

How despite a highly restrictive immigration regime and general levels of xenophobia do Zimbabwean migrants go about claiming rights to the city of Francistown, Botswana?

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Declaration

I hereby declare that this thesis is solely my own work, and has not been submitted for any other degree or work at any other university.

Signature:**On the 4 October 2011**

Dedication

I dedicate this research report to the memory of my late father. Thank you daddy for having taught me the importance of a sound education.

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I would like to thank God for His constant and much needed presence that I truly felt throughout my research.

My sincere gratitude goes to Professor Loren B Landau, my supervisor, for his patience and guidance in enabling me to complete this degree.

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ABSTRACT

This study tests the relevance of the theory of rights to the city in asking how migrants go about claiming rights to the city of Francistown, Botswana despite a highly restrictive immigration regime and general levels of xenophobia. The theory of rights, my theoretical framework proposed by Lefebvre (in Mitchell 2003), states that all urban dwellers, regardless of their legal status, have an equal right to the city due to the mere fact that they work towards its development. This is a normative position that has questionable practicability in the hostile context of Francistown where people face the threat of deportation by government officials. Nonetheless, Zimbabweans living there illegally find ways to claim rights. This thesis explores how they do that and from whom they claim.

Based on 29 semi-structured qualitative interviews with migrants and officials conducted in Gaborone and Francistown from the 7th October 2011- 29th November 2011, I argue that there are great disjunctures between popular opinions of a hostile Francistown and street level practice. While policy remains exclusionary, in practice Francistown does not offer newcomers great formal restrictions. Similarly, while xenophobia remains strong at an abstract level, this rarely translates into objective obstacles. By understanding that the environment of Francistown is accommodating and operates on the basis of *botho* (compassion), one can then comprehend the rights being accessed and claimed by migrants and that to some extent, they are aided by Botswana government officials. Moreover, it is evident that the rights migrant seeks and strategies they use are not in accordance with the theory of rights to the city. Indeed, the emphasis on formal mechanisms of claiming rights as stipulated by Lefebvre works against undocumented migrants. In addition to this, it is clear that the informal economy needs to exist for it highly compliments undocumented migrants claiming strategies and way of life. Therefore my findings have important theoretical implications for how we understand rights and policy lessons for organisations like UNHABITAT who have adopted the language of rights without understanding how rights are being negotiated and claimed from the bottom up.

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1.0 INTRODUCTION

1.1 AIM

This study draws on the theory of rights to the city and seeks to examine how Zimbabwean migrants go about claiming rights in the hostile city of Francistown, Botswana. The study questions whom migrants are claiming rights from and what rights they desire. The emphasis is on interviewing migrants themselves in understanding what rights they seek in Francistown. Also explored is the relevance and practical implementation of the theory of rights in the city of Francistown.

1.2 BACKGROUND OF THE STUDY: CONTEXTUALISING URBANISATION

As a starting point, my research speaks to the broad literature on critical urban studies. Urbanisation is defined as a mainly spatial process that involves a movement and concentration of people into a specific space (Gelderblom and Kok 1994). Brenner, Marcuse and Mayer Brenner, Neil (2009) argue that urbanisation is a concentration of production and capital in urban areas. It is this capitalist urbanisation that critical urban theorists are highly concerned about, recognizing that the types of capitalist urbanisation taking place are fraught with injustices and increasing inequalities between the haves and have nots. The 2008-2009 global economic crisis exemplifies the urgency and interest in this field in finding new ways of building equitable, just cities that are not based on capitalist greed. Marcuse (in Goonewardena, 2009:209) therefore proposes the formula “Expose, Propose, Politicize” in addressing capitalist injustices.” In explaining the formula, critical urban theorists attempt to understand and expose the current problems and inequalities brought about by capitalism and then propose a more just and sustainable way forward. The theory of rights to the city, my central theoretical framework, is key to critical urban theorists as it proposes ways in which to explore and politicise the movement towards just urban spaces.

Of particular interest to this study is the rate and characteristics of urbanisation taking place within African cities. Stern (in Kihato, Massoumi, Ruble, Subirós, and Garland 2010) cites the rate of urbanisation as reaching unprecedented levels of intensity. African cities, already facing many challenges, are likely to be worst off if the spoils of capitalism remain unevenly distributed.

Kihato, et al (2010:4) reveals, citing figures from a UN-Habitat 2008 report, that

it is estimate[d] that in 2005, one of every three people lived in squalid slum conditions in cities in the developing world. And the highest proportion of these urban slum dwellers – 62 percent – is in Sub-Saharan Africa.

There is therefore an urgent need to address forms of urban governance in order to mitigate against such spreading inequalities in Africa and to ensure that cities that uphold the rights of all their citizens are built. The practical relevance of Lefebvre's theory of rights to the city is explored in this study in order to test if the rights it stipulates are in fact being desired and/or claimed in the city of Francistown in addressing its inequalities.

As a way forward, and in studying processes of urbanisation in Africa, Simone (2002:8) summarises the continent, arguing that "Many of the particular economic arrangements, cultural inclinations and forms of external engagement that made African cities different from each other are fading away." Similarly, I acknowledge authors such as Herbst (2000), Chabal and Baloz (1999) who have written extensively about political processes on the African continent and advocate for a need for grouping countries and generalising trends to allow comparative studies with Western models. I, however, disagree with this stance and see it as premature, particularly when it relates to urbanisation in an African context. First and foremost, the process of urbanisation, and therefore city formation, is seen as a daily process that is constantly taking new meanings and directions in specific contexts (Mitchell 2003). These different experiences are therefore likely to be missed if the continent is taken as a whole, and more so seeing that most of the current African urban literature focuses on the more turbulent and active cities such as Johannesburg and Nairobi. Smaller and quieter cities seem to be left out and yet they are equally important in giving a holistic overview of urban processes and, in particular, in the instance of my study, the adoption of the theory of the rights to the city.

Therefore, by choosing to locate my study in Francistown, Botswana, my findings shed light on how rights are being negotiated and claimed in smaller urban areas. Francistown is an ideal and unique city to test the theory of the rights to the city: "Just as the academic consensus argues that

Africa's failure is a failure of governance, it also argues that Botswana's success is a success of governance" (Colclough, Mc-Carthy, Picard, Parson, Harvey, Lewis, Leith, Samatar, Acemoglu, Johnson and Robinson in Parsons Robinson 2004:5). However one notes that Botswana's good governance procedures are increasingly being questioned (cf. Hillbom 2008), nevertheless the consensus still remains. Therefore as my theoretical framework chapter explains, as the theory of rights to the city thrives under good urban governance procedures, one would assume that with Botswana upholding high standards of good governance and democracy at a state level then this too applies to governance in the city of Francistown, making it a logical place to conduct this study.

Relating specifically to urban processes and migration patterns in Francistown and Botswana that make this city worth studying, processes of urbanisation in the country have been unique and rapid. In 1960 1% of Botswana's population lived in urban areas and by 1991 45.7% of its population was urbanised (Lefoko-Everett 2004). Similarly, Francistown's population grew from 21 083 in 1971 to 65 244 in 1991 and in 2001 was recorded at 113 315 (Botswana census 2001). This growth is largely attributed to the country's economic buoyancy as a result of diamonds being discovered shortly after independence.

As a result of Botswana's rapid urbanisation and economic development, both the country and city of Francistown have attracted migrants from the continent and beyond. Speaking of Botswana's highly liberal immigration policy at the time, which transcends to Francistown, Lefoko-Everett (2004) states that the number of non-nationals grew from 10 861 in 1971 to 60 716 in 2001. These foreigners, the majority highly-skilled, were actively recruited to fill positions and work towards Botswana's development. It is however important to interject and emphasis that Botswana's prosperity and considerable economic growth since independence has been due to following a capitalist model as stipulated in its various national development plans. This however is against the rights to the city theory's goal in wanting to overthrow capitalism- these contradictions will be further discussed in my findings chapter.

Continuing, regarding Botswana's immigration policy Lefoko-Everett (2004) and Campbell (2003) note that in recent times it has turned highly exclusionary. Firstly, in the early 1990s the

localisation process took full effect, restricting the number of foreigners entering Botswana as newly educated and trained Batswana took up local jobs. Most recently, and when examining Francistown, the location of my study (situated in Eastern Botswana and a major transit zone), one notes that with the economic downturn of Zimbabwe over the last decade, it has experienced an influx of migrants from neighbouring Zimbabwe, the majority cited as being illegal. Quoting figures by Letso Mpho, Acting Assistant Manager (Communications) for the Ministry of Labour and Home Affairs (although caution is to be taken in the accuracy of these figures) 1 46 472 illegal immigrants were arrested and deported in 2009 with 27 001 out of the total figure being captured in Francistown and surrounding areas (Grey 2010).

The occurrence of illegal immigrants in Botswana has therefore created great tension and challenges between the Botswana government (in not allowing illegal immigrants) and the needs of Zimbabwean migrants to enter Francistown and claim rights in order to survive. This tension has played out in various ways: on the one hand, Botswana practices extremely exclusionary tendencies by constantly deporting Zimbabwean immigrants, with deportation costs estimated to be US \$772,999.97 on an annual basis (Grey 2010). Additionally, an admission of guilt clause has been added to the Botswana immigration act, introducing stringent measures to those who are seen to harbour or help illegal immigrants (Mmegi 2003).

On the other hand, and in examining Francistown, it is clear that Zimbabwean migrants are an active part of the city and play a contributory role to its informal economy and seem determined to stay. With no current solution at hand, my study seeks to examine this tension in the context of urban governance and, in particular, how and from whom Zimbabweans go about claiming rights in such a hostile environment.

Kihato et al (2010) suggests that there is a necessary move in cities towards good governance as is evidently taking place in Francistown where, despite what national policy may dictate, some form of compromise is being negotiated by municipality and urban dwellers allowing rights and needs to be better met at a local level. Elaborating and describing such models of good governance Simone (2002:41) notes that they are “a plurality of mechanisms and strategic orientations that seek flexibility and an ability to change gears,” thereby better responding to the

needs of citizens. Similarly the 1999 Manila Declaration states good governance as “a system that is transparent, accountable, just, fair, democratic, participatory and responsive to people’s needs” (International Public Debates: Urban Policies and the Right to the City 2005: 101). This definition reads much like Botswana’s Constitution and decentralisation procedures, which explains why Botswana is viewed as a model of good governance as it seeks to uphold these ideals.

Continuing Simone notes that non-governmental organizations and faith based organisations, are a critical component in good governance practices as they play a mediatory role between municipalities and citizens, in particular expressing the needs of the marginalised. As Simone (2002:26) states “In fact, the church and the mosque have become the most important institutions throughout urban Africa today.” As illegal Zimbabwean migrants are by law not allowed to be in Botswana, it would seem problematic for the municipality to directly address their needs by channeling state funds and resources to them, as this would be considered as acting against the law (cf. Everest 2004). Civil society and churches can therefore step in to fill this gap as stated by Simone. My study captures how migrants are claiming rights in Francistown and from whom, beyond state control and regulations.

A last point that needs to be highlighted resulting in my study being challenging is the lack of key documentation relating to urban processes in Francistown. Francistown municipality appears to have no urban plan in any of its key documents for managing the influx of foreign migrants to the city. This too is the case for Botswana’s Vision 2016. This raises issues of concern, particularly in relation to rights if foreign migrants are not being implemented or budgeted for in these official and long term documents; and yet they continue to be drawn to the city and country in large numbers. Clearly this is also in conflict with the theory of rights to the city where the theory advocates that migrants form part of the local population and are to be counted and included in its development. An understanding of why this need is not taken into account would be useful in understanding the form of governance taking place, as well as the conceptualisation of rights in Francistown.

1.3 STUDY OBJECTIVES

This study addresses the following:

- a) Gaps in the literature on urban governance relating to quieter/smaller cities namely, Francistown;
- b) An understanding of the theory of rights to the city in the context of Francistown and in particular, Zimbabwean migrants' strategies to claiming these rights;
- c) The practicality and relevance of the theory of rights to the city of Francistown as well as the relevance of its adoption by bodies such as UNHABITAT;
- d) Allowing Zimbabwean migrants a platform to express themselves and be documented.

1.4 LITERATURE REVIEW

THEORETICAL FRAMEWORK

In this section I begin by outlining the theoretical basis for the right to the city, namely: that all urban dwellers should have equal rights to participation and space in the city, as encapsulated in the concept of *citadens*. I then highlight the challenges given by theorists in actualising this theory such as: implementing the notion of *citadens*, illegal migrants claiming space and participation in city affairs, as well as the right to the city's adoption by NGOs and UNHABITAT. In concluding this chapter, my research emphasizes the usefulness of usufruct rights in the context of Francistown, as they highlight meaning as primarily sought from migrants and that the rights migrants seek deals with partial marginalisation. This approach is also used for my methodology.

The theory on the right to the city was developed by the French Marxist and socialist theorist, Lefebvre who believed in a future attainable city that ensures the enjoyment of rights by all inhabitants, with particular emphasis on the vulnerable and marginalised dwellers (Marcuse 2009). In explaining the type of rights being sought under the theory, Lefebvre stipulates that these rights are not defined as the fundamental rights mentioned in the Human Rights Charter but rather relate to common everyday rights such as the right to live, participate and be included in a city. Of central importance to claiming rights to the city is the right to participate, which has similarities with Habermas' notion of public spaces (Mitchell 2003). Lefebvre emphasises a need for urban inhabitants to participate actively in claiming and determining their right to the city, primarily through participation in its public spaces. It is only through claiming a public space that groups can be seen and therefore legitimised. To summarise, Lefebvre's ideas are best encapsulated in his well known phrase "the right to the city is like a cry and demand" (Marcuse 2009). In explaining this, the theorist sees all inhabitants of a city as being entitled to participate in moulding its shape and future and having full rights to demand such. Thus, the city is seen as an '*oeuvre*': a work which all its citizens are constantly striving towards. Harvey and Marcuse (in Goonewardena 2009), the masterminds behind this theory, emphasise the revolutionary nature of claiming the right to the city. The future city envisioned takes a moral stance, requiring an overhaul of the current unjust capitalist cities and replacing them with new, equitable cities where the rights of all are met.

