, now you will find here in Tembisa, that clinics are not always full, because people do not go. But since we got an influx of foreign nationals, our clinics are parked. These people seek medication for themselves, they seek medication and health services also for their mothers and sisters and brothers and children back home. So you know what they do? They go from one clinic; they spend the whole day going to five or six different clinics. Now the medical supplies start to suffer and South Africans try to access medical services, clinics are always running out but when you get there foreign nationals are like this (clapping his hands- a gesture to mean packed full).*
>
> *If you look at Joburg, you find foreign nationals in a room like this, you find twenty of them. They compromise their sleeping comforts and everyone of them wakes up, some are going to the clinics, some are going to the hospitals, some are going to the corners to go and sell, some are pushing drugs, some are doing... You know, all of them! You find out that it's a unit, it's a company- you will think it's just a group of people, it's a company!*

According to the HSRC (2008b) report , there is a widespread perception that Nigerians in particular are involved in high-level organised crime, in particular drug trafficking, which draws in young people as partners and has led to an escalating problem of addiction and drug abuse. This point runs into the comments made by respondent **A7M** living in Tembisa. "It was question of every foreign person who came to South Africa all of them had different distinction, you have Nigerians who came in here who were perceived as crime lords, drug lords and stuff like that and where here only just to expire the black market in safer words".

Although foreigners especially Nigerians are perceived as crime lords, many of these views are based on anecdotes and not facts.

A female respondent in the HSRC (2008: 35) report corroborates the point above:

> *They found crime here and maybe realised that this is probably how most people make a living here in South Africa, so they joined what was already there. It's a rumour [that crime is committed by 'foreigners'] these crimes are performed by locals, if you could only see how poor looking our foreigners from my section are…shame*!

A female respondent **T5M** living in Tembisa argues that, 'we may say that they disturb us by committing crime but the truth is that there is no place where bad people do not exist'. This respondent is apparently not in support of crime, just stating that it baseless to have such stereotypes against foreigners.

Much of the angst against foreigners was built on the belief that foreigners were not just criminals but were corrupting and polluting the system. The xenophobic violence as such became the mythical stream that was used to 'cleanse the *Augean Stables'*. Consider the following remarks:

> *Let me tell you a fact you know these xenophobia people from outside the country they have drugs and are prostitutes in the country, they do what they want (Respondent in the Focus Group in Tembisa).*
>
> *A person from outside the country come to live here and commits crime, you see that is what we are fighting for (interjection), and we get blamed for the crimes they commit (Respondent in the Focus Group in Tembisa).*
>
> *Nigerians sell drugs, Chinese sell drugs. They share profits with government and we are getting not even a cent and that the reason we are taking "power" to be xenophobic (Respondent in the Focus Group in Tembisa).*

> *You see violence was started by them, we talk to them in a decent way in effort to stop them from selling drugs (Nigerians) but they don't want to stop. A lot of children have died because of drugs, a lot of people have died you get me? (Respondent in the Focus Group in Tembisa).*

As a measure to reduce these stereotypes, respondent **T3M** prescribes that 'it is better for foreigners / outsiders to live among locals in the community'. For him, "outsiders should not live amongst themselves because it will be easier for them to commit crime". For respondent **T7M**, Shangaans, Vendas, Somalis, Pakistanis, Ethiopians and Indians are constantly targeted because they lead a 'parallel' lifestyle, not wanting to mix with other members of the community.

On the whole, the study finds that the South African urban space is not claimed as a single entity but divided by South Africans with each community responsible for their own space.

4.3 The 2008 Xenophobic Attacks and the Use of Violence

In both communities under study, foreigners have come to be seen as an obstacle threatening efforts of the state to guide its citizens to the promise of democracy through economic transformation and social welfare (Landau, 2006). For Landau, when state institutions were seen as failing to protect entitled citizens, the population (or elements within it) took on the obligation to alienate and exclude those standing in its way. Landau observes, from this perspective, that the violence is not a sign of chaos or a threat to existing political institutions and subjectivities. Rather, "such legitimate (if illegal) violence extends and entrenches a form of spatial control, political authority and sovereignty" (Landau, 2006: 216).

For this male respondent **T7M**, a lawyer living in Tembisa, 'xenophobia is fuelled by mostly people who are poor or unemployed and by those who see their opportunities becoming dimmer with the presence of foreigners'. He holds that "xenophobia is encouraged by South

Africans- people who feel that they as South Africans were never given their chance to have their freedom or even have a taste of it". This is one of the most 'stinging' and consistent accusation against foreigners is the belief that foreigners are sabotaging the largely impoverished South African populace. Some respondents narrate their experiences:

> *They take our jobs and they do not mind being paid a small amount of money while South Africans ask for a lot (Respondent **T1M**, a male living in Tembisa).*
>
> *The problem lies with our 'brothers' (foreigners), they sabotage us (Respondent in the Focus Group in Tembisa).*

In the same vein, Hlobo (2010) argues that foreigners are hated for taking scare job opportunities and for allowing themselves to be exploited by unscrupulous employers. They are a symbol of betrayal for the less-industrious workers, for they delay victory against unjust labour practices through allowing themselves to be exploited by dishonest employers.

For respondent **T7M**, South Africans are wont to exclude foreigners arising from a deep sense of insecurity. He opines "South Africans are scared that they are losing the little that they have, so they defend it by going back to the same tactics they used to fight apartheid". For respondent **A9M**, a male living in Alexandra, "mobilisations are linked to the apartheid system of mobilising to fight the 'enemy'". For him, many South Africans today feel that they have got a new battle to fight. Not one of political freedom, but of individual freedom, of freedom to express themselves in whatever way and making sure that there is nothing that impedes them. This time they strongly feel it is the foreign nationals that are blocking their economic freedom and advancement.

The use of violence as a weapon for fighting the 'enemy' is for some respondents a medium for calling the attention of the government, what the Centre for the Study of Violence and

Reconciliation (Holdt, Langa, Molapo, et al; 2011) labels 'The Smoke that Calls'. Consider the following responses from some respondents living in Alexandra:

> ***…****I am already in the work environment in order for your employer to listen to you "you need to damage something so that that employer will pay attention to you, specifically to you (Respondent* ***A9M****).*
>
> *I think that's what caused the violence there is nothing wrong with going to our leaders, there are stages "community leaders, councillors, regional, parliament until national. For one to be able to draw attention from the top, even the president you must damage something if I had a knife and used it on someone it will appear on the news! (Respondent* ***A5M****)*
>
> *…to get attention there is no any other way. We needed attention from people who are responsible for this area, see this water (pointing at the sewage flowing) I told you that I have been living here for 8-9 years and this water has been flowing since I have been here. This water is not healthy there is vomit, urine because of the shortage of toilets…some people help themselves in their houses and dispose that waste in the streets in this water. Service is lacking and everybody was in support of it (Violence). (Respondent* ***A9M****)*

This last respondent **A9M** claims 'everybody' was in support of using whatever medium to call the concerned authority. The lawyer -respondent **T7M** in our Tembisa study claimed:

> *One main reason that sparked it all off, I think most South Africans were blind to see how people from outside were accessing the services. They were like government is government, it doesn't matter. But when this whole thing of saying people are lazy, they don't want to work, so it was like oh, we give you space to come into our country. We service you via Ubuntu, we've been very humane and kind to you, we offer you accommodation, we offer you workers asylum, in order for you to work towards one goal which is making our economy better…*

The respondent above sees foreigners as 'ungrateful'; for him, foreigners were serviced via *Ubuntu*- solidarity, offered accommodation and asylum and what South Africans get in return is being insulted and branded as 'lazy'.

Some respondents are of the opinion that violence was used because foreigners were getting too comfortable in South Africa and were not ready to return anytime soon. Also, respondents hold that foreigners are seeing South Africa as a place of hope and restoration, things foreigners can hardly get in their home countries. The violence was used to 'rock the boat' and wake them from their daydreaming, reminding them that their stay is only but temporary. Respondent **T4F** summarizes these sentiments:

> *Some of them experience human right abuse in their home countries for example Mugabe who is ill-treating his people, some get killed and some struggle like those in Mozambique. When they come to South Africa they realise that there is everything here. They have become very comfortable that they do not want to leave anymore. They do not want to leave their wives and children behind some say it's better for them to die here.*

The realization that 'there is everything here', the same respondent argues, has made foreigners to be stubborn, wanting to remain in South Africa at all cost. She states:

> *They were becoming stubborn because they did not want to leave, you must remember that the police arrested them and took them to Lindela[4] prison; they took them there and were told to leave. They left but when they got to somewhere around Nelspruit they turned back. Then you can see that they do not want to leave that is the reason they said we have to 'box' them so that they can leave.*

For other respondents, the use of violence was not grounded in any other reason but for looting and stealing purposes. Looting of shops owned by foreigners is prevalent in the

[4] Lindela Repatriation Centre is a privately owned deportation centre outside Krugersdorp in South Africa. The former mining hostel building is owned by the ANC Women's League and has become notorious for human rights abuses against suspected 'illegal' immigrants.

township and is seen as a way of communicating to foreigners that they not entitled to any material property in the community. Respondent **A6M**, a young male living in Alexandra testifies, "they tried to do it again but it was directed to Somalis they wanted them to leave this place, they even looted their shops."

Some people in the community were involved in the violent paroxysm because of what they could gain, this elderly male respondent **T8M** attests "I was just sitting and a double-bed landed in front of me, I was so happy". Benefiting from the xenophobic violence in South Africa has been recorded in the documentary, '*We are Nowhere',* directed by Spitz (2011) where it depicts people seen looting a shop owned by a foreign national. Respondent **A3M**, living in Alexandra confirms this point; "Most people who initiated the attacks were not necessarily xenophobic, they just wanted the victim's belongings such as TV's and radios even their houses".

Respondent **A7M** believes that the violence was used 'because of pressure South Africans feel about foreigners coming into their vicinity and opening businesses and they not being able to control the foreigners'. When asked if there was the possibility of a repeat of the 2008 attacks, or the general feelings about the use of violence in excluding foreigners. Respondents were split not entirely on gender basis, notably some male respondents were not in support of it. While some female respondents in Tembisa were strongly behind the removal of some foreign nationals i.e. Zimbabweans, who they claim are getting paid to little. In general, most respondents in both communities were in support of driving foreigners out of the community not necessarily with the use of violence.

However, this female respondent **A5M** has a contrary view, "they must not repeat it please. The death of a human being is not like that of a dog". This is the emphasis of this study that

our shared humanity should be seen as superior to factors like legality, economic standing, documentation, ethnicity or nationality.

4.4 Benefitting from the Outsider

From the respondents in this study, it is pellucid that one contributing factor that hinders foreigners from exercising their rights can be traced to the levels of contact and proximity with South Africans. Very few respondents were observed to be living among foreigners or working with them, even fewer have foreigners as friends. Foreigners in both townships have carved a niche for themselves, possibly in avoidance of another attack or as a reaction to the various forms of exclusion faced by them in both townships (See Landau, 2006a).The likely consequence of interacting with foreigners as SAMP (2001) observes is that social interaction with non-citizens will impact citizen attitudes (negatively or positively). And where it impacts positively, it could possibly water down most forms of discriminations and stereotypes and improve the levels of tolerance for foreigners. It will also make for a more prosperous society open to take advantage from foreigners/outsiders in the country.