Having outlined the key points of rights to the city theory I now look at the different critiques given that make the realisation of such a theory challenging in the context of my study. Tushnet, quoted in Mitchell (2003:22), critiques the emphasis on claiming rights, arguing that “right talk is merely distracting, turning progressive attention away from what really needs to be done in the interest of social justice.” Tushnet goes on to mention the immediate needs of people, such as food, stating that directly addressing these needs is far more likely to succeed than advocating for a right to food and shelter. In the short term, her argument is understandable, particularly when being discussed in light of impoverished citizens or, as in the case of my study, Zimbabwean migrants in Francistown. Urgent and basic needs seem to be most important and a central aim in their life in the city. Advocating for rights, such as the right to participate in the city’s construction, seem farfetched and luxurious when Zimbabwean migrants need to work and feed family members back home. Furthermore, such a view to press for the above mentioned rights to the city would seem to be a top-down approach of non-governmental organisation’s lack of understanding of Zimbabwean’s direct needs. This prescriptive approach is heavily criticized (Unger in Goonewardena 2009) as I shall later explain in discussing NGO and advocacy group’s adoption of the rights theory.

Mitchell (2003) however qualifies her argument by stating that the importance of rights talk is in them being an ideal that can be continually strived for and a framework the state and city can be held accountable for. Blomley (in Mitchell 2003:25) concurs: “those who seek to create a better world have few more powerful tools than precisely the language of rights, no matter how imperfect that language may be.” Therefore, there is some use in advocating for rights to the city as a long term goal to be achieved in ensuring a more just and livable society that all can be held accountable for.

Elaborating more on the issue of the adoption of the rights theory by NGOs and advocacy groups, particularly UNHABITAT and UNESCO, Goonewardena (2009: 63) argues that these groups “have adapted and then modified the rights to the city theory to fit their political agenda.” Some of these rights as adopted by UNHABITAT include universal human rights to housing, work, an adequate standard of living, information, food and water, participation, and health and

education. Goonewardena (2009:368) heavily criticises these rights, stating that they are not rights to the city but, “a bundle of already-existing human rights and related State obligations, to which, by extension, local authorities are also party.” As a result, instead of overthrowing the capitalist system, UNHABITAT dilutes the rights to city theory to fit into already existing structures and rights it prioritises through governance campaigns. This compromise is denounced and described by Goonewardena (2009:369) as “the most powerful mystifications of the contemporary era” which will prevent the theory of rights to the city from ever materialising.

However, like Mitchell (2003) on the issue of rights, one needs to acknowledge the usefulness of UNHABITAT in offering practical tools of implementation to achieving rights to the city namely through its good governance campaigns. On the other hand, the theory of rights to the city is yet to implement these tools. Additionally, the tension between rights stipulated by UNHABITAT and those by the rights theory are interesting to explore and compare and contrast to the rights migrants seek in Francistown.

Earlier on I spoke of Lefebvre emphasising the need for urban inhabitants to participate actively in claiming space in the city’s public spaces as it is only through this that groups can be seen and therefore legitimised. What is noteworthy is that UNHABITAT also stresses participatory approaches in forms of good governance, thereby making sure that the rights and needs of all city dwellers are taken into account. This point goes to show that contrary to Goonewardena (2009), there is the full adoption and merger of some of the rights theory’s fundamental rights in UNHABITAT’s goals. While my study acknowledges the usefulness of participation in public spaces, I do, however, see this emphasis as problematic in two ways. The first is that to propose that all urban citizens should have a say in navigating their rights to the city is to assume that there is equal power to all, that previously marginalised individuals would be able to contribute just as well as anyone else given the chance. This, however, is not necessarily the case, as it can lead to further marginalisation by those who hold more power, as Mitchell (2003) notes. Secondly, and directly related to the case of the Zimbabwean migrants that form a part of my study, is the emphasis on being visible through participating in such spaces and therefore gaining representation and a hearing. However, such visibility and claiming rights in such a way is problematic for those who do not belong, in particular illegal immigrants that can be exposed to

potential harm or capture by police if engaging in such a forum (cf. Landau's comments on usufruct rights in Kihato et al 2010). Similarly transient and circular migrants do not see themselves as belonging to a particular urban area and are therefore unlikely to want such participation and rights to shaping the future of the city that they view themselves as passing through. It then becomes essential to recognize that part of advocating for rights to the city involves a clear understanding of what rights are being claimed, and by whom, and to what ends.

Another problematic point that arises in relation to illegal migrants in my study is associated with Lefebvre's emphasis on urban citizens being given equal rights to the city and, no differentiation being made between citizens and non-citizens (foreign immigrants). Lefebvre coins the term *citadens*, being a fusion of "citizens and denizen" (in Purcell 2002). However, as already outlined, this is problematic as Francistown does not include migrants in any of its urban plans, thereby indicating that they are not entitled to the same rights as local citizens. Moreover, examining Africa at large, it is difficult to envision how citizens and non-citizens can transition to the all-inclusive form of *citadens*. Lefebvre does well to state that there is likely to be tension in moving towards this inclusive form of citizenship, but this perhaps underplays the likely conflict that would occur in an African context. Locatelli and Nugent (2009) and, Chabal and Daloz (1999) describe African countries and cities as lawless. This lawlessness is attributed to colonial divides that separated ethnic groupings. As a result, when leaders, as part of the nation building context, mobilised on ethnicity and nationality in forming states, those in the minority ethnic groups no longer belonged and were caught in conflict. These problems and conflicts continue to be played out in modern states such as Burundi and Congo. Therefore, in an African context, formal citizenship, signifying belonging to a nation, is seen by local citizens as a decisive marker that differentiates between citizens and 'others' who are usually viewed as the enemy (cf. Landau 2006 and Miasago 2005). To some extent, Botswana can be seen as following this African trend and is fuelled by national rhetoric that creates an 'us' and 'them' binary, such as in Vision 2016 and the Constitution; although it must be noted that the xenophobic sentiments in the country rarely play out in violent attacks.

Moving on, social network theory is another useful concept in shedding light on Lefebvre's point on *citadens* as it offers a more logical argument to possible forms of claiming the right to the city

in an African context and discussed in my findings. Examining social network theory, Bourdieu (in Jean 2008) states that migrants use family, friends and acquaintance networks as a coping strategy in helping them adjust to new environments and create livelihoods. Linking social network theory to my study, besides immediate family members and friends from Zimbabwe living in Botswana, the social network of Zimbabweans is likely to extend to include sympathetic Shona and Ndebele speaking Batswana. The proximity of Francistown to the Zimbabwean border (90km away) makes this even more of a likelihood as it facilitates the sharing of cultures and kinship ties as Batswana and Zimbabweans move between the two borders (Morapedi 2007).

Where the disagreement between theorists occurs on the subject of social networks is on the issue of the strength of these migrant network ties having either positive or negative effects on migrants' access to jobs. Granovetter (1983:3), advocating for weak ties, argues Structural tendency for those to whom one is only weakly tied to have better access to job information one does not already have. Acquaintances, as compared to close friends, are more prone to move in different circles than oneself. Those to whom one is closest are likely to have the greatest overlap in contact with those one already knows, so that the information to which they are privy is likely to be much the same as that which one already has.

Harvey, W (2008) however disputes the above assertions, indicating that in his study, he found British and Indian scientists in Boston, Massachusetts using both strong and weak ties to access jobs and having no preference over the other. Harvey, W (2008:470) concludes "Therefore, it would be wrong to suggest that highly-skilled workers prefer exclusively strong or weak ties" (cf. Bian and Ang 1997; Granovetter 1973; Mattingly 1999; Sanders et al. 2002; Wegener 1991). What is noteworthy is that Granovetter and Harvey are primarily referring to jobs in the formal sector. However, as has already been discussed, Zimbabwean migrants in my study are primarily located in Francistown's informal sector low skills. Therefore my study tested what ties are to be found in Francistown's informal sector and if they are in accordance with the theorist assertions. Granovetter's point on weak ties is however supported by Landau's (in Kihato et al 2010:180) study of urban migrants stating that they join multiple networks, maintaining weak ties which allow them "to shift affiliations and tactics at a moment's notice," thereby avoiding the law

enforcers. Continuing with Granovetter's assertions then in pressing for weak ties he (1983:3) goes on to argue that "weak ties are actually vital for an individual's integration into society." Landau's study however differs on this point as it highlights that migrants do not want full or commonplace integration in society. Rather are seen as maintaining weak ties in order to draw on particular rights and involvement that will allow them to pursue their goals but avoid confrontation from local citizens and the state. Landau (in Kihato et al 2010:179) identifies these selective rights as 'usufruct' rights, meaning: "a form of exclusion that is at least partially compatible with social and political marginalization." In fact, urban migrants "draw on shared discourses of self alienation and permanent mobility" which contradicts Granovetter's point of weak ties leading to full integration in society (cf. Landau 2006:128). Although Landau's point applies to a specific case study conducted on migrants in Johannesburg, these findings may be applicable to illegal urban migrants in my study. Being in a xenophobic environment like Johannesburg, South Africa and seeing themselves as transnational migrants, Zimbabwean migrants may only be concerned with the local context in as far as it furthers their interests, allows them to remain invisible and facilitates their making a profit before moving on, as Landau found in his study.

In concluding this chapter, Landau's findings on 'usufruct rights' help shed light on methodological approaches in my study by emphasising a clear need to understand migrants and the rights they seek in avoiding a prescriptive approach such as Lefebvre and UNHABITAT in stating what rights inhabitants need to claim. I thus examine urban migrants themselves and the strategies and rights they seek in relation to the theory of rights to the city, acknowledging that they are 'purposeful actors' (Turton 2003 and Misago 2005).

2.0 METHODOLOGY

2.1 RESEARCH DESIGN

My central question, informed by my literature review and theoretical framework, seeks to examine how, despite a highly restrictive regime and general levels of xenophobia, do Zimbabwean migrants go about claiming rights to the city in the hostile environment of Francistown? In my theoretical framework section I emphasise the need to interview migrants and understand the usufruct rights they seek. Therefore, the questions that are essential in answering my central question are:

- What rights do Zimbabwean migrants claim in the city of Francistown?
- What claiming strategies do migrants use to secure these rights?
- Whom do migrants claim rights from?
- Are these rights in accordance with the theory of rights to the city?

For my research design I needed both primary and secondary data to answer my central questions. For the primary data I drew from a qualitative approach, using in-depth semi-structured interviews to collect data from respondents. Zimbabwean migrants, along with key informants from government department and civil society were interviewed, allowing me to have an overall sense of what claiming rights in this xenophobic environment entails.

Regarding secondary data related to my topic, this was collected from media articles, newspaper reports and government statistics databases. In addition to this I had hoped to interview the Francistown mayor and also access the city's town plans and municipality meeting minutes that would greatly enlighten me on urban and migration processes in the city. However, I was unable to secure an interview or the necessary data despite numerous attempts.

Additionally, and once in the city of Francistown, I used direct observation as a further technique. I felt that it was necessary to use this method and record the interactions I observed as, to some extent, they contradicted the xenophobic environment stated in popular opinions and my literature review.

Summarising the usefulness of qualitative approaches, Creswell (2003:181) argues that

a qualitative study takes place in the natural setting enabling the researcher to develop some detail about the individual or place, it uses multiple methods that are interactive and humanistic meaning the involvement of the respondent in the data collection thus seeking to build rapport and credibility with the individuals in the study.

2.2 SAMPLE

In Gaborone I interviewed three key officials, being the National Aids Coordinating Agency official, Professor Campbell and an Immigration Official. I conducted these interviews in order to gain an overview of Francistown and the rights being afforded to Zimbabwean migrants, if any, by Botswana. In Francistown I interviewed Francistown Immigration Officials, Nyangagwe Referral Hospital Public Relations Officer as well as the Maternity Ward Counsellor and the Francistown Department of Labour Official.

Regarding my migrant sample size in Francistown, this completely changed, primarily due to the difficulties involved in accessing and interviewing Zimbabwean migrants. I abandoned my set sample size and stopped interviewing migrants when the information I was collecting started getting repetitive. Where possible I tried to balance the number of men and women being interviewed to get a sense of how each gender was claiming rights. For instance, if I did interviews at the maternity ward, I would then ask to be taken to the male ward. In total I interviewed 10 male migrants and 13 female migrants.

2.3 DATA COLLECTION TECHNIQUES

Prior to conducting the interviews I attempted to contact relevant officials (by phone and email) at least two weeks before and then made follow-ups a week later. The only response I got at the time was from Professor Campbell. It was only once I was in Gaborone that I established that the general way of getting interviews was to go to the offices in person to set up an appointment. On most occasions I was helped immediately and conducted interviews without setting a prior appointment.

Regarding my interview questionnaire, I constructed the questions that I used in collecting part of my data. In writing up the questions I ensured that I used basic English to allow my

respondents to understand the questions and to reduce my level of ‘interference’ in the interview by having to explain questions and thereby unintentionally prompting answers. However, I found that firstly, most interviews, at the request of the interviewees were conducted in both English and Setswana, with some Zimbabwean migrants preferring to speak only in Setswana. I also established that despite my relatively basic use of English used during interviews in asking questions, I sometimes had to repeat myself, speak slowly, or explain in Setswana. What was most notable during migrant interviews was the confusion around my key term ‘rights,’ as not all migrants were entirely aware of what I meant. I therefore used the term ‘services’ along with ‘rights’ in interviews to make sure that there was a clear understanding of what I meant. Therefore, instead of asking what rights migrants claimed in Francistown I would ask what services they claimed, and if necessary ask if they had access to health services and shelter to make sure they understood. The above point goes to show the usefulness of administering face to face, semi-structured qualitative interviews as one can adjust questions in a timely manner or give further explanations to ensure that the questions elicit what is required.

The first part of my data collection involved administering interviews in Gaborone, gathering information on national policies that dealt with migration in particular, the Zimbabwean migration influx. I conducted in-depth semi-structured interviews with key officers from the government departments I have already listed. These interviews lasted 45 minutes to an hour and had standardised, pre-planned questions to ensure that I collected data that was useful in answering my central question. The semi-structured nature, however left room for my interviewees to shape the structure of the interview to some extent and to elaborate where necessary or contribute additional information I may have not thought of. In recording the interviews, I took hand-written notes while respondents spoke. In instances where respondents spoke too fast I asked them to slow down or to repeat the sentence in making sure I accurately wrote down what was stated.

The last parts of my interviews were directed at Zimbabwean migrants in Francistown. These interviews were initially meant to last an hour, but I found that some interviews were longer than the expected hour due to having to slow down and explain myself in English and Setswana, and others were short or interrupted; such as at the deportation centre as the first group of migrants I

found on arrival were finalising administration details for their departure and were kept being called in to do such.