For Hlobo (2010) one of the most disheartening elements of xenophobia in South Africa is the unfortunate failure of South Africans, in most cases, to appreciate and utilize the skills that innumerable immigrants and refugees from developing and other African countries brought with them. He argues that "South Africans are failing to see the arrival of foreigners as the much-needed brain-gain that could reverse the severe lack of expertise experienced by the country" (Hlobo, 2010: 81).

Respondent **T5M** avers, "I am enjoying the diversity in South Africa, we are able to learn different cultures, food and music". From my personal experience living in Johannesburg and interacting with South Africans, it is obvious that foreign elements especially Nigerian food, music, fashion and 'native' clothing are becoming popular in South Africa.

More and more South Africans are getting married to foreigners, due to an increasing awareness of the multi-ethnic, multi-cultural and multi-national nature of the new South Africa (Adeagbo, 2011). Respondent **A7M**, speaking of some of the benefits foreigners contribute to the South African urban space opines:

> *Some of them create employment and some are seeking employment. You find that Nigerians some of them came here for their own businesses they provide employment for some of our South Africans, whether it was cheap employment or bad employment but fact they provide employment some of them. Nigerians also introduced some of the things that you can do on your own like making cheap movies they came with that. South Africans are now starting to produce their own cheap movies because they picked it up from the Nigerians who came with the like of 'Mr Ibu'- (A popular Nigerian Movie seen by many South Africans).*

The study observes that South Africans are more comfortable with some foreigners than others; possibly due to what different group of foreigners contributes to the society, as noted in the previous comment. For the same respondent **A7M**:

> *South Africans they prefer or understand Nigerians as compared to other nationalities like you find they even copy their language like what's this expression? Chineke, Chineke my friend o!...they sort of mimic them as a result there is that sense of acceptance. Many Nigerians have married South Africans.*

The increase in inter-marriage between South African women and Nigerian men has been documented extensively by Adeagbo (2011). There is also the growing popularity of the Nigerian Creole known as Pidgin-English in South Africa, due to a growing interest in 'Nollywood' (Nigerian) movies in the country. From the personal experience of a friend doing ethnographic study of Nigerians in South Africa observed that many young South Africans and even some members of the police force are observed to speak near-fluent Pidgin English.

4.5 Summary and Conclusion

At a range of levels, the study found that many of the respondents do not believe outsiders have any rights in their communities. In cases where 'certain' rights are believed to exist for the foreigner, the challenge becomes whose duty it is to protect foreigners- is it the state or the local community in which they find themselves?

The study observes that there are quite a number of factors that contribute to the anti-foreigner attitude and mobilization in both communities. These include stereotypes and anecdotes, the government's inability to take a decisive stand on the issue of xenophobia leading to high levels of ignorance characterized by a lack of public awareness campaigns on the right of foreigners. More than anything, the perception of outsiders' rights is strongly fuelled by high levels of ignorance, poverty and lack of social amenities in these communities. As such outsiders are perceived as competing for finite resources with 'deserving' insiders.

More so, the study observes the strong sense of difference made in both communities, based on ethnicity and nationality. This difference is made palpable by the dominance of the majority ethnic groups in both communities- Tembisa and Alexandra. For instance, most minority ethnic groups living in Alexandra are 'forced' to speak Zulu to gain any form of acceptance and belonging, although this is not so evident in Tembisa. However, language generally is used as the 'barometer' for belonging and entitlement.

Remarkably, the study discovers a 'gradual' shift of the criteria for rights to belonging and entitlement from ethnicity to nationality; as such entitlement to the 'limited resources' in the country is seen as the exclusive preserve of South Africans. Furthermore, there is a general community acquiesce that outsiders are only allowed 'temporarily' (*if allowed at all)* to live in both communities. This interest in human rights from the micro perspective can be viewed

from the angle of a 'predatory state' where every citizen especially those in local communities still believe it is their time to feed. This results in battles of short-term interests for personal or community survival rather than for national and human interest.

The study also observes the absence of any formal mobilizations or particular profile of actor(s) of xenophobic exclusion in both communities. Such mobilisations as the study observes are occasioned by a feeling of threat of foreigners gaining access to social amenities. In addition, most of the residents (local business owners and other residents) still feel it will be better for foreigners to leave the community and reside elsewhere or return to their native lands.

To improve the human right culture in South African, its globally admired constitution has to be enforced by its custodians- government and citizenry. In young democracies such as South Africa, where democratic institutions are still in their ‘infancy’, the example set by the political leadership is crucial. This study concludes that not enough has been done to address the causes of xenophobia and the ‘dying’ embers of discrimination, animosity and ignorance that are capable of fanning the flames of other xenophobic attacks.

CHAPTER 5: CONCLUSION

RETHINKING THE SOUTH AFRICAN URBAN SPACE POST- 2008

The study has contributed to the epistemology of exclusion and inclusion in South African post-apartheid urban space. It has been able to provide a more empirically grounded understanding of how local communities understand the rights of outsiders in local communities. From the discussions with respondents, it is obvious for the majority that the South African urban space is still the exclusive preserve of South Africans alone, foreigners and outsiders who have tried to make claims to the urban space have been met with stiff resistance from 'entitled' South Africans. On the whole, the study discovers that the South African urban space is not claimed as a single entity but divided by South Africans with each community responsible for their own space.

This study has also contributed to efforts to help national and local governments and communities still faced with the multiple challenges related to managing the presence of foreigners and outsiders. With continuous international migration and the steady growth of urban centres, issues encountered in 2008 are by and large similar today. Finally, this study has been able to redefine the local understanding of human rights and the restriction or otherwise rejection of human movement in this age of globalization. This study has also been able to de-emphasise the notions of citizenship and entitlement based on autochthony and nativism. As Hollenbach (2010: 33) argues, "the plight of migrants calls us to look at them not as citizens of other countries but simply as human beings". He argues further, "it compels us to look at the new ways our ethical responsibilities reach across borders, calling us to care for those who seek refuge among us or to take action to alleviate the causes that have driven so many people from their homes" (Hollenbach, 2010: 33).

Seeing the South African urban space as an exclusive community, respondent **T5M** in this study opines; "A few have changed but most of the perpetrators still have a strong sense of hate towards outsiders." This statement shows that there is still much to be done to change such stereotypes and strong sense of dislike towards foreigners and others seen as outsiders. The slogan 'One Nation, Many Cultures'[5] speaks with a strong tone and implies the need for a common loyalty that recognizes our diverse identities. It also univocally supports the idea of South Africa as a 'rainbow nation', where multiple cultures and identities have a cosmopolitan mix.

Haupt (2010: 6) argues that cosmopolitanism, "…is understood as either an openness towards cultural difference or as a normative ideal acknowledging the moral worth of the individual regardless of origin." For her, cosmopolitanism rejects the idea that a person is – or should be – exclusively defined by place of origin, neither in his or her character, disposition nor entitlement to rights. Cosmopolitanism maintains that "individuals are characterized by, and able to maintain, complex affiliations and relations to different places" (Haupt, 2010: 8). Therefore, the cosmopolitan community is one in which individuals from different places i.e. nation-states form relationships of mutual respect and solidarity despite their different beliefs in religion, culture or political matters.

Adding to that, Appiah (2007) holds that, the urge to migrate is no less 'natural' than the urge to settle. He recommends that it begins with the simple idea that in the human community, as in national communities, we need to develop habits of coexistence: conversation in its older meaning of living together, association, mutual co-existence and tolerance. As he puts it, "a world in which communities are neatly hived off from one another seems no longer a serious option, if it ever was". He submits that 'cultures are not opposed to one another, interests are"

[5] This was the slogan used at the May 1994 presidential inauguration in South Africa.

(Appiah, 2007: 2). These opposing interests become the breeding ground for cultural relativism, xenophobia, violent exclusion and abuse of human rights as noticed in the communities under study.

In keeping with its mandate of safeguarding the rights of everyone, the Universal Declaration of Human Rights (UDHR) opens in these words:

> *Therefore The General Assembly proclaims This Universal Declaration Of Human Rights as a* ***common standard of achievement for all peoples and all nations****, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction*.[6]

Article 1 and 6 of the declaration adds: *All human beings are born free and equal in dignity and rights. They are endowed with conscience and should act towards one another in a spirit of brotherhood. Everyone has the right to recognition everywhere as a person before the law*. This represents the fact that basic human rights are natural to all human beings, inalienable and equally applicable to everyone. It also emphasizes that everyone is born free and equal in dignity and rights, regardless of our place of residence, national or ethnic origin, gender, colour, religion, language, economic power or any other status. All signatories including South Africa on the basis of these have made commitment to upholding dignity and justice for everyone. By becoming parties to international declarations or conventions, states assume the obligation and duty to protect, to respect and to fulfill the rights of everyone- citizen or immigrant. This obligation also requires states to protect individuals and groups (citizen or

[6] The Universal Declaration of Human Rights: http://www.un.org/en/documents/udhr/index.shtml, this document came into force December 10, 1948. All countries that have ratified this document have an obligation to protect every individual on their shores.

foreigner) against human rights abuses. Consequently, human rights should then be seen solely as respect for all human beings. Although the gap in economic power in most communities in South Africa is tangible, it should not be a reason to discriminate.

In the light of this, An-Na'im holds that despite the apparent peculiarities and diversity in human society, human beings and societies share certain fundamental interests, concerns, qualities, traits and values that can be identified and articulated as the framework for a "common" culture of universal human rights' (see Gearty; 2011: 11). While groups may collectively have their own understanding and way of exercising rights, the individual within them should also be permitted to exercise their rights within the group, rights that the group may not infringe upon (see Tharoor, 2000; Raijman et al, 2008).

Putting the South African constitution in perspective, the constitution extends beyond the narrow idea of a community of citizens to a broadly inclusive society of all who live in it. This projects in every sense the idea of *Ubuntu*. As Albertyn (2009: 175) highlights, the violence of 2008 betrayed the fundamental values of inclusion, participation, community and *Ubuntu.* She argues "the violence established how far we (*sic*) are from the democratic society imagined by the architects of the new constitution." The Bill of Rights, Albertyn (2009) goes further, is predicated on the subject of right for 'everyone'. Substantiating the point that everyone extends beyond citizens is established by the fact that citizens are exclusively granted only two sets of rights: political rights as in rights to vote, form political parties and stand for political office and the right of choice in trade, occupation and profession (Albertyn, 2009). All other rights including rights to dignity, equality, life, freedom and security of the person and a range of socio-economic rights, such as access to water, social assistance, housing, education and health care – are given to 'everyone'. Everyone here includes those who are not citizens (Albertyn, 2009: 178).

Despite all these stipulations in the constitution, the study finds that the kind of micro-politics that is prevalent in South Africa is such that foreign nationals are almost always excluded rather than integrated into the society. This both amplifies their image as 'outsiders' and further alienates them from any means of enforcement of their human rights. For Hornberger (2010: 26), there is a need to understand the micro-politics that exists from the "patently unequal power relations between the state and city dwellers who live at the margins of society". These unequal power relations foster the marginalization of migrants from society and make it more difficult for them to assert their rights. In this context, it is obvious that the 'local systems of authority' have been infiltrated by the micro-politics of the state, making the aspiration for human rights for migrants all the more complicated (Hornberger, 2010).