2.4 TIMELINE

The fieldwork was conducted from the 7th of October 2011 - the 19th of November 2011.

2.5 ANALYSIS

The first step was to transcribe the interviews I had gathered. In my findings section I translate responses given in Setswana for the benefit of the reader.

Regarding my analysis section, I used thematic analysis in picking out recurring themes within my data. Gibson (2006) defines thematic analysis as “an approach to dealing with data that involves the creation and application of ‘codes’ to data.” However, as the data was overwhelming and could potentially have resulted in numerous themes, I used key words from my central question as guideposts in helping categorise and code recurring themes. This I found highly beneficial and time saving as the codes complimented and guided the recurring themes in the data I had collected. This was to be expected as the data was based on the questions I asked, and therefore ‘codes’. Buetow (2010) criticises thematic analysis for being selective of certain themes in its coding, thereby leaving out other potentially important themes. However, due to limited time and space in writing this thesis I had to prioritise. By using my question as a guidepost and sticking to recurring and related themes, I thus made sure that what was important to answering my thesis was recorded.

2.6 LIMITATIONS

Due to using a qualitative research approach, it was difficult for me to draw generalisations in the analysis part of my research as the sample size was too small. However, my main aim was to establish an understanding of how Zimbabwean migrants claim rights in the city of Francistown and this I was able to do through qualitative methods. A further important point to note, despite my small sample size and therefore the inability to generalise, is that I was able to see recurring themes, particularly the instance of the absence of xenophobia in Francistown, as defined by migrants. One can thus infer that this is to some extent a general sentiment in Francistown.

The limited data available on Francistown was a hindrance as I was not fully prepared as to what to expect in Francistown. This was made even more challenging as none of the NGOs I contacted responded. As I initially had difficulty in locating and accessing migrants, it was highly beneficial that immigration and hospital officials acted as contacts, connecting me to other migrants.

Time proved to be a key constraint in Francistown, despite having asked for an extension of my research permit. The time factor limited me from doing an extensive, in-depth study that could have covered various angles of this study, helping to enrich my overall project.

2.7 ETHICS

Before conducting my study in Botswana, I gained ethical clearance from my university and from Botswana to ensure that I had adhered to the necessary ethical standards and that I was aware of each institution's laws relating to this. Relating to my participants, the ethical considerations that I took into account included the principle of informed consent. I had to make sure that participants' involvement in this research was fully informed and that participation in the interview was voluntary and that they would not be getting paid for their involvement. I also let participants know that at any point in the interview where they felt uncomfortable they were free to stop the interview and leave, with no consequences.

Regarding confidentiality, and in terms of safe-guarding my participants, answers to interviews remain anonymous as I used a coding system in place of their names. This was to ensure that my participants, some of them illegal migrants, rest assured that they will not be traced or reported after the study. After collecting data, and after my write-up and analysis, I made sure to destroy all interview transcripts. I do realise that these choices may question the credibility of my research, but as my primary aim is to protect my participants from harm or risk, I chose this method.

ETHICAL IMPLICATIONS

A number of ethical concerns around the ethical implications were raised that then questioned the reliability and validity of my research. Drawing on Landau and Jacobsen's (2003:55)

argument, the authors state that as forced migration researchers “we must insist on rigorous research methodologies” calling for “transparency, reliability and representativeness.” This, Landau and Jacobson urge, is necessary if researchers are to influence policy. The point on influencing policy to some extent pertains to my research, as in my concluding remarks I make recommendations to UNHABITAT and similar organisations that have adopted the theory of rights to the city. I, however argue that due to the nature of my study and limited data in this field (this was a first of its kind in Francistown), it is to be expected that my methodology would have to adapt and change to the context of Francistown and be judged by how I best saw fit to proceed. Hertzberger (in Lee and Renzetti 1990:2) is aware of this challenge when researching sensitive topics stating that “access is often problematic. The adequate conceptualization of particular topics is sometimes inhibited.”

While I understand that there is some need for rigor and to develop a set of standards to be used by both qualitative and quantitative methods, as Landau and Jacobsen argue, and especially in protecting migrants, I, however argue that in the case of my research it was necessary to dissolve and adapt my methodology accordingly. I therefore acknowledge that there are some occasions that strict standards cannot be followed as planned and this is not to the detriment of the study (cf. Malterud 2001). In my reflexivity section I elaborate more on my need to adapt and be responsive; in particular use my cultural background and Setswana to assist in gaining more insight in this context.

One of the changes in research methodology that I made which had ethical implications was, as I have mentioned, the difficulty in establishing contacts and I therefore used officials within Francistown to help. Although helpful, it questions the ‘voluntary’ nature of the interviews. As I was interviewing some migrants in an institution, such as the deportation centre as well as the hospital, they may have felt compelled to participate in my interview. To mitigate this, once the official had introduced me and left, I emphasised the voluntary nature of the interview to the interviewee.

Regarding issues of confidentiality, migrant interviews were not always conducted in private as, although given the option to move elsewhere, some migrants chose to be interviewed close to the

groups they were sitting in. At the bus rank this made sense as the shading under which street vendors were clustered under was less chaotic than the busy movement of people boarding buses and selling goods on the open street. Furthermore, as it was my interviewees' choice to remain in the areas I found them in, I adapted my technique and respected their choice instead of insisting that they abide by my ethical procedures.

2.8 REFLEXIVITY

My research led me to question my role as a researcher and some of the changes I made that may not be seen as following universal norms or maintaining rigor as I touched on in my ethics section. Guba and Lincoln (1981:210) note the importance of being reflexive, defining it as “the process of reflecting critically on the self as a researcher, the human as an instrument.”

One particular example of what may be termed an unethical action on my part was to do with an 18 year old Zimbabwean migrant interviewed at Nyangagwe Referral Hospital. The young boy had had an accident at work which resulted in a truck spinning off its track and then crushing his leg. As he was illegal, his boss had said he would pay his hospital bills as long as he didn't report the matter. The boy had been in hospital, post-operation for close to two months. He complained that his leg seemed to be getting worse with pus occasionally shooting out and therefore wasn't sure he would walk again, despite the doctor's reassurance. There was a point in the story where the young boy started crying but then wiped his tears and insisted on continuing with the interview. When the interview came to an end, and just before I departed I gave the boy some money. The young boy thanked me profusely and asked if I wanted to see his leg. Before I could respond and decline, he pulled the sheets away. His leg was badly swollen and disfigured around the knee. The bandages were seeped in blood and pus and underneath his leg were open diapers to absorb the rest of the pus. I understood the boy's fear.

I am aware that my action in giving my interviewee money would be considered highly unethical and discredit my research. I, however argue that this was after the interview had taken place and therefore did not affect my interview. Moreover, and drawing on my upbringing and culture, this seemed like the right and most ethical thing to do in such a situation. This was a young boy, close to my younger brother's age whom I could relate to, once having dreams and ambitions that were suddenly crushed. This incident highlighted the fact that the participants we interview

go beyond being subjects and are real people with real lives. I therefore felt it appropriate to cross the strict researcher/interviewee divide and respond in the way in which I did, treating the young boy as a person. In fact I argue that it was because of my ability to respond to the situation, by having a cultural awareness and being humane that I obtained the rich data that I did. Attesting to this, and that my conduct was appropriate to the context, after I finished conducting my interviews at the bus rank, migrants thanked me, wished me luck and told me to come again. The eldest woman in the group then went on to state, which I believe summed up the sentiments of the others, “It is because you brought yourself down to our level that we respond. Had you been high like others, we would not care.” This point also shows the weakness in using quantitative and clinical approaches that require one to be a strict researcher, distance one’s self and not ‘bring ...[one’s] ... down’ to the level of those one interviews and engages with.

I am also aware that my ability to speak Setswana and my basic understanding of Ndebele greatly helped in this environment as I would have missed out on a lot of meaning as migrants switched between English and Setswana. Mama (1999:56), a black feminist, drawing on cultural knowledge and practices, makes the point that in order to get meaningful and accurate studies, researchers should reach their own, and in this instance, blacks should research blacks. I am of two opinions on this matter: I feel that research growth would be inhibited and potentially bias if certain cultures only researched their own. Similarly, Palmary (2009:63) presses this point stating, “In the process of naming and categorizing African cultural practices, we both constitute them and distance the authors and readers of the text from them,” hence caution is to be practiced in calling for such approaches. I, however acknowledge that in this instance, being a black Motswana greatly aided my study. Nevertheless, other researchers from different cultures would be just as useful in making a comparison and building on this study (cf. Malterud 2001). There is, however a need for a translator if researchers do not speak Setswana, Ndebele or Shona.

In concluding this section, I draw on Benatar and Singer (2000:14) in justifying my actions in adapting my methodology, drawing on my culture and background in doing what I saw as ethical and what I believed would lead to a more enriching study:

Considerations of context are required aspects of moral reasoning in the application of universal principles in specific situations and do not entail moral relativism. Failure to distinguish moral relativism from the morally relevant considerations of context that are necessary for the specification of universal principles shows a lack of knowledge of the ethical decision making process.

3.0 FINDINGS

INTRODUCTION

My central argument in the following chapters rests on the case that there are great disjunctures and differences between the literature review and popular opinion on the one hand and the findings around what is actually taking place in Francistown on the other. In the city of Francistown it was evident that firstly, while policy at a national level remains restrictive, in practice the immigration regime is highly permeable. Secondly, Botswana hardly has any levels of xenophobia that play out to be hindrances in the lives of migrants. It is an understanding of this flexible city environment, operating primarily on the basis of *botho*, which allows one to then understand the rights being claimed in Francistown and what strategies migrants use to claim these rights. Also evident is that contradictions exist between Lefebvre's theoretical underpinnings of rights sought and ways in which rights should be claimed in comparison to how Zimbabwean migrants are actually securing rights in Francistown. The rights migrants claim such as the right to space and the right to work and live in Francistown to a certain extent compliment Lefebvre's theory but, not in the ways he states, thereby pointing to alternative strategies and spaces to live in the city from the margins. Additionally health and reproductive rights were emphasized and claimed by Zimbabwean migrants thereby showing additional rights desired by migrants.

Of particular importance and drawing on the work rights Zimbabwean migrants claim, Lefebvre's theory is greatly challenged in wanting to overthrow the capitalist system and yet as my study identifies, this is not in accordance with migrants desires as being primarily illegal, migrants have carved a space and life for themselves within the margins that allows them to thrive and claim certain rights within this informal sector, endemic to capitalism. Thus this study's findings greatly challenges the way in which rights are conceptualised and understood by rights theorists as well as organizations such as UNHABITAT who have adopted the language of the rights theory without an understanding of what is happening on the ground.

I fully understand that my findings cannot be generalised, but the stark evidence presented in the highlights a need for a redress of the overall picture portrayed of Botswana as hostile and

additionally, this calls for continuous, up to date research in Botswana in ensuring that timely and accurate material is reported.

In the next few chapters I fully explore my central findings.

3.1. BOTSWANA DOES NOT IN PRACTISE HAVE A HIGHLY RESTRICTIVE IMMIGRATION REGIME

While Oucho et al (2000), Lefoko-Everett (2004), Campbell's (2003) and Polzer, Kiwanuka, Takabvirwa (2010) have argued that Botswana's immigration regime is highly restrictive, few have explored the practical meaning of these restrictions. My research revealed that while the laws are indeed restrictive, the implementation of these policies created great permeability. This permeability was established on the basis of a) a weak immigration regime, greatly abused by Zimbabwean migrants, b) observations of the interactions taking place between migrants and immigration officials that operated on the basis of *botho* defined as defined as compassion and humanness (and a core value that the Batswana strive to uphold, stated in Vision 2016 and the Constitution), and c) the large presence of illegal Zimbabwean migrants in the city. The mentioned indicators thereby allow migrants to claim rights. Continuing, the findings in this study clearly reflect that beyond what is stated in Botswana's policy and act, life in Francistown is being negotiated from the bottom up by migrants and citizens and is contrary to what would be a highly restrictive immigration regime. Moreover, I argue that this is an ideal method, where the citizens from below learn to negotiate these terms rather than the case of South Africa (a country Botswana is extensively compared to by the already mentioned authors), where policy that is difficult to implement is passed down and for the most part does not have the local citizens' support. This is reflected in the 2008 xenophobia attacks despite South Africa's comparatively liberal migration and refugee policy. These findings have broader theoretical implications for theorists and NGOs that impose a top down approach in hope of advancing rights and yet, their approaches are not in accordance with, or respectful of, negotiations that are already taking place on the ground and as initiated by locals.

3.1.1 A WEAK AND ABUSED IMMIGRATION REGIME

To begin with, and giving evidence for stating that in practice Botswana does not appear to have a highly restrictive immigration regime, my findings indicate that there was a serious weakness and clear abuse of the immigration system by Zimbabwean migrants who occasionally boasted about their ability to stay in Francistown illegally. Certain migrants would confess that they had been in Botswana and had been living there illegally for three to ten years and even after their arrest had kept coming back, illegally. As one migrant stated "*Ga kena passport, ke kile ka nna 3*

years ke sa tshwarwe,” meaning that they had lived for three years in Botswana without being caught, and another added “*Ke a itaola ke sena passport ke bone gore key a gae leng,*” meaning that they do as they please in Botswana, without a passport and determine when they want to go home. In general, it was clear that migrants could live in the country illegally, go relatively unnoticed and when caught would come straight back to Botswana after deportation. And even with those leaving the deportation centre and embarking on the truck as was observed, they would joke with officials saying “we’ll be back.” The above examples and attitudes portrayed do not in practice reflect a highly restrictive immigration regime or fear that would be associated with breaking the law and meeting the consequences of what is claimed to be a highly restrictive immigration policy. Rather the above attitudes show an accommodating system that migrants have established in claiming rights in Francistown. This established system and negotiations is what will be explored and understood in the following chapters.