The distinction between the macro and micro politics can be traced to the apartheid history of South Africa which left it bereft of a shared culture, ethnic or national identity. In the 'new South Africa', the focus has to project a new identity that reflects the ideology of the 'rainbow nation'. Here the participation of all citizens in the task of nation building is of paramount importance. As observed in the study, citizenship should not be used as the sole determinant for accessing state-allocated rights or the distinction used to define rights of belonging to the South Africa urban space. For Holaday (2010) the meaning of citizenship in South Africa is not necessarily that legal citizens enjoy certain rights and privileges that non-citizens do not; it is that legal citizens can access rights and have obligations, while non-citizens cannot. Murray (2003) adds that the question of legitimate membership has always been the challenge through the country's history. As a result, citizenship in the new South Africa is seen as a symbolic marker of affiliation with the body politic and a crucial source of 'rights chauvinism'. For Reitzes (2005), the attempt to build an inclusive 'citizenship' can be derailed unless immigration policy moves beyond reluctant toleration of foreigners. He argues

that the funds spent on futile attempts at exclusion can be more productively used in building the communities and integrating foreigners and outsiders (Reitzes, 2005).

In creating an egalitarian society, the 'right' question has to be balanced with increasing movements of capital, information, culture and highly skilled migrants. For Hlobo (2010; 87), continued political injustices, wars, violations of human rights along with sufferings caused by economic imbalances and perceived economic opportunities accompanied by globalization, forced or voluntary migration will continue to be a phenomenon characterizing the twenty-first century. Coming to grips with these challenges will require new ways of thinking about public policy and practices. This is the immediate duty of those responsible for urban and immigration management, and certainly calls for greater collaboration among the local, provincial, and national spheres of government. As these discussions take place, there will be a need to move beyond long-standing stereotypes, but consider and, if necessary, commission new ways of understanding belonging and entitlement. For Landau (2005) this must lead to efforts to break from past governmental logics of control and regulation to a cosmopolitan society intended to assure that South Africa will belong to everyone who lives in it.

To make any meaningful progress, the perceptions of South Africans matter in this new challenge. As Max Weber noted, democracies rule by consent and not coercion (HSRC, 2008). For Dewey (1957) democracy is broader than a special political form, a method of conducting government, making laws and carrying on government administration. Dewey avers democracy is the best means so far found for realizing ends that lie in the domain of human relationship and the development of human personality. For this reason, the 'nascent' democracy in South Africa must be directed towards building human relationship devoid of discrimination based on nationality, ethnicity or race.

As such Brubaker (1992) opines that since citizenship is an instrument for social closure, the crucial political issue in host societies is the kind of distinctions that should be drawn between citizens and non-citizens, especially in their access to public goods (i.e. rights). The point of contention then is to determine the kind of membership status immigrants should enjoy in the host communities. Although most scholars have stressed citizenship as a macro-phenomenon of society, mainly at the institutional level (see Gearty, 2011; Tharoor, 2000), this study suggests that a different way of looking at what citizenship means is through the examination of the way individuals define the boundaries of the collective through their level of willingness to share their national benefits (e.g. citizenship rights) with non-citizens. In that way we are able to inquire into the extent to which policies and public discourses about citizenship and membership are reflected in the attitudes of ordinary people. Unless the South African government and its citizenry find ways to address the ethical and practical tensions reflected of human rights, outsiders are bound to face more extreme exclusion and discrimination in the country.

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APPENDIX 1: MAPS OF TEMBISA AND ALEXANDRA

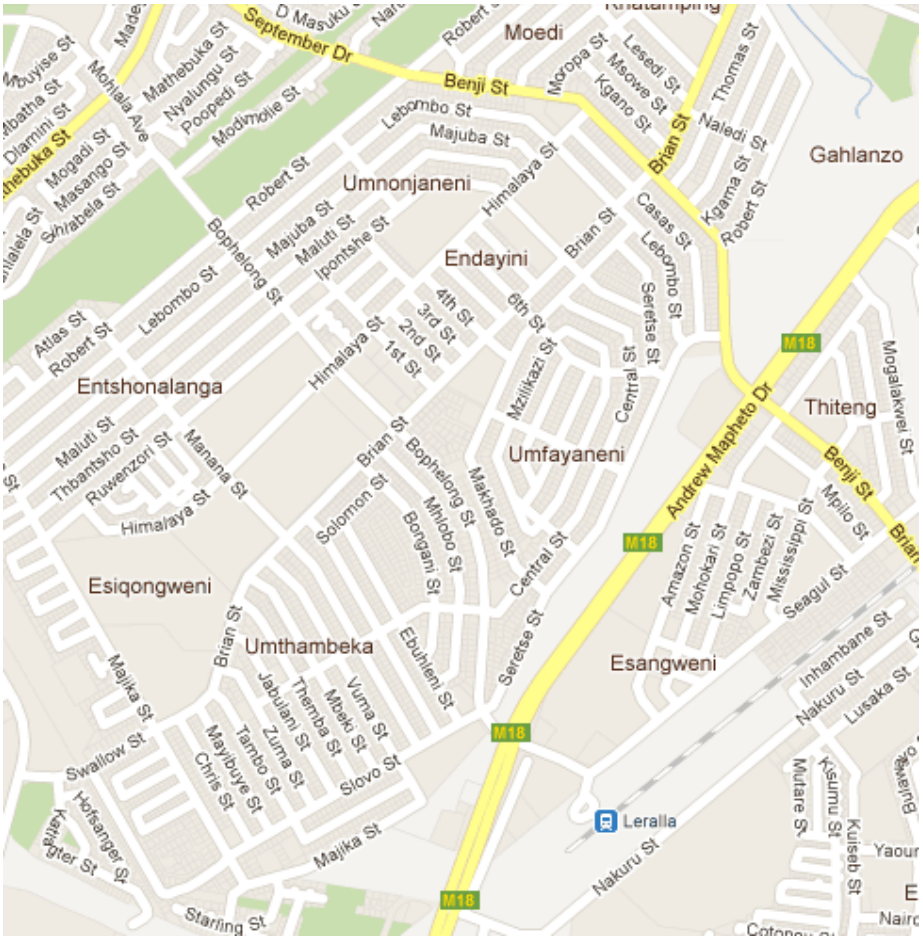
TEMBISA

Fig 1: Area Map Showing surrounding Areas from which Blacks were moved to Tembisa- ***Alexandra***, ***Edenvale***, ***Kempton Park***, ***Midrand*** *and* ***Germiston.***