3.1.2 INTERACTIONS AND OBSERVATIONS BETWEEN MIGRANTS AND IMMIGRATION OFFICIALS

Elaborating on the above point, and related to the interactions and attitudes noted amongst immigration officials and Zimbabweans, these operated on the basis of *botho*/compassion. An element of understanding, calmness and respect was noted, even at the deportation centre where strict measures and some form of abuse is most likely to be expected as the centre is far away from Francistown and public scrutiny. After an interview with immigration officials at the Francistown immigration offices, who were surprised that I stated Botswana to be xenophobic and having a highly restrictive immigration regime, I was taken on a random tour of ‘Bulawayo’ to prove otherwise. ‘Bulawayo’ is a location situated behind one of Francistown main malls where Zimbabweans, mostly illegal, shop and work in Chinese-owned shops, do ‘piece jobs’ and load and offload trucks with goods, etc. The majority of migrants would stop to greet the officers, have a casual conversation before moving on. Others would briefly stop and smile and then slowly slip away. An immigration officer would point the migrant out, telling me to observe and see who was illegal and not as they would soon ‘disappear.’ Not once throughout this walk did I notice any fear, hostility or running as the immigration officers approached. As a senior immigration official stated, summing up the general interaction, “we know the push factors so

we interact with them on the basis of compassion... we allow them to come... we are allowing them rights.”

A similar response was given by an officer at the deportation centre when confessing that some migrants were third time offenders but that they kept coming back into the country and that immigration officials did not ask for the fine to be paid, or jail them, but instead showed them the act in trying to deter migrants and show them that it was a serious offence.

The above examples show clear flexibility in the immigration regime and one that in its own way is responsive to the Zimbabwean situation, operating on the basis of compassion and humanness also known as *botho*, beyond what the act and literature says. Furthermore, with such abuse taking place, this exemplifies a clear weakness in the immigration system and a system that cannot manage the Zimbabwean crisis, hence the abuse. This further shows that the immigration staff is, out of understanding and compassion, to some extent turning a blind eye to illegal migrants, and this is exemplified by the walk in ‘Bulawayo.’ It is these happenings at a local level that the literature and popular opinion need to take into account if they are to fully grasp how rights are being negotiated and claimed in Francistown.

Additionally what is also apparent is that Zimbabwean migrants are aware that they can mobilise on *botho* in gaining administrative rights and a stay in Botswana. Migrants are aware that *botho* is a core feature of Botswana, and in the above case, immigration officials, and therefore use it to access rights as I shall later explain.

3.1.3 LARGE PRESENCE OF ZIMBABWEAN MIGRANTS

It is clear that there was previously a time in Francistown when there was a large presence of Zimbabwean migrants. As a migrant stated, “There was a time when there were more Zimbabweans than Botswana,” and a hospital official added, “There was a time when there were 3:1 Zimbabwean to Botswana in Francistown.” These statements are further backed by Grey (2010). Whatever the real figures, acknowledging that they would be very difficult to come by, it is clear that there was a noticeable presence of Zimbabwean migrants living in Francistown at some point and this is probably due to the proximity of Francistown to the Zimbabwean border

and the great differences between the two economies (Campbell 2003). And furthermore, the type of abuse that is taking place, such as thriving business by Zimbabwean migrants called *Magumaguma* who patrol the border posts and then attack their fellow Zimbabwean countrymen for money, cell phones and passports goes to show that Botswana's immigration regime is highly permeable (migration industry). Had it been the case that the Botswana officials were restricting Zimbabweans, such thriving businesses, well known by all Zimbabweans interviewees, would not be in operation.

With the above examples and reported negotiations taking place on the ground between migrants and the Botswana, it is evident that in a methodological approach to such a study, it is beneficial to interview migrants on the ground in highlighting the usufruct rights that they are claiming. It is only through such an approach that one can then be fully aware of, and understand, the daily negotiations taking place, in claiming and securing rights, beyond what official policy indicates.

In concluding this section, and before moving onto the next interrelated section which deals with xenophobia in Botswana, I once again highlight that Botswana's immigration regime is highly permeable and greatly abused allowing migrants to claim certain rights. This has been demonstrated through showing that it is weak and open to great abuse by Zimbabwean migrants. Moreover, there is flexibility and *botho* at play, initiated by immigration officers who are responding to Zimbabwean migrants through a system that is operating from the bottom, up and in respect of the local context. The above factors allow one to understand the rights being claimed and strategies used by migrants as I shall discuss in proceeding chapters.

3.2.0 THERE IS HARDLY ANY XENOPHOBIA IN BOTSWANA

In this chapter, which continues to establish the practical setting of Francistown, my findings indicate that there is hardly any xenophobia in Francistown that translates to objectifiable difficulties for migrants. There were instances of reported intolerance and rare violence but this, according to Zimbabweans, was and is not xenophobia nor is it the overriding sentiment in Francistown. Citing Campbell (2003), evidence from a survey is given indicating that 60% of Botswana interviewed wanted an electric fence to be erected and switched onto lethal mode, as one example of the Botswana's xenophobic tendencies. However, and based on my recent

findings, I demonstrate that attitudes have shifted and that low to nonexistent levels of xenophobia exist in Francistown. The reasons for stating this, a) Zimbabwean migrants highlight that Batswana have an attitude problem, insisting on speaking Setswana, but the Zimbabweans do not define this as xenophobia; b) the interaction between Batswana and Zimbabweans does not indicate hostility; and, c) the rights being claimed by migrants, and assisted by Batswana on the basis of compassion, would not take place in a xenophobic environment. Again, as argued in the previous section, in what appears to be exclusion from an outside perspective of the situation in Francistown and what is captured in black and white, an understanding of the local situation and dynamics is imperative to a full understanding of rights to the city in the Zimbabwean relation to Francistown. Continuous and timely research is also needed to record the changing environment and attitudes in relation to migrants in Francistown.

3.2.1 ZIMBABWEAN MIGRANT ACCOUNTS

Elaborating on my findings, first and foremost, the majority of Zimbabwean migrants interviewed stated that Batswana are not xenophobic, with surprise being expressed by some as I already assumed that xenophobia was a given in Francistown, as my question backed by my literature review suggested. This led me to then rethink and rephrase the interview question to ask if xenophobia existed, instead of assuming what I thought was the obvious. As one migrant said, describing the situation in Francistown: “Batswana just talk nonsense but they are not violent. This one a free country. When they talk you just ignore.” Similarly, another migrant said, “Batswana are very proud of themselves. The problem is they have tribalism, you speak English, they respond in Setswana.”

From observing and following conversations I was subsequently able to establish that the biggest problem, and what came closest to being described by Zimbabweans as xenophobia towards them by the Batswana, was their attitude and insistence on speaking Setswana. Migrants, echoing the sentiments of fellow Zimbabweans seated nearby, firmly stated that “of course there is not xenophobia in Botswana, they are not burning people, doing xenophobia like in South Africa.” This suggested that Zimbabwean migrants were aware of what xenophobia is, and, moreover had a way of terming and seeing xenophobia. Therefore, the language and an attitude problem as exemplified by the Batswana did not fall into that category but was seen more as ‘nonsense talk’

that one should just ignore. Violence, as in the case of South Africa, seemed to be central to Zimbabwean migrants' understanding of what xenophobia is, and yet only one of them reported having ever been subjected to violence, and this was because he was mistaken for a thief. It is interesting to note that a NACA representative stated that correlates with the above given evidence a common Setswana saying stating '*Ntwa kgolo key a molomo*' meaning that pushes for diplomatic measures in resolving conflict literally translate as "Great fights are fought through words."

3.2.2 OBSERVATIONS AND INTERACTIONS

The second set of evidence from my findings that strongly suggests that there were hardly any instances of xenophobia in Francistown were from the interactions I observed which were corroborated by statements from both Zimbabweans and the Batswana. The interaction between the Batswana and Zimbabweans in all the different settings I met them did not indicate hostility but rather, from the point of the Batswana, operated on the basis of *botho*. This was particularly evident at the immigration offices, the deportation centre, as well as at the hospital (as I earlier described in my section on a highly restrictive immigration policy) where compassion and an understanding of the Zimbabwean situation operated. Regarding Zimbabwean migrants at the deportation centre, they were sitting in groups under trees, laughing, chatting, eating lunch, some breastfeeding as jokes were being passed between immigration officials and them. Despite the high fences with barbed wire and surveillance cameras that I first saw on entry, hinting at a hostile environment, the atmosphere seemed casual, as some immigration officers were finalising and assisting them with administration work before the migrants were sent off. Furthermore, the immigration officials, as with the officials at the hospital, were going out of their way to register the babies so that each foreign child had an identity before deportation, recognising that a child, whether foreign or not, is entitled to this right. The above observed interactions seem highly contradictory to the environment of deep hatred and xenophobia described by Campbell (2003), hence my claim that xenophobia hardly exists in the context of my study.

The evidence above substantiates the three points stating that, firstly the Zimbabwean migrants themselves claim that Batswana are not xenophobic, the second, being the interactions I observed, and the third being that of the rights claimed indicate that xenophobia cannot be said to

be taking place. Therefore, these findings contradict what was depicted in the literature review section.

Elaborating on my arguments and looking at the definition of xenophobia as widely used and in the context of the literature review, the literature suggests that xenophobia shows a deep hatred, fear and unusual dislike for foreigners (cf. Campbell 2003 and Lefoko-Everett 2004). I automatically highlight problems with this definition as it is difficult to measure and quantify xenophobia based on the description of 'deep' or 'unusual'. It is also clear, and as a migrant stated "xenophobia is highly subjective." This is why I interviewed migrants who wanted to speak for themselves in order to record their voices and experiences about the daily experiences they go through. Those who do the defining are important, as the immigration official stated, in order to avoid misrepresentation and inaccuracy in literature published.

Examining the context of my finding and as has been argued in the above examples, there was minimal hatred, hostility or fear observed. Instead, what was central to the interactions between the Batswana and immigrants was the premise of compassion, recognising that Zimbabwean migrants are people, allowing them to claim rights. This compassion is highly contradictory to the definition of xenophobia and yet it was a key element operating in Francistown. Furthermore, Polzer, Kiwanuka, Takabvirwa (2011) and Campbell (2003) highlight competition of resources as one of the main factors leading to xenophobia. Following this logic, and examining the Francistown bus rank where Zimbabweans (some illegal) and Batswana trade, one would expect xenophobia to be rife in this area as there is direct competition for customers and the trading of goods. This however was not the case.

Referring to how Zimbabweans define xenophobia, violent practices such as in the case of South Africa, are necessary for the definition. The mentioned definition correlates with the definition of xenophobia given by MacDonald & Jacobs in Lesetedi (2007) as it goes beyond defining xenophobia as a "deep dislike of foreigners" to including a set of behaviours and practices that manifest in violence and physical abuse. Therefore, this definition best relates to Zimbabwean experiences and best describes what they see as xenophobia. Another important point to note is that Zimbabweans themselves are known for their factions between the Shona and Ndebele, and

are likely to “talk nonsense to each other.” This helps explain why talk is not seen as an extreme action or as xenophobia, as defined in the first definition.

Finally, an important point and justification that needs to be made in this section is with regard to the articles in my literature review that were in unison on xenophobia being highly prevalent in Botswana; a consensus not substantiated by my findings. Looking at the dates of the articles on xenophobia by Campbell and Everest, they are dated 2003, 2004 or cite articles from this period. Their research was conducted at a time when the Zimbabwean crisis was in its initial stages and many Zimbabweans were leaving the country. Therefore, Zimbabwean migrants arriving in Francistown and Botswana were many and this is mostly likely to have caused some form of initial shock to the Batswana and hostility was recorded. I, however, believe that times have changed and that the Batswana have gotten use to living with Zimbabweans and see and acknowledge their contribution in both the formal and informal sector. I also highlight that Batswana seem to go through different phases of reacting to migrants.

Oucho et al (2000) reports that in the 1970s and 1980s it is clear that the Batswana were welcoming to migrants as migrants were able to enjoy rights: “70% of foreign migrants interviewed found living in Botswana to be better than their home countries” and that “83% stated that they had good relations with Batswana.” However, with the localisation process in the late 1980s, the situation changed as expatriate jobs were given to locals and Botswana limited the number of foreigners entering. The situation worsened in the early 2000s with the influx of Zimbabwean migrants. I, however argue that again in 2011, the situation and levels of xenophobia in Botswana have abated as the climate has changed and Batswana realise the benefit of having Zimbabweans in the country, particularly with their contribution to the informal sector (unlike the 1970s). Therefore, even though Botswana is defined as a closed society, and hence almost naturally xenophobic as Campbell states, they are, however able to adapt to each changing context and have within themselves an ability to be more accommodating, hence a need for constant research to monitor the changes and publishing of literature that depicts the changing tides.

In conclusion, it is clear that very low levels of xenophobia exist, making it easier to understand the types of rights being claimed in Francistown and strategies allowing Zimbabweans to live and arguably thrive in current conditions. The reasons given are: a) Zimbabwean migrants highlighting the Batswana as having an attitude problem, insisting on speaking Setswana, but they do not define this as xenophobia; b) the interactions between the Batswana and Zimbabweans do not indicate hostility; and c) the rights being claimed by migrants and assisted by Batswana on the basis of *botho* would not take place in a xenophobic environment.

4.0 RIGHT BEING CLAIMED

From the above chapter, I have clearly been able to set the environment and practical context of Francistown that I encountered during my study. As explained, Francistown did not in practice have a highly restrictive immigration regime and general levels of xenophobia as the literature stipulated. My findings reveal that there are great disjunctures between what the literature and popular opinions state and what is to be found on ground level. I therefore found it necessary to dedicate the first few chapters in redressing the assumptions I had made in my central question. It is through an understanding of the accommodating environment, with *botho*/compassion operating as a central theme, that one can then understand how and what rights are being claimed in Francistown, and this will be the basis of my next two chapters.

In examining the rights being claimed in Francistown, it is evident that Zimbabwean migrants are not claiming rights to the city as stipulated by Lefebvre, nor do they desire them. The data points out that certain central rights such as the right to space, the right to work and live in Francistown as well as the right to health and reproductive rights, are being claimed by migrants. Regarding the right to space and to work and live in Francistown, to a certain extent these compliment Lefebvre's rights but what must be noted is that migrants in my study only want the right to space, participation and work within the margins and informal sector of Francistown. Additionally the claiming of health rights was mentioned during interviews and yet this is not a right stipulated within the rights theory. My research argues that the emphasis on claiming and securing basic rights such as health goes to show that the theory of rights is perhaps ahead of its time within this context, for these fundamental rights and even the right to life are continually contested and struggled for by Zimbabwean migrants. It is only through securing these basic rights that more progressive rights, such as those stipulated in the rights theory, like active participation in city affairs, can then be spoken of.