Google Maps

Fig 2: Some Sections Covered in Tembisa: ***Umthambeka, Umfayaneni, Endayini and Umnonjaneni.***



Google Maps

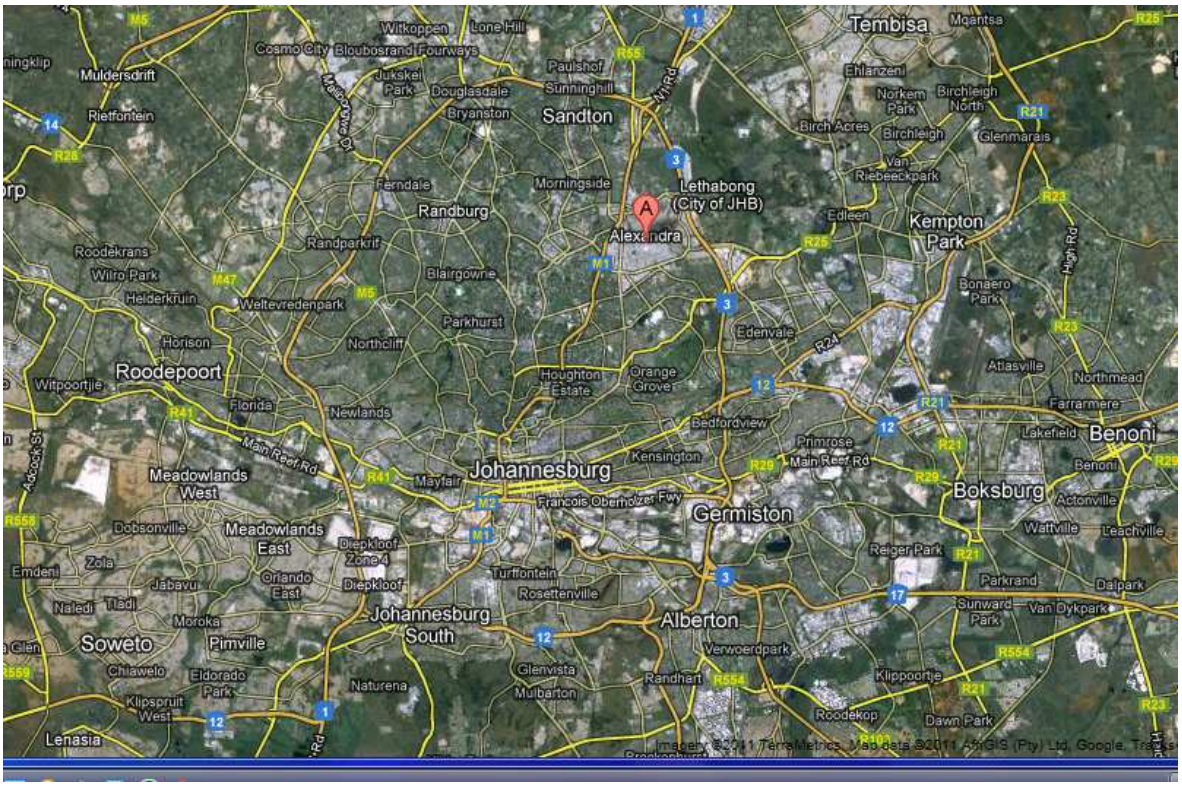
Fig 3: Area most Affected by the Xenophobic Violence of 2008 in Tembisa- ***Madelakufa 'Madela 2'-*** *Squatter Camps.*



Google Maps

Note: *This is an aerial photograph of Madelakufa 2- A squatter camp in Tembisa. Although the clouds distort much of the view, it is still possible to see the housing congestion in this area.*

*Fig 4: Map of **Alexandra** and Area most Affected by the Xenophobic Violence- **Section 2**.*



Area Map of Section 2



APPENDIX B: INTERVIEW GUIDE

SEMI – STRUCTURED INTERVIEW GUIDE

Date of interview, Gender of Respondent, Occupation of Respondent, Role in the Community.

Perceptions on Urban Space and Right to Exclude

a.) Language, Culture and Religion

1. How long have you lived in this community?
2. What is your mother tongue?
3. Where do you come from originally?
4. Were you born here?
5. What ethnic/ language group do you easily associate yourself with?
6. Do you feel that you are a part of/belong in this community?
7. Please tell me what you think about people who speak a different language and come from elsewhere and reside in this community
8. Would you say they belong in the same way as you? Why?
9. Do you feel people who come from other parts of Africa are part of this community? Why or why not? (Repeat question for people from other parts of the world)

b.) Membership and Participation

10. What sort of activities are there in this community? Like associations, NGOs, stockvels, etc
11. Do you belong to any of these? Why?
12. (If yes) which positions do they occupy / what roles do they play
13. How do people become members? Are there some people who cannot become members? Why?
14. Has this changed over time? Since when?
15. How do people get authorisations to open a business in this community? Probe interviewees' feelings about the system described, ask for changes over time
16. How do people get access to housing in this community? Probe interviewees' feelings about the system described, ask for changes over time
17. How do people marry each other in this community? Probe interviewees' feelings about the system described, ask for changes over time.