To recap on the theory of claiming rights to the city: central to Lefebvre's claim is that all citizens should have equal rights to the city, regardless of their legality, as they are contributing to the city's development (Marcuse 2009). This right to the city is realized through the claiming of space and participation in city affairs. Interestingly, there is strong support for this theory as a way forward for global cities, in particular to eradicating poverty in African urban areas:

“UNHABITAT and UNESCO are keen to see local governments active in promoting the holistic notion of the ‘Right to the City’ at the international level and to take a strong role in supporting inclusive urban governance and the millennium development goals” (International Public Debates: Urban Policies and the Right to the City 2005). This was therefore one of my motivations for testing the theory’s practicality in the context of Francistown as these global leading bodies have adopted this framework.

In terms of explaining my findings, as each interview progressed it was clear that different rights were being claimed, dependant on each migrant’s legal status. Therefore, it became easy (if some migrants didn’t openly state so) to tell who was legal and who was not, depending on the rights they claimed or wished for. As one migrant with documentation stated, “I have papers, I can get everything a Motswana does.” It was the majority of illegal migrants who were claiming the least rights that proved to be more interesting.

4.1 THE RIGHT TO SPACE

Lefebvre highlights claiming space and being visible in city affairs as very important in ensuring that urban dwellers claim rights (Mitchell 2003). In Francistown it was evident that migrants were claiming the right to space however, and contradictory to Lefebvre’s way of claiming space is that migrants were claiming alternative spaces that did not see them being active in the city’s central dealings. In claiming the right to space in Francistown, Zimbabwean migrants were highly visible in trading spots in Francistown malls noting this, the Francistown labour official stated “everywhere you go you see Zimbabwean migrants trading and doing street vending and you think that it is legal but it is not.” Thus it is clear that although violating the law, Zimbabwean migrants continue to claim this trading space that they have become synonymous with. Therefore migrants are gaining clear visibility in this sector of the informal economy. Similarly with the example I mentioned earlier of little ‘Bulawayo’ where illegal Zimbabwean migrants work, involved in offloading truck for Chinese owned stores, this shows another way of claiming less formal spaces in the city. What is also noteworthy is that while migrants generally shy away from being visible, particularly in the formal areas of the city as this may lead to confrontation with police officers, in the informal sector and trading areas they remain highly visible, despite the occasional raids and capture. This therefore shows economic pursuits

as a driving force in migrants lives in the city. Thus the informal economy as I shall later argue, is central to Zimbabwean migrants' way of life and claiming strategies and therefore contradicts proponents of the rights theory who press to overhaul the capitalism.

Continuing and still on ways in which Zimbabweans have claimed alternative spaces in Francistown, many attested to be living in slum like housing areas such as *Maipewafela* that were cheaper. Despite the Francistown Town Council's efforts in trying to discourage such practices, migrants continued to be visible in such housing areas creating a demand. Thus Zimbabwean migrants are directly challenging and claiming their right to this housing area in Francistown, despite it being illegal.

The above examples go to show ways in which illegal migrants are claiming alternative spaces in Francistown's margins that prevents them from being captured by law enforcers. Additionally, these alternative spaces highly compliment the lifestyle and ways for illegal migrants to survive and claim rights in Francistown (cf. Kihato et al on claiming alternative spaces in cities 2010).

4.1.2 THE RIGHT TO WORK AND LIVE IN FRANCISTOWN

Another set of highly important rights that were being claimed by Zimbabweans in Francistown and compliment the right to claiming space (especially in the informal economy), was the right to live and work in Francistown. This was a central concern and right that was being forcefully claimed by my interviewees. From the interviews conducted it was apparent that the majority of interviewees were undocumented and living and working in Botswana illegally and in its informal sector. Most cited passport and permit requirements as a major issue in their being undocumented. It was clear though that this right to work was central to Zimbabweans being in Botswana as they all reported that they could not find work and money at home and were therefore in Botswana to claim this right and would continue to do so. Some, showing their sheer determination to want to work, legally, came up with innovative strategies: most were willing to pay for the work permit if the requirements were made easier. As a migrant stated, "If they could make it easy to get permits. You get P1000 a month and permit P2000 and you have to pay rent, etc. If they could have systems where register and pay a bit towards permit." There were a few other migrants who were of a similar opinion that some form of monthly installment system

should be established where they could register, be allowed to work and to pay for the P2000, permit as in some instances, earning P600 a month, it was difficult to pay it off at one go. On the other hand, migrants with work and residence permits stated that they enjoyed similar rights to Botswana and had no problems living in Francistown. One migrant stated: "If you have a passport (in Francistown) you are free!" This example shows the importance of documentation in accessing rights in Francistown.

I acknowledge that to a certain extent the right to work and live in Francistown highly compliments the right to the city's goal to have urban dwellers work and live in the city. However, the great distinction between this and the right's theory approach is that Zimbabweans only want the right to work and live in the city's margins and informal economy and not to formally develop Francistown or work towards its oeuvre as already stated in the discussion on claiming space. Anything that benefits Francistown is a byproduct, as migrants' main aim is to work and support their families back in Zimbabwe. The central aim of Zimbabweans, like most transnational/cross border migrants, is to make the most money possible in the shortest space of time and then use this money to take back home to their children and families. This then challenges the theory of rights to the city, questioning on what basis migrants would be entitled to equal rights and services if they do not at any point wish to contribute to the development of Francistown or Botswana and be taxed as other urban dwellers would. Moreover, Zimbabwean migrants do not see their stay in Francistown as long term and therefore do not wish to engage in the city's future goals.

In highlighting the above question it then becomes evident that Lefebvre's theory fails to take into account the different needs of urban dwellers and in particular transnational migrants who occupy different spaces and have different allegiances and responsibilities to each space. Therefore, although urban dwellers find themselves in one space, this does not mean that they are homogenous, in the city for the same reasons and in possession of the same needs and future goals. This was one of the reasons this study chose to focus on a certain sector of urban dwellers, namely migrants: in order to see what rights they claim and how this relates to the rights the rights theory proposes city dwellers claim.

Another crucial point that arises from the above argument calls for a need for proponents of Lefebvre's theory to define what exactly is urban space, where it begins and ends and who is to be considered urban? Are Zimbabwean migrants who spend sometime in Francistown but perhaps come from what is primarily a rural areas of Zimbabwean, bearing in mind the economic disparities between the two countries, to be defined as urban and expected to have urban goals and contribute to Francistown's urban development? Without a clear definition and consideration on the different need of urban dwellers, the rights theory is greatly challenged in being implemented.

Given an opportunity to extend this research, other studies could focus on another population of urban dwellers in Francistown and the rights they seek and the claiming strategies they employ. The different needs and rights of urban dwellers that are likely to arise would help in highlighting some of the practical challenges the theory of rights needs to take into consideration if it is to be fully realised.

4.1.3 THE RIGHTS TO REPRODUCTIVE AND HEALTH RIGHTS

It was evident that there were a large percentage of women claiming reproductive health rights in the city of Francistown. A significant number of Zimbabwean women were entering Botswana (both legally and illegally) in the latter stages of pregnancy to give birth in Francistown. This evidence is given by interviews with health officials, the immigration department and the birth notification certificates that I saw being issued at the deportation centre as well as migrant accounts and mothers holding their newborn babies. As the Nyangagwe Referral Hospital's Public Relations Officer stated, "*Batla ba le bantsi* (there are a lot) especially last year was worse but it's now becoming better." The reasons being given for this large number of Zimbabwean women coming to Botswana to claim reproductive health rights were that Botswana health services are far cheaper than Zimbabwe's. It costs P80 per night for foreigners (local's fee: P5) to be admitted to hospital and this cost was inclusive of basic services, medication delivery and lodging. This great price differentiation between what migrants pay and what locals pay goes to show how rights and services are conceptualised in Botswana, with locals being seen as more entitled, hence the lesser fee. Therefore, as already argued in my literature review, these are challenges that the theory of rights to the city would have to grapple with in its implementation of the notion of citadens and affording equal rights to all, as in practice

there is a clear divide between citizens' and non-citizens' accessing of rights, and yet Lefebvre's theory hardly addresses these differences and how to overcome them.

The maternity ward counsellor did note that not all migrants could afford to pay for the health services rendered and therefore "*Go na le ba ba* absconds. Just a few, trickles," meaning that there were a few who chose to abscond, likewise those that opted to be deported. Again this showed an abuse of a lax health system where migrants were aware of the service charge as there were posters around the hospital but some would choose to be given the service and then not pay. On further investigation, it was revealed that Zimbabwean children born in Botswana were able to claim birth rights in Francistown and Botswana at large. Foreign children born in Botswana, dead or alive, are recognised and given birth rights through registration, for the mere fact that they are born in the country. Furthermore, it was the immigration officials themselves making sure that this is done and encouraging others to come back illegally to collect their child's certificates once ready. Noting the importance of registering children, the counsellor in the maternity ward stated that they do this so that a child is accounted for and can access services more easily when they return to their home country as there is proof of birth and maternity and/or paternity. This exercise shows a compassionate and human nation that recognises foreign children's rights as Botswana, regardless of their parents' nationality. This practice is not in agreement with xenophobic sentiments.

Thus, in the above examples I have been able to show that the central rights that were being claimed in my study were the right to space, the right to work as well as the right to reproductive and health related rights. The great lengths migrants go to secure them, including constant deportations, goes to show the importance of these rights. This makes sense, as I have already argued, it is by claiming basic rights such as health, work (and therefore purchasing power to buy food) that one can then go on to enjoy other rights such as participation in a city's affairs (cf. Mitchell 2003).

In the current context though, the rights seen as central by rights to the city theorists were not being claimed as stipulated. Even rights that UNHABITAT currently advocates for such as those of participation and adequate housing, were not desired, for as one migrant said, "As long as I get something to take back home I don't mind. You have to budget. That's why I say I don't need that comfort. I don't waste money on luxury." The comfort and luxury referred to is the

upgrading of housing. Another migrant added, “I don’t need that luxury, I am saving to go home.” This reflects that migrants see adequate housing as an unnecessary extravagance and are aware of their temporary stay and prime motive for being in Botswana, hence this not being a priority. And yet, and showing the prescriptive and conflicting nature of global bodies, UNHABITAT, expanding on the rights theory, wishes to adopt as one of its central goals the building of housing and infrastructure for this circular population of migrants who have no intentions of occupying such structures or making Francistown their home. Again this questions how UNHABITAT and related bodies will get migrants to stay in the proposed houses and furthermore pay for the basic services they receive when the migrants themselves don’t see the necessity. As migrants’ main goal is to save and send money home, Zimbabweans seem satisfied with staying in average housing, despite not having running water in the yard and electricity. Therefore in this instance, UNHABITAT's need is not in line with Zimbabwean migrants’ wishes, nor does it represent them, showing once again a disjuncture between the literature and popular opinion and, migrants’ needs on the ground.

Examining other central rights in relation to the theory of rights to the city, in my interviews I continued to persist, questioning migrants as to ideally, and if possible, what rights they would wish for and asked if participation (a central right in the rights theory to the city) was one of these rights. None of the migrants mentioned wanting this right. Even voting in a foreign land seemed very alien to them and the majority stated being proudly Zimbabwean, and as one mentioned: “I’m not interested in living permanently or getting permanent residence in Botswana.” And even migrants who were in the country legally did not see themselves as staying long or being a part of the city, nor were they interested in giving up their citizenship. All migrants spoke about the political affairs in Zimbabwe, keeping abreast with them and the coming elections as this would determine their departure. It was therefore clear that although migrants were physically in Francistown, they were still rooted to Zimbabwe and very much involved with the politics at home and therefore, did not see participation in Francistown or voting rights as a need. It is this point, of being located in two places at once and continually travelling between the two as cross border migrants do, that challenges the practical implication of rights to city. Although Lefebvre’s theory mentions migrants, it does not take into account the complexity of migrants and having allegiances to their different localities as I earlier touched on.

The same critique also applies to UNHABITAT as there is the implicit assumption that urban inhabitants will remain in the city and those proper structures, water and sanitation facilities can therefore be built.

Furthermore, an interesting and very important point is that illegal migrants fully understood that being illegal, they are not entitled to such rights as voting and participation, hence the confusion when I mentioned the rights. It is therefore evident that the mindsets of Zimbabweans and perhaps Africans illegal migrants is restrained and brought up to think in terms of laws and policies where state sovereignty reigns. This is understandable as they have been governed by such laws all their lives. Hence their understanding that what they are doing is wrong, as a migrant stated after being arrested: “We can’t say they’re [law enforcers] a problem because they are doing their jobs,” and another migrant who had a permit said, “People should respect laws so they can be handled well and should have papers if they want the same rights as Batswana. For Batswana to cooperate with Zimbabweans they should get papers.” The above example therefore points to a clear need to develop and change the mindsets of Zimbabweans first, before insisting that they should forcefully fight and claim their right to the city when they themselves don’t see themselves as entitled. Again these disjunctures between the rights being prescribed and those being sought by migrants are highlighted.

Despite this, I recognise that the right to the city theory is a noble ideal to work towards as Tushnet (in Mitchell 2003) states, but I emphasise the need to take into account the local situation in order for this theory to work fully in its application. This being said, it is clear that in the local context of Francistown, and in relation to Zimbabwean migrants, basic rights have to be met before any rights to the city can be looked at. Furthermore once these rights are secured, migrant mindsets need to be changed in order for them to understand that they are entitled to rights to the city despite their illegality. However, and to large extent, human rights in Africa are still in many contexts being fought for and contested daily, as Chabal and Daloz (1999) note that violence and lawlessness is endemic to the continent.

In conclusion, I have gone through each section of my central question, setting the practical environment of Francistown first and showing the inaccuracy of the literature review and popular

opinion in light of my findings. I have also shown in this chapter the practical challenges of implementing the right to the city in the context of Francistown and the inaccuracy in the rights seen as desirable by the theory and UNHABITAT. In the next section I will answer the first part of this question that addresses how these rights are being claimed. This last section ties the previous chapters together and provides a conclusion to the effect that it is only through an understanding that there is hardly any hostility nor xenophobia in Francistown and, what rights are being sought, then one can see how they're being claimed and understand the role of Botswana in facilitating this and led by compassion.

4.2 STRATEGIES USED FOR CLAIMING RIGHTS

In claiming rights in Botswana, Zimbabwean migrants use the following strategies broken down into the three main categories being; administrative strategies that violate immigration practices, socio-economic strategies that draw on Botswana and social networks and lastly they use linguistics (namely Setswana) and the concept *botho* in claiming the rights stipulated in my previous chapter. To some extent these strategies compliment important gateways to claiming rights as discussed in my literature review. However the main difference is that firstly while Zimbabwean migrants use social networks for integration and to mobilise, (migrant mobilisation being defined as “a collective action to protect and promote a group’s interest” (Jinnah & Holaday 2009:13), Zimbabweans choose to mobilise informally and as individuals or in small groups and primarily in the informal economy. This is contrary to large scale mobilisation that Lefebvre and the above theorists push for that is associated with active participation in the city’s central affairs. It is also evident that the church and NGO’s cited by Simone as important gateways to asserting rights as well as being mediators between local government and urban dwellers play a limited role, if any, in migrants’ mobilisation in Francistown. Thus in such an absence of formal structures mobilising on behalf of migrants, Zimbabweans mobilise on their own and in what is an informal, unregulated sector that allows them to thrive. It is therefore evident and as already discussed that the informal economy needs to exist as the strategies migrants have adopted are best suited to this.

Again the strategies Zimbabwean migrants use back up my previous claims that the immigration

regime, in practice, is highly permeable and that low to nonexistent levels of xenophobia exist, allowing such claiming of rights to take. Moreover the strategies used go to show the tactful nature of migrants and that they have established a way of life and negotiation systems with Francistown's urban setting that allows them to claim such rights and exist within the margins. This is an important point the theory of rights to the city needs to take into account before introducing top down approaches that may interfere with what has already been established, by the migrants themselves, possibly leading to more harm than good.

4.2.1 ADMINISTRATIVE STRATEGIES: IMMIGRATION VIOLATIONS

Regarding negotiating their entry and stay in Francistown, Zimbabwean migrants use various administrative strategies that involve immigration violations and again indicate a flexible immigration system. Also apparent from the immigration violations that are discussed in this chapter is that migrants mobilise on the core principle of *botho*, being highly aware that immigration officials are compassionate and understanding of their needs. As already stated some migrants were coming to Botswana for the third time, knowing that there was little immigration officials would do to deter them.

Giving examples, the first major immigration violation mentioned by migrant accounts was that of border jumping. During migrant interviews, and especially at the deportation centre, I was elaborately told how they enter the Botswana border illegally. I was given details of where migrants enter, how they do it, associate risks and how to get to Francistown without being noticed by soldiers and police with some choosing to walk to avoid police roadblocks. As one migrant stated: "I walked alone, 30 hours... It's a very big risk from Matsiloji to here [Francistown]," and another added, "I walk from Plumtree to Francistown, day and night, so not get caught. You walk with a tight stomach." The 'tight stomach' refers to going hungry on the journey and needing to ignore the hunger pangs. Another migrant confessed that on one's onward journey to Francistown, if you were caught then in some instances, as he had once done, you could bribe officials: "Special constables take money," he stated. Although not legal, and an abuse on the immigration system by both parties, this goes to show that officials and those in positions of authority are not being entirely xenophobic or rigid, and are willing to break the law and allow Zimbabweans entry on the basis of bribes.

Still related to the above point and revelations given, what struck me was the level of honesty and detail being given by migrants despite the fact that interviews were taking place at a deportation centre, where from time to time officials would pass by on their duty. This gave me the impression that migrants were beyond caring or being apologetic when it came to claiming these rights, this way as way of life for them. Furthermore, they would continue to come back to Botswana and claim rights, despite the frequent deportations, as a migrant stated: “*Ga gona se re ka se dirang ko gae, ga gona tiro, ga gona madi,*” meaning, “There’s nothing we can do, there’s no work, there’s no money.”

The emphasis on no jobs in Zimbabwe once again highlights their prime goal and the main right being claimed in Botswana, being to work and continue to make money for their families back in Zimbabwe. This definition needs to be acknowledged as it fits in with the needs of Zimbabwean migrants in Botswana and gives a way forward in understanding and addressing the needs and rights they wish to claim. Likewise it is important to note the economic importance of Zimbabwean migrants operating in the informal sector in Francistown as this presents a great challenge to proponents of the theory of the right to the city in wanting to overthrow capitalism and similarly, UNHABITAT in wanting the complete eradication of the informal economy and yet as I have shown, it allows illegal migrants to exist in Botswana and claim rights. Therefore in finding strategies it would seem crucial that negotiations between all parties takes place in ensuring that reforms are not in conflict with already established strategies to claim rights.

In terms of negotiating their way back to Botswana to claim rights, some of the Zimbabwean migrants I interviewed at the deportation centre stated that once they had been handed over to Zimbabwean immigration officials by the Botswana officials, “Police in Zimbabwe give you option to take you home to Plumtree or just leave you.” The ‘just leave you’ part was said with a smirk and caused a laugh from the migrant’s friend. At my confusion the migrant explained that Zimbabwean immigration officials saw the futility of the exercise as Zimbabweans are determined to keep coming back to Botswana to earn a living and therefore, to ‘just leave you’ meant saving transport costs and letting migrants make their own way back into Botswana. Being blunt about the situation, a migrant confessed: “The next day I will be here after deportation. We are just rotating in circles.” This statement correlates with Grey’s (2010) on the

millions Botswana spends on deportation as migrants continually come back to Botswana. The above strategies therefore highlight how Zimbabwean migrants negotiate their entry into Botswana and their right to be in the country, albeit illegally. Having used the above strategies to enter the country, migrants then move on to Francistown to claim further rights in the city. It is clear from the above strategies used that there is an abuse of a generally weak immigration system and that Zimbabweans are succeeding in mobilising on their own in entering and living in Francistown.

Additionally these examples go to show just how complex migration is and that if holistic solutions are to be achieved as the Botswana government wishes, then all parties, including those across Botswana's borders, have to be involved as they too are arbitrators of rights, indirectly involved in helping Zimbabweans claim rights in Botswana. Furthermore, the highly revealing information on Zimbabwean immigration officials somewhat assisting migrants to return back to Botswana or not caring, goes to show the usefulness of a methodological approach that emphasises an understanding of the rights migrants seek. It is only through interviewing migrants that one can fully understand the rights wanted and the arbitrators of those rights.

4.2.2 NEGOTIATING PASSPORT USAGE

The next few examples that deal specifically with administrative strategies to claiming rights go to show how Zimbabwean migrants are effectively mobilising on their own and succeeding as immigrations laws have been changed in their favour. Migrants aware of immigration officials' kindness or *botho* draw on this in their daily negotiations with staff in pushing for formal laws to be changed to their benefit. This compliments Simone's (2002) earlier point of advocating for decentralization in allowing migrants to better claim rights as it is through this that immigration staff at a local level can better respond to the needs of urban dwellers and in this case illegal Zimbabwean migrants, despite what the national law may state.

The first example of administrative strategies Zimbabwean use to claim their stay in the city of Francistown is through negotiating their passport usage. To begin with, in interviewing immigration officers it was revealed that from consultation with Zimbabwean migrants at their offices, highlighting their needs, and in response to the Zimbabwean situation, a recent passport

law had been changed, making it easier for Zimbabweans to stay in Francistown.

Initially, all foreigners were allowed a total of 90 days per year in Botswana and it would be up to the jurisdiction of the immigration officer at the border post to decide how many days they would allow the foreigner in for each entry. The foreigner would then be forced to return home after the 'days were finished' or go to the immigration office and ask for an extension and this would be granted or rejected depending on the circumstances presented. The immigration department was aware that some migrants were extending their stay as they were 'illegally' working in Botswana: "*Ko* bordering I say I am visiting you end up working *ka boferefere*," indicating that the migrant enters Botswana under the false pretence of visiting and then ends up working and is likely to ask for extra days to extend this 'visit' and continue working illegally.

The new law now allows all foreigners to enter Botswana for a period of 90 days and it is up to the immigrant to decide how they use the days. Some stay for the entire 90 days at one go and others stay for two weeks and then go home and return at a later stage. I was under the impression that this new law made it easier to work 'illegally' in Botswana for one could now hold a 'piece job' (part time job) for three months with no interruptions which may unintentionally lead to more Zimbabweans coming to Botswana for work.

Therefore the above example clearly goes to show the success of Zimbabweans migrants in Francistown and the relations they have independently formed, in mobilising for their right to stay in Francistown. Moreover this points to important gateways to accessing rights in Francistown that are not stipulated in the literature as migrants are successfully negotiating from the margins instead of mobilising as a collective in city wide affairs. The emphasis on how and what rights are already being claimed in Francistown is crucial.

Continuing, as a result of the new 90 day passport law, some migrants interviewed found further ways to use the system to their advantage stating that they would come at the beginning of the year, use two out of their three month's allowance and, as November and December were the busiest times of the year when there was more money to make, they would save the last month for then. Thus they stopped using their passport and prescribed days and continue to live in

Francistown and be temporarily illegal, having entered the city legally.

Giving further evidence of claiming their stay in Francistown illegally and negotiating passport usage, two migrants stated that they go to the border as if they were leaving, get a departure stamp at the Botswana border post and then instead of proceeding on their way to the Zimbabwean border side for an entry stamp, they would walk straight back into Botswana thereby saving their remaining days. This would mean that migrants could continue to live in Botswana without a passport and when caught and deported, return the legal way through border gates way and get an entry stamp into Botswana, claiming the remaining days. Immigration officials also reported that fake agencies helped in facilitating illegal entry by reproducing fake border stamps and permits, although with the new computerised border system and Botswana passports being electronic, this would be prevented. The above evidence directly relates to claiming rights on a lax immigration regime that is not in practice restrictive. Hence migrants can abuse it to facilitate their stay in Francistown.

4.2.3 EMERGENCY TRAVEL DOCUMENT

Emergency Travel Documents were another way in which migrants claimed their stay in Francistown (illegally). Some migrants stated that if they were drawing closer to their 90 days' limit in their passport, they would go and claim an ETD, fill out an affidavit stating that their passport had been lost as this was usually the basis for getting a 'replacement'. They would then be allowed to use this ETD (giving them additional days) and at a later stage, during peak season, revert back to their passport and use the rest of the 90 days to stay in Botswana or use their passport the following year if their 90 days legal stay was complete. Explaining this strategy, one migrants confessed, "I sometimes use ETD instead (of passport)," and then added "maybe not a realise," explaining that perhaps immigration officials were not aware of this loophole in the system that allowed them to claim further stay in Botswana.

4.2.4 SOCIO-ECONOMIC STRATEGIES: BATSWANA

Moving on to socio-economic strategies used by migrants, what is interesting to note, and contradictory to levels of xenophobia expressed in popular opinion, is that Batswana citizens were seen to be helping Zimbabweans stay in Francistown. Some migrants reported that there

were occasions while walking in the city of Francistown that Batswana strangers would tell them to change their path and use an alternative route as there were roadblocks or police patrolling in the stated area. Again this compliments the theme of *botho* expressed throughout this thesis that allows migrants to mobilise and claim rights as, they are aware that *botho* is a key trait of Batswana and can even boast as the migrant account below describes the relationship between him and his Motswana boss. A migrant at the deportation centre stated, “My Boss very happy. You will see. My boss will pick me,” stating this with assurance and a laugh, that once he has sent a text message, his boss would pick him up from the border after being deported, as he usually does. Other migrants also affirmed the above stating that there were Batswana who would allow Zimbabwean migrants to hide in their car boots when driving to Francistown from border villages. The migrant explained this beneficial relationship, priding himself on his work ethic stating, “Work for someone, don’t disappoint them.” Another strategy reported and used by Batswana bosses to facilitate migrant stay in Francistown was by way of bribes. A few male migrants admitted that contractors who employ them illegally as construction workers in Francistown bribe police so they can continue working.

For the female migrants, one admitted and lamented that unlike her friends who had fallen in love with Batswana men, had their babies and secured their stay in Botswana, she had lost out due to the ‘playboy’ she had. As she complained, “*Bothata o tla kwano o imisiwa ke motswana, o tswa kwa a sena passport o ratana nae a go tshodisa bana,*” indicating that the problem was that local men impregnate them, but then in the latter part of the conversation stated that her main problem was the inability (unlike her friends) to claim rights as she was illegal and couldn’t take her boyfriend to court.

The above stated relationships between Batswana and Zimbabweans, some resulting in children and marriages, shows that interbreeding takes place, which points to low levels of xenophobia and a tolerance and love of Zimbabweans. And, as a counsellor at Nyangwagwe Referral Hospital maternity ward noted, “*Ya Batswana fathers approximately 20%,*” and this can therefore be seen as one strategy to claim rights. In my literature review section I highlighted that Lefebvre did not give a clear outline of how migrants could move from being non-citizens to citizens. The above example is one clear and practical way in which migrants are negotiating and finding ways

to be citizens or, at least, their future generations and claim rights. Again this points to tactful strategies in claiming rights in Francistown that are not in agreement with the theory on ways in which migrants should ideally claim rights.

4.2.5 SETSWANA

Of particular interest to me when it came to strategies used to claim rights in Francistown was the use of language and, more specifically, the use of Setswana. This claiming strategy compliments ways in which migrants can access rights as stated by Jinnah and Holaday (2009). The ability to speak Setswana came across as a clear way to better negotiate one's stay and livelihood in Francistown. Interestingly, the majority of Zimbabwean migrants I interviewed were fluent in Setswana, with some preferring to conduct the interviews in Setswana rather than English. Furthermore, as a result of Zimbabweans speaking fluent Setswana, it was not always clear to me when approaching a potential interviewee if they were a Motswana or not, as the Zimbabwean accent was lost.

One migrant who spoke fluent Setswana indicated the benefits of using Setswana as a claiming strategy: *"Nako ngwe ke hirisa ke bua maka ke re ke Motswana. O batla ntlo gotwe omang le tiro back then. Mme fa o bua Setswana o helela o bona sengwe... Thuso paka e se gore gab a nkitse gore ke mang, loleme lo a nthusa,"* meaning that she rents houses based on the ability to speak Setswana. In some instances it is known that the lessor would ask for your ID, even when looking for a job, but as she spoke fluent Setswana, this question never cropped up. It was just assumed that she was a Motswana and she was thus aided by 'the tongue'. She went on to state, unlike her counterparts (being undocumented too), that she could work in shops, restaurants, etc. mainly based on her ability to speak the language. She stated that there were very few times she had been asked to produce 'papers' most employees just assumed she was a Motswana. As she added, *"Ke bereka yak e Motswana mongwe le mongwe dishopong, security. Tshela sentle. Ke kgona go harasa"* Meaning I work like any Motswanain shops or security. I live well. I can harass. The use of 'harasa', a strong word meaning to harass and do what she pleases, goes to show an abuse of the system. Other migrants also attested to the above being true, stating that they found it easier to access jobs and be better treated in Francistown if they knew Setswana.