Question may be repeated on a number of other aspects regulating resident's lives (schooling, health care, local councillors, water, electricity, police and protection, banking, churches, stokvels, residents' associations, etc)

c.) Exclusion in Local Community

1. Are there differences made between people who reside in this area? On what basis? What do you think of these differences?
2. Can you describe how differences are made? (explore the actual techniques used to exclude, deny access, etc and probe interviewees on what they think of these techniques)
3. Do people organise according to their place of origin? If yes, describe existing organisations.
4. How would you say residents participate in decision-making on local / community issues? Which residents would you say are most influential? Why? What do you think of those excluded from these processes?
5. According to you, what would be the best way to organise the community in terms of people's participation?
6. Do you think outsiders should to live side by side with locals in this community, why or why not?
7. If not, what would you do about it?
8. Why do you think some people used violence against other members of this community in 2008? Do you remember what happened? Where you there? (probe interviewee for their own assessment of the nature of mobilisation at the time, motives, and justifications)
9. Do you think people felt differently about other members of this community at that time than they feel now?
10. If Yes, why? If No, why?

d.) Outsiders, newcomers, foreigners and the making of perceptions

1. Do you know people who are not originally from this community? Do you interact with them? How? Probe interviewee to describe interactions concretely.

2. How do you make your opinion on someone from outside the community? Is it through your neighbours, at the tavern, your local councillor, TV, etc? (try not to list but have the interviewee indicate his/her favoured information / opinion channel)

3. Are migrants from South Africa (other provinces) and foreigners the same to you? What difference do you make? Would you treat them the same? Why?

4. Have you heard of xenophobia? What do you think it means? How do you know?

5. If you heard of people mobilising in the community to get others out, what would you do?

General Question

1. Are there any other questions I left out that you think are important for me to know or things you would like to know about me?

APPENDIX C: CONSENT FORM

Interviewee's Consent Form

I, the undersigned……., hereby give consent to be interviewed by Samson Ogunyemi and agree to provide relevant information to questions asked in the context of his research as presented to me in the Interviewees' information sheet. If I need further details, I may contact the researcher at the address provided below.

Participant (s)
Print full name ……
Signed …….
Date …….

Audio Taping: Recording Consent Form (Verbal)

I consent to be interviewed with the aid of a tape recorder by the researcher, and I have read the Participant and Information Sheet and understand that my identity will be kept confidential. The researcher has explained to me that the interview will be transcribed to text and used for the purpose of this research only. I also understand that I am free to withdraw this consent at any time without being disadvantaged in any way.

I understand that only the researcher will have access to the recording files (interviews) and it will not be passed to any archive or third party and the material would be used for this study only. I also understand that the data would be destroyed a year after the completion of this research.

I have agreed to be interviewed by this researcher and I can contact the researcher at the address below if need be.

Participant (s)
Print full name ……
Signed …….
Date …….

Researcher Information:
Samson Ogunyemi
African Centre for Migration and Society,
University of the Witwatersrand,
Johannesburg, South Africa.
Cell no: +2773697529
Email: sams300@yahoo.com

Please note, by agreeing to participate, you do not waive or forfeit any rights or protections accorded you by the laws of South Africa. The interviewer is also bound by the guidelines of the University of the Witwatersrand's Code of Ethics for Research on Human Subjects, which you can access at http://web.wits.ac.za/Academic/Research/Ethics.htm

APPENDIX D: ***Excerpts from Field Notes: Original Transcription***

Respondent **A1M** is a young male living in Alexandra.

How long have you lived here?

Almost ten years

What is your mother tongue?

Zulu

Where are you from originally?

Kwazulu

Where you born here?

No, I was born in KwaZulu

Which language do you easily associate yourself with?

IsiZulu

Do you feel like you belong here, do feel like you are part of the community?

No am someone who embraces their culture and origin. I only came here for the sake of employment. When things get better I will go back home.

What do you think of people who speak a different language from you?

I do not have a problem with them, we are in a free country and we need to live together in harmony.

Would you say they belong here the same way as you?

I am not different from them in anyway, they are human and deserve to live, they same opportunities as myself so that they can support their families. We all have the same problems.

Would you say people from outside South Africa are part of this community?

They are but there are things that I do not rest well with me not because I hate them.

Why?

I think that the government must regulate the number of people that come in the country, so that not every who feels like coming in the country could. This brings South Africa a lot of problems like crime, increased population. When the population is dense it results in diseases and work opportunities are scarce because they get paid low salaries and this makes us

uncomfortable not because I hate them. I understand that they came here seeking opportunities. There should be a regulation of “immigrants”.

Are you saying that they are taking opportunities that where meant for South Africans?

I could say that, for instance in the work place say I ask the employer to pay me 10 cents they (foreigners) can accept 2 cents those are the type of problems we experience.

If you heard that foreigners were being chased out what would you say about that?

No I am not saying they should be chased out, what I am saying is that the government should look at the situation on the ground so that he can understand us (South Africans) and them better, so that there can be policies that can help us live together. They are people who have the same problem as myself they have families etc.

What kind of activities are in this community?

Where we are is called section two the majority party is the IFP (Inkhata Freedom Party), they do a lot of normal things, since its the weekend today there is traditional dancing (Zulu) taking place.

What is the majority ethnic group?

I would say its isiZulu because this is an IFP dominated area.

Would you say that Zulus belong more than other ethnic groups in this community?

In this area Zulus are in majority so they are

Who has more influence in terms of community decision making for example would people of other ethnic groups have the same influence compared to Zulus? Who has more voice in the community?

The Zulus

In terms of community leadership, roles are there people from other cultures?

They are there but the majority are Zulus.

Do the other groups have a voice?

Not as such, let me tell you how things are, the truth is that Zulus instruct that is the truth and that’s is how it is!

You’re in authority?

We want things to be done our way that is how it is.

It either the Zulu way or no way?

“If it is not the Zulu way” there is going to be a problem.

Do you belong in any of the groups in the community?

No, actually I am a catholic but I associate myself with them to hear their views and their voices of what is happening in the society

So you do not belong to any stockvel?

No

Are there any groups that are exclusive to certain ethnic groups?

Even though they may not be popular but I can say that traditionally people cannot mix their traditions.

Can people from outside South Africa own houses?

Oh yes they can if they have all the documents that are needed in a country I do not see a problem.

What is your take on that?

My take is firstly the government must prioritise the South African citizens then after it can give them houses.

What do you think about foreigners owning a house and a South African living in an informal structure?

Yes I would say the system is unfair because a foreigner can own a house, remember I was born here from my grandfather up to our time we have been fighting for this land I am not even referring to politics I am talking from the period of chieftaincies. If the government of the people wants to take me back in time they won’t, I am a progressive person, I know that I have rights.

What do you think should be done now, would you say they should be taken out of the houses and South Africans should inhabit the houses?

No they should not be taken out of the houses, there has to be a right policy from the government. “I will make an example if 50 houses (RDP) come out they should give 5% to non South Africans and the rest should be given to south Africans.

Do you know people who are from outside the country?

Yes

Do you interact with them?

Yes

Would you mind having a neighbour who is not South African, not Zulu?

I won't mind

Are there differences between people who live in this area maybe culture wise or language wise?

I do not understand

You said Zulus are in majority right?

Mmh

So are there any differences between people in this community or how are difference made?

I would say I am Zulu maybe in Alexandra township, I know my issues so I would easily associate myself with Zulus because I am Zulu whatever they may say I will understand. During some meetings we do not engage with non-south Africans to say that we are all living in this country, ask them about the problems they we are facing and how they can be resolved "we kind of" do not give them a chance to speak up.

Would you say you group your selves together based on language or ethnicity?

Besides living arrangement I can have a Pedi neighbour but "when it comes to voice I will dominate" I am Zulu I do not want to be questioned.

So the neighbour won't have voice at all?

They will be there but it will be "just passive", I will be the leader.

Why do you think the community used violence for dealing with the issue?

In my opinion, I see government fault, they have a responsibility to let us know how they expect us to live with other people (foreigners) in line with the constitution. They should teach us that violence is not a solution, we should sit together and resolve our problems, and when we are facing problems, they should attend to us in time.

What would you say was the reason that pushed the community members to use violence was it the cry of not being listened by the government?

I think there are many reasons one like you said not being listened to by the government, number 2.) "Job opportunities". Life is unpredictable. In a land where there are no opportunities when someone says something that is not in line there are easily listened to. You must know that there are no jobs they need things to keep them busy and if they think,

what you are saying makes sense to them like what you said about the violence they will continue doing it.

Are migrants and people from outside Africa in this community are they the same to you?

Oh yes!

Why is that?

We are all the same we were all created by God and we have the same needs there is no one who is better than the other. There is no such thing as an outsider or insider no no no.

Ok, have you heard of xenophobia what do you think it means?

It is a dislike of foreigner not treating them well.

If you heard that people in this community are mobilising against outsiders what would you do?

"*I personally will feel bad*" there is nothing I can do. If the majority decides this is how they are going to handle things as long as I will not be present I will be fine.

If the majority or the leaders have made a certain decision, the community forced to be in line with that decision that they have made like maybe if they said they were mobilizing. Cause I mean, that is how we used to handle issues here in South Africa remember during apartheid if a decision was made by community leaders you were forced to be in line with that and do what has been that is how is works.

I could say that is how it works especially with the xenophobia issue, a lot of people did not have the opportunity to study they are used to being told what to do by their leaders even if the leader maybe wrong.

So if the people were mobilising against outsiders what is the likely thing to happen, what will you do?

I as an individual person?

Yes!

I won't involve myself in that.

Ok, are there any questions that we have left out that you think may be important in this research?

No I do not think you left anything important out, but I want to stress that these type of things are related with government policies they manner in which they relate to people "from the grass root". The people are poor and they have need from the government then they use

xenophobia as a means for solution which is not. The government must interact with the people and understand their needs and fulfil them according to the people's demand.

Are you employed?

Yes I am

And the majority, are they employed or are they going to School?

Most of the people have not gone to school, I think that is the main problem, and I think it is one of the causes of xenophobia; if they were educated they would be able to know how to solve problems. The decisions that are taken by "leadership" are not correct.

Are there South Africans involved in businesses?

"Very few actually" now I do not care if you go to river park, Soweto, townships in general, shops are now owned by Somalis, we do not have a problem with that in this community I was looking at the situation in general. Those who owned stores before we do not buy from them anymore, why? They are "expensive" Somalis prizes are "less".

Are you comfortable with that?

South Africans are expensive because...I won't run to buy something for R5.00 when I can get it for R2.00.

But then would you say they are closing opportunities for South Africans to open businesses?

I won't say as such that they are closing opportunities for South Africans. I think South Africans should learn a lesson from this. How? When you start a business you should not solely look at making profit, you should observe the people that you are going to serve and understand the prizes they can afford. If there comes a 'competitor' with a low prize, we will go to their store.

Do you think these businesses must stay?

We love them because they are cheap I won't go and...

What other nationalities have businesses, non-South Africans I mean?

It's mixed some are Zulus, all nations.

So Mozambicans, Zimbabweans do business here as well?

Yes they do business here as well.