Looking back at my section on xenophobia, Zimbabweans did state that Batswana like to use Setswana a lot and this was identified as the main problem taking place in Francistown and perhaps inhibiting their stay. It therefore makes sense and correlates that in order to better claim services and rights the ability to speak Setswana is key.

Language is therefore a strong indicator of Zimbabwean migrants' integration in Francistown and their ability to access rights and services and furthermore build a more integrated city which the rights theory seeks to do. This set of findings challenges the theory of rights to the city as well as UNHABITAT in its promotion of diverse and cosmopolitan sites and citizens. It is clear in Francistown that the more Motswana you are, whether this is in your ability to speak Setswana or through intermarriages, then the more likely you are to better access services and rights. Francistown locals therefore favour a homogenous city, although one must note that in essence Batswana are not homogenous (cf. Molomo 2007).

4.2.6 SOCIAL NETWORKS

To begin with and directly related to my literature review section I had briefly discussed and questioned if social networks play a role in Zimbabwean migrants claiming strategies in Francistown. I had further gone on to question if weak or strong ties existed. Referring back to the case studies I had used for guidance Granovetter (1983) and Landau (quoted in Kihato et al 2010) had argued for weak ties and Harvey (2008) in his study found that both strong and weak ties were used to access jobs. In the case of my study and complimenting Harvey, W's (2008) findings, I found that migrants used both strong and weak ties to access jobs. Strong ties existed between Zimbabwean migrants and their friends and relatives, and used to pass on information about jobs and claim rights whereas between Batswana, they remained relatively weak, but nevertheless assisted in occasionally securing work and claiming rights. Moreover while social networks existed between Zimbabwean migrants, in my study it was evident that these migrant networks did not engage or mobilise as a collective for rights but rather chose to integrate and in small groups or individually and therefore avoid compromising their illegal status. This is in contradiction to ways in which the literature stipulates in gaining rights through mobilising as a collective (cf. Mitchell 2003). However as my study and similarly Landau's notes, migrants want a certain type of integration that draws on partial marginalization (cf. Landau's in Kihato et al

2010).

Giving examples of the use of social networks in Francistown, in explaining how they first heard of Francistown most Zimbabwean migrants stated to have heard of work opportunities in Francistown through a friend, as one said: “My friends say found job easier in Botswana say I should come. *Tsamaya fele o ye go bereka*,” meaning, to just go ahead and work. The crucial role strong ties play in what would be migrants and newly arrived migrants lives is highlighted by Amado (2006). Once in Botswana, Zimbabweans reported that they would stick together, usually with the friend they arrived with or friends they soon met on arrival, helping each other out in the city by sharing information, accommodation, forming burial societies, lending each other money or taking a friend home when they were sick or dead and informing relatives of the misfortune. Others who were lucky had relatives in Botswana for assistance: “My sister lives here, married to Motswana. She came in 1996,” stated one migrant, and another had a brother to help who gave them free water as there was no water in their yard.

It is therefore evident from the above examples that migrants stick to small networks and avoid grouping to mobilise on a large scale to claim political space or participation in city affairs which Lefebvre point out as essential (cf. Marcuse 2009). Giving an example of Lefebvre emphasis, and showing the advantages of mobilising on a large scale to claim rights, Somali migrants in Johannesburg who too are in the city for primarily economic purposes mobilise along kingship and religious in forming organizations that allow them to advocate for their rights. As stated The Somali Association of South Africa’s mission “ is to mobilise Somalis to protect their rights, preserve Somali social practices and identity, lobby government for services and protection as set out in the Constitution and address the challenges that Somalis face in South Africa (Jinnah 2010:5) . “ Somali migrants are therefore generally better off in accessing large scale rights in the city.

Apart from the extent of time Somalis have been in Johannesburg, one obvious explanation for easier integration and large scale mobilisation is that Somalis in Johannesburg have a legal right to be there and have claimed a legitimate space for themselves whereas in Francistown, the majority of Zimbabweans I interviewed are illegal. Again this confirms my earlier statements on

the shortfall of Lefebvre theory in failing to acknowledge the differences between urban dwellers, including their legality (or lack of) when looking at ways in which to access rights. Having legal documentation is key in accessing rights and collectively mobilising in Francistown for as one migrant stated “I have papers, I can get everything a Motswana does.” Therefore with the majority of those I interviewed being illegal, it is not surprising that they mobilise individually and informally in drawing on the strategies I already pointed out. Landau (in Kihato et al 2010) as Amisi and Ballard’s (in Jinnah and Holaday 2009) are in agreement with this partial mobilisation due to a lack of documents.

Continuing and still on the issue of Zimbabwean social networks in Francistown, What is apparent in my study is that Zimbabwean migrants only integrate with Batswana to a certain extent and mainly in their work and trading environment. Other than that, they stick to their language and claim their otherness, speaking in Shona and Ndebele. As a migrant explained, “If we are here we are united. Tribalism that side [Zimbabwe].” On further investigation through interviews, it became highly evident that Zimbabweans were in fact very proud people and looked down on the Batswana. Lesetedi (2007) found this to be the case too in her study with a migrant echoing the sentiments of others in describing Batswana as “Lazy and retarded.” Similarly, Landau (2006), in his study of migrants in inner city Johannesburg found that migrants had adapted a form of self exclusion and ‘nowhereville’, seeing themselves as superior to the local population, not wanting to permanently fit in. However, in Landau’s study it was because the migrants were generally better off and wealthier than the local poor. It would therefore be interesting in doing further research to note on what grounds Zimbabwean migrants in this study base their superiority as they are generally worse off than citizens in Francistown. This is an interesting point for it does not create unified, integrated cities that Lefebvre advocates for if certain groups within the urban setting do not see themselves as belonging.

4.3 THE LACK OF NGO AND CHURCH SUPPORT

Continuing and looking at various other ways seen as important gateways to claiming rights, as I earlier highlighted Simone (2000:26) pointed to the important role of the church and NGO’s in good governance procedures stating “In fact, the church and the mosque have become the most important institutions throughout urban Africa today.” However and a great contradiction in my study is that migrants do not access any services or rights through NGO’s and churches as one

migrant revealed reflecting the sentiments of others ‘I have never heard of a church that helps.’ This is therefore an important contradiction to Simone’s assertions that he highlights as important gateways to claiming rights in decentralized areas and yet in the context of my study and in relation to migrants, NGO’s and faith based missions do not play a role in migrants mobilising strategies. Supporting migrant accounts, I was unable to secure responses or interviews with the NGO’s I tried contacting for interviews during my fieldwork. Furthermore, what is notable is that the NGO’s I contracted are based in Gaborone, away from migrants in Francistown and apart from Ditshwanelo, there is no organization in Botswana that directly addresses migrant issues. It is therefore not surprising that migrants in Francistown having no organizations that mobilises on their behalf end up mobilising one their own, developing tactful strategies that involve directly negotiating as individuals with immigration officials and health workers in Francistown.

In summarising key points in this chapter it is important to note that because of the lack of documentation and migrants’ temporary stay in the city, as well as a lack of support by formal organizations, Zimbabweans are forced to use alternative strategies to claim rights that do not correspond to the rights theory. Therefore the strategies stated above are highly revealing on life in the margins and alternative and successful ways to integrate and claim rights for this specific grouping. Additionally it is also apparent that in claiming these rights, although migrants do use social networks, they do not use them to mobilise on a large scale and as a collective.

Furthermore, what my study has been able to show, like Landau’s observation in his study of migrants in Johannesburg, is that this partial marginalisation migrants chose that may appear as exclusion from the onset or perhaps xenophobia as popular opinion viewed Botswana to be, is in fact novel ways and strategies of fitting in, drawing on being marginalised, or as Landau’s notion of usufruct rights states. Again, this goes to show how self-sufficient and intelligent migrants are, being “purposeful actors,” able to adapt to any environment and make the most of it, accessing the rights they require (Turton 2003 and Misago 2005).

This therefore goes to show an important point that needs to emphasis is that the rights to the city theory on its own, as well as related policies greatly miss the ‘tactful’ nature of migrants if they

do not factor in usufruct rights and examine how migrants go about making sense of the circumstances they find themselves and life within the margins and survival from this point. Migrants are intelligent beings, and able to negotiate, which they have been doing in the city of Francistown for the past decade. It is therefore crucial to interview migrants as my study sought to do in understanding the rights they seek and claiming strategies they use, and take this into account before pushing for any rights or passing and policy on their behalf.

5.0 CONCLUSION

INTRODUCTION

In concluding I begin by recapping on the main aims of this study. The purpose of this study was to assess how Zimbabwean migrants go about claiming rights in the restrictive and xenophobic city of Francistown. My case study focused on Francistown as I emphasised a need to examine secondary cities in order to have a holistic understanding of governance procedures as well as how rights are being claimed and strategies used on the continent. Francistown, Botswana was ideal as on the continent, the country is known as the gem of Africa, upholding good governance procedures and is therefore a logical place to test the practicality of rights to the city.

Additionally Francistown was a beneficial site for my study due to the influx of Zimbabwean migrants in the city who continue to enter and claim rights despite the government of Botswana's constant deportations. Thus this study sought to understand how migrants claim rights and what types of negotiations are in place allowing them to claim such rights. The specific focus on migrants was chosen to determine if the possible implementation of the rights to the city theory was relevant and in accordance with the rights this sector of urban dwellers seeks.

DISJUNCTURES

Overall my findings indicate that there were great disjunctures found in the literature and popular opinion as well as in the rights theory's stipulation of rights and strategies seen as ideal.

Addressing the literature and popular opinion on Botswana stating the country as both xenophobic and restrictive, in practice Francistown is tolerant towards foreigners indicating very low levels of xenophobia and, has a highly permeable immigration regime. It is evident that in the city of Francistown negotiations have been and continue to take place between migrants and local citizens. These negotiations facilitated by Botswana and especially immigration officials on the basis of *botho* allow migrants to claim the rights they do and to keep coming back to Francistown. It is also evident that migrants are aware of *botho* being a key characteristic of Botswana and therefore they mobilise on this, even going on to abuse the system and boast of their ability to keep coming back to Francistown. Additionally city officials are responding to the Zimbabwean migration issue in what can be stated as the most relevant and practical way. This is reflected in the effective negotiations taking place between Zimbabweans and

immigration officials in Francistown, allowing laws to be changed in favour of migrants. If formal and more liberal policies are to be introduced as the literature on Botswana advocates for, this is likely to be more disruptive, breaking the already existing structures and mechanisms for calming rights and inevitably causing real tension with local citizens. Elaborating on this, Zimbabwean migrants in Francistown, the majority being illegal have found a way to exist in Francistown's informal sector carving a safe and legitimate space in which to operate in that is known and respected by all urban dwellers.

Still on the issue of disjuncture, the rights stipulated in the theory of rights to the city as well as UNHABITAT in its adoption of the language of rights are misguided and not a reflection of what is happening and being claimed in Francistown. I acknowledge that there is some disagreement between the rights UNHABITAT and those the rights to the city advocates for, but nevertheless key rights such as participation and claiming space in the city are the same. Therefore the same criticism can be applied to both. Relating to rights that migrants are claiming in Francistown being the rights to space, the right to work and live in Francistown as well as the right to health, the first two mentioned rights to a certain extent compliment Lefebvre's theory. However what must be noted is that illegal migrants are finding alternative ways to claim space in Francistown that is not in direct confrontation with the state and law enforcers. Zimbabweans have carved a life for themselves in Francistown's informal sector notably in "Bulawayo", a shopping run by the Chinese and synonymous with illegal migrants. Additionally Zimbabweans have claimed trading areas in Francistown being street vendors, despite doing this illegally. Another place in which Zimbabweans have gained space is through living in overcrowded slum like dwellings with poor sanitation despite the governments' disapproval. It is therefore evident that they are gaining space, participation and visibility only in areas that compliment their goals in being in the city and not as Lefebvre would push for in city wide participation in key public spaces.

Regarding reproductive and health rights that an overwhelming number of Zimbabweans sought in Francistown, it is apparent that in this context and similarly other African countries as current events depict, basic human rights such as health are yet to materialize, despite what is depicted on paper. The emphasis on health rights suggests a need to address these basic rights first, before other progressive rights such as those stipulated in the right to the city theory can be

adequately addressed. It is also apparent that in the implementation of the rights theory, migrant mindsets need to be changed in terms of being educated, allowing them to know and understand that they are entitled to rights to the city, despite being foreigners.

Relating to strategies migrants use in claiming rights migrants draw on; administrative strategies such as passport negotiations and usage, socio-economic strategies that draw on Batswana and social networks as well as strategies that draw on Setswana and *botho*. The strategies migrants use reveal that they are highly tactful beings who are aware of the loopholes in the immigration system as well as Batswana's kindness and therefore go on to abuse this in claiming rights. Additionally Zimbabwean women have found strategic ways to integrate and claim rights in Francistown through marrying or being impregnated by Batswana men. Therefore such strategies show ways in which Lefebvre's concept of *citadens* can be realized in the context of Francistown.

Continuing, the literature review stipulates social networks as important gateways to assisting in claiming rights. In Francistown Zimbabweans do use social networks in helping access rights but, they do not use them to formally mobilise as a collective in claiming rights as this is likely to lead to unwanted visibility and state confrontation. Additionally being transnational or cross border migrants, their stay is temporary and therefore migrants do not see it in their interest to engage in Francistown's long term vision and affairs.

Regarding other useful ways in which migrants can claim rights, Simone points to NGO's and faith based organizations as playing a crucial role in mobilising on behalf of migrants. In my study though, there was an absence of these actors thereby resulting in migrants mobilising on their own.

Therefore the above discussion on my findings highlights the great challenges present realizing the rights theory in Francistown. This therefore shows a need to re-look at the situation before passing top down approaches and rights that are not relevant for the local setting.

WHAT THIS MEANS FOR THEORY

CAPITALISM

It is highly evident from my findings and discussion that the informal economy compliments Zimbabwean migrants' rights and claiming strategies in the city of Francistown. As migrants are primarily illegal but continue to live in Francistown, they have over the last decade found ways to live and thrive within this sector, continuing to come in and out of Botswana, be it freely or by deportation.

I have highlighted throughout this study that Zimbabwean migrants' primary goal in being in Francistown is for economic purposes and as my study further highlights, economic purposes in Francistown's informal economy. This crucial factor greatly challenges Lefebvre's theory of wanting to overthrow the capitalist system in overcoming inequalities. This is a strong challenge for it is this very capitalist system that is built on inequalities that allows an informal sector to exist and for illegal immigrants to work. As Simone indicated in the literature review, Africa's growing informal sector is the greatest challenge to good governance procedures on the continent and yet this is how the majority of illegal migrants and perhaps other marginalised communities can participate and claim rights in urban settings. An alternative system which is yet to be implemented would eradicate the informal sector and illegal migrants' way of life forcing them to engage in the formal sector, increasing their visibility and therefore likely capture. Similarly UN-Habitat need to take this point into cognisance as it too wishes to eradicate the informal system and yet there are certain urban dwellers that thrive and continue to claim rights due to the existence of this sector. A further challenge related to attempting to overthrow the capitalist system is that Botswana, one of Africa's most prosperous countries has achieved this growth through primarily following a successful capitalist model that allows it to prosper and attract various migrants such as in my study to the country. Thus it is unlikely that one of Africa's richest countries should want to overthrow such an effective system.

Continuing and examining UNHABITA being one leading body that has adopted the rights theory language, one notes that unlike the rights theorists, it tries to work within the capitalist system and provide services namely shelter for marginalized communities. However this also creates additional challenges for firstly, capitalism and according to Marxism by way of

definition requires inequalities to exist between those who own the means of production and those who do not leading to inequalities and exploitation. Therefore these inequalities and poverty can not be completely eradicated which would suggest that there is value in wanting to eradicate the capitalist system altogether as Lefebvre strongly advocates for.

Secondly and directly related to my study is to question how proponents of the rights theory and in this case UNHABITAT proposes to implement structures and shelters for transnational or cross border migrants, particularly the illegal, who are not committed to the city or willing to pay for the maintenance of such structures? In short who is to fund these projects and continue paying for them in ensuring their sustainability? Drawing on my study it is evident that Zimbabwean migrants as transnational migrants are not willing to spend on adequate accommodation as they are saving the money they make to send home. Moreover if such structures were provided and the costs catered for by UNHABITAT this leads to further questions on how such an organization would prevent this certain urban community from developing a dependency and free handout system? What would also need to be thought out in providing such services for migrants is how not to alienate other local marginalized communities that may or may not be taxed and yet do not receive this accommodation.

It is therefore highly evident that organizations trying to find solutions to addressing rights, there is a need for negotiations to take place on the ground with urban dwellers that are to be provided with the service in making sure that indeed it is the service and rights they want. Furthermore, negotiations inclusive of other urban populations i.e. the host community are beneficial in avoiding conflict and maintain the status quo.

Speaking specifically to the current tension that exists in Francistown, in showing negotiations are beneficial and in finding ways to work within the capitalist system, on the one hand Zimbabwean migrants are determined to work in Francistown and in order to support their families. On the other hand, despite the continual deportation of Zimbabweans, the labour department official recognises the great contribution Zimbabweans make to Botswana's economy, coupled with the fact that Botswana are aiding their stay by continuing to employ them (regardless of their legality). Therefore seeing that the Zimbabwean migrants interviewed are

willing to pay for permits if some form of registration and monthly agreement could be negotiated, this would suggest that a beneficial relationship can be formed if the work situation is acknowledged and regulated. Such a relationship would benefit the city and country at large, reducing futile deportation costs and avoiding the exploitation of migrants.

Continuing and highlighting a final challenge related to this section, I have argued throughout this document that Zimbabwean migrants as transnational or cross border migrants. Therefore as transnational migrants, Zimbabweans are not committed to the city's oeuvre and therefore do not seek to build the kind of inclusive and unified cities Lefebvre envisions. Such a challenge also shows a need for the rights theory to clearly define and tackle what is urban and what is an urban dwellers. Are Zimbabwean migrants who find themselves in a city, despite being transnational migrants and occupying different spaces which they have different alliances to, to be classified as urban dwellers? Similarly are migrants from rural Zimbabwean who from time to time find themselves working in Francistown's informal economy, classified as urban and are they too to have the same vision for the city's developments as regular urban dwellers? My findings do not suggest that this is the case. Additional research could therefore look to answer these questions and challenges presented by transnational and cross border migrants.

RESEARCH MATTERS

Regarding research on this subject matter my study calls for an approach that emphasises usufruct rights as crucial as it highlights the rights migrants claim and desired. Such an understanding also recognises the tactful nature of migrants and indeed gives them a true voice and representation as it acknowledged that migrants have been living in Francistown and developed certain strategies to claim rights. Thus the researcher enters Francistown identifying and acknowledging the system in place first, that allows migrants to claim rights, rather than prescribing ideal rights. By using usufruct rights as a research method, this avoids wastage of resources as migrants take ownership of services beneficial to them as discussed in prior negotiations. Additionally I highlight the need for researchers to be fluent in Setswana, Shona or Ndebele and if not to then have a translator so that meaning is not lost in data collecting as I found that Zimbabwean migrants struggled with English and often reverted to Setswana or preferred to only speak in Setswana. Bearing in mind that there were no organizations or faith

based organizations this is an important factor as one is independent researcher in the field, left to their own means.

Another important factors relating to researching migrants in the context of Francistown is the issue of ethics. It is clear that as much as rigorous research methods are desired, especially in safeguarding the interest of interviewees, this is not always possible. In the instance where very little research has been done and pre designed methodologies create challenges in the actual context of the study, and then it is important to change and in my instance, draw on local knowledge. As noted it was through drawing on this knowledge, *botho* that I was able to gain access. This nevertheless does not exclude other migrants from entering the conversation provided that translators are available. Similarly in recognition that qualitative approaches seek a more humane way of conducting research then the research/interviewee divide may at times need to be crossed in treating interviewees as human beings, thereby resulting in more ethical procedures that are respected by the host community.

SPEAKING TO CURRENT MIGRANT ISSUES IN FRANCISTOWN

Discussing current happenings in Francistown that relate to the migrants in my study, immigration officials and some migrants reported that the International Organization for Migration has set up a receiving centre in Plumtree in the hope of educating migrants and deterring them from crossing into Botswana again. Immigration officials stated that food baskets and aid is given to migrants in encouraging them to start small businesses in Zimbabwe. However, according to migrant interviews it was clear that this was not working as they stated that everyone has a small business in Zimbabwe and there is no money in Zimbabwe. On the other hand, and backed by migrant interviews, it seems much easier to seek greener pastures and work in Botswana after all, the worst that could happen is to get deported and a free ride home, only to return again. Similarly Zimbabwean migrants are highly aware that they can abuse the system and that Botswana as compassionate people will aid their stay in Francistown. Again I emphasise a need for NGOs to do research from the bottom up in order to implement effective strategies that speak to migrants needs and claiming strategies thereby avoid wastage of resources.

One possible solution in understanding illegal migrants' needs and claiming strategies in addressing the challenges mentioned above is to offer anonymous exit interviews. This can be offered at the Francistown deportation centre but as this may likely lead to cause suspicion amongst migrants the Plumtree receiving centre would be one effective place to administer such questionnaires. This would also help in greatly understanding this under research group and thereby make appropriate policy recommendations.

Looking at my study holistically an overall critique arises in relation to the theory of rights to the city. The rights theory in taking a normative stance and challenging capitalism falls into the trap of creating additional inequalities and marginalisations like the model it critiques. By focusing only in urban areas and the development of such centres in building shelters as UNHABITAT does, the theory is likely to lead to greater divides between the urban and rural population. There were numerous Zimbabwean migrants who stated that the easiest permit to get was for work in Botswana's rural areas and therefore a lot of migrants went opted for this one. Additionally Botswana like other African cities is primarily rural as Simone notes. Thus poverty may be worsened in such areas, creating greater challenges to addressing poverty holistically and attaining the millennium development goals that to some extent use the language of rights theory.

THE REVOLUTION ON RIGHTS TO THE CITY?

In summing up and once again drawing on my central question, the theory of rights to the city is not practical for the context of Francistown. Moreover and specifically addressing the critical urban theorist Marcuse (2009) as a way of concluding, he asks, who is to initiate the revolution in implementing the struggle for the rights to the city? In the context of my study, it is unlikely that Zimbabwean migrants and perhaps migrants at large will lead the struggle. Zimbabweans as cross border migrants and transnational agents have found ways to make the capitalist system work for them and therefore have no reason to overhaul it. Furthermore and as my study reveals through focusing on usufruct rights, one discovers that migrants are in practice claiming a whole range of desirable rights in Francistown. This therefore gives them no motivation, dissatisfaction or anger that would be needed to fight for change. Thus the status quo is maintained and a rights

to the city revolution unlikely in Francistown. It is therefore evident that capitalism and the informal economy will continue to exist throughout Africa as it favours illegal migrants and the rights and strategies they seek.

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APPENDIX

PARTICIPANT INFORMATION SHEET (Zimbabwean migrant)

Dear Participant,

I Boipelo Moagaesi a Masters student with the Forced Migration Studies Programme at the University of Witwatersrand, Johannesburg, South Africa am conducting research on the topic: How do Zimbabwean migrants go about claiming rights to the city in the hostile environment of Francistown, Botswana? This research will explore how Zimbabwean migrants go about making a livelihood in the City of Francistown.

I therefore wish to invite you to participate in my research as your participation will help highlight the daily experiences and possible challenges that are involved in creating a life in Francistown. Your participation in this research is entirely voluntary. What will be required of you if you agree to participate in this research is to answer semi structured questions relating to my research. The interview will last approximately an hour and you will be given the opportunity to elaborate on points in as much detail as you please and ask questions if there is a need for clarity. If at any point in the interview you do not feel comfortable or no longer wish to proceed, you are entirely free to end the interview and with no consequences.

I will record the interview by taking notes while you talk. I will not ask you for your name at any point in the interview. Once the interview is complete, I will use the information collected for the write up on my analysis. Once I have written up the analysis, the interview transcripts will be destroyed. This procedure will ensure that you cannot be traced once the interview is over. Furthermore as this work will be viewed by my department and possibly published, you will remain anonymous and, confidentiality will be observed throughout the entire process. You will not be compensated for participation in this research in any way and this includes being given money. However, this research is important and beneficial as it will help shed light on Zimbabwean migrants in the city of Francistown.

Feel free to ask any questions on any point that you do not understand.

If you fully understand your involvement in this research and wish to participate and be interviewed, please do so by verbally agreeing.

If there are any questions or queries that you wish to take up with a higher authority, feel free to contact my supervisor Professor Loren Landau at the Forced Migration Department at the University of Witwatersrand. Professor Landau's contact details are +27 (0)11 717 4033 or alternatively email loren@migration.org.za or write to him at Forced Migration Studies Programme, School of Social Sciences, University of the Witwatersrand, P. O. Box 76, Wits 2050 Johannesburg.

THANK YOU FOR YOUR TIME

PARTICIPANT INFORMATION SHEET (government officials and civil society)

Dear Participant,

I Boipelo Moagaesi, a Masters student with the Forced Migration Studies Programme at the University of Witwatersrand, Johannesburg, South Africa am conducting research on the topic: How do Zimbabwean migrants go about claiming rights to the city in the hostile environment of Francistown, Botswana? This research will explore how Zimbabwean migrants go about making a livelihood in the City of Francistown.

I therefore wish to invite you to participate in my research as your participation will help highlight some of the experiences and challenges Zimbabwean migrants face in creating a livelihood in the City of Francistown. Furthermore, your participation will allow me to understand the services your organisation or department offers to Zimbabweans in this City. Your participation in this research is entirely voluntary.

What will be required of you if you agree to participate in this research is to answer semi structured questions relating to my research. The interview will last approximately 45 minutes and you will be given the opportunity to elaborate on points in as much detail as you please and ask questions if there is a need for clarity. If at any point in the interview you do not feel comfortable or no longer wish to proceed, you are entirely free to end the interview and with no consequences.

I will record the interview by taking notes while you talk. I will not ask you for your name at any point in the interview. Once the interview is complete, I will use the information collected for the write up on my analysis. Once I have written up the analysis, the interview transcripts will be destroyed. This procedure will ensure that you cannot be traced once the interview is over. Furthermore as this work will be viewed by my department and possibly published, you will remain anonymous and, confidentiality will be observed throughout the entire process. You will not be compensated for participation in this research in any way and this includes being given money. However, this research is important and beneficial as it will help shed light on Zimbabwean migrants in the city of Francistown and ways in which your organisation or department aids them.

Feel free to ask any questions on any point that you do not understand.

If you fully understand your involvement in this research and wish to participate and be interviewed, please do so by verbally agreeing.

If there are any questions or queries that you wish to take up with a higher authority, feel free to contact my supervisor Professor Loren Landau at the Forced Migration Department at the University of Witwatersrand. Professor Landau's contact details are +27 (0)11 717 4033 or alternatively email loren@migration.org.za or write to him at Forced Migration Studies Programme, School of Social Sciences, University of the Witwatersrand, P. O. Box 76, Wits 2050 Johannesburg.

THANK YOU FOR YOUR TIME

IN DEPTH SEMI STRUCTURED INTERVIEW QUESTIONS

Research title

How do Zimbabwean migrants go about claiming rights to the city in the hostile environment of Francistown?

Questions to ask Zimbabwean migrants

- 1) What rights (including services) are you claiming in the city of Francistown?
- 2) What strategies are you using to secure these rights and services?
- 3) Whom are you claiming these rights and services from?
- 4) What rights and services would you like to be able to claim in the city of Francistown?
- 5) In what ways are you participating and/or contributing to Francistown?

Questions to ask municipality and government officials,

- 1) What is your department's response (both formal and informal) to Zimbabwean migrants within the city?
- 2) What services does your department offer Zimbabwean migrants?
- 3) What services should your department be providing to Zimbabweans?
- 4) What is your understanding of urban governance and most importantly, the right to the city in the context of Francistown?

Questions to ask civil society,

- 1) What is your organisation's response to Zimbabwean migrants living in Francistown?
- 2) What services does your organization provide to Zimbabwean migrants?

3) What services should your organization/civil society be providing to Zimbabweans?

5) What is your organisation understands of urban governance and most importantly, the right to the city in the context of Francistown?