

**DRAFT**

**PROGRAMME TO PROMOTE SOCIAL COHESION**

**SUMMARY OF KEY FINDINGS**

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## **INTRODUCTION**

In February 2009, the Nelson Mandela Foundation (NMF) launched a pilot initiative to advance social cohesion in South African communities affected by the xenophobic violence of 2008. The overall goal of NMF's Programme to Promote Social Cohesion - as the pilot project came to be known - was to identify and address the underlying causes of anger and frustration in communities affected by recent incidents of violence, through facilitated community conversations, in order to promote local problem-solving and to advance social cohesion.

The NMF used a community-based, participatory dialogue approach, known as the Community Capacity Enhancement through Community Conversations (CCE) methodology, to bring together host and migrant communities to exchange their perspectives on the problems facing them, and to start the journey of developing common solutions. The pilot programme was implemented in the townships or informal settlements in Khayelitsha and Nyanga (Western Cape); Atteridgeville and Diepsloot (Gauteng); Albert Park and Cato Manor (KwaZulu Natal); Leandra and Nkomazi (Mpumalanga); and New Brighton, Walmer and Jeffrey's Bay (Eastern Cape).

This report presents the key findings of perspectives emerging from 30 community conversations, attended by a total 1819 South African and migrant participants, held in the targeted local sites between May 2009 and April 2010. Additional opinions on the root causes of social tensions between host and migrant communities were also garnered from a series of meetings held with local councillors; community policing forums; faith communities; community-based organisations; informal structures; migrant organisations; political formations; and other key stakeholders in the affected communities.

## **KEY FINDINGS**

According to participants in the different community conversations, a complex, multilayered, interrelated set of conditions, are contributing to increasing social instability in the townships and, specifically, aid the spread of violence against migrants. The sections

below outline some of the major stressors to social cohesion identified in the respective sites where community conversations were held.

### **Growing Social and Economic Inequality**

After 16 years of democratic rule, the country's Gini coefficient remains one of the highest in the world. Recent government statistics show that between the end of apartheid and 2007, South Africa's Gini coefficient dropped slightly, but also that the income of the poorest 20% of the population declined from 2.7% to 2.3% of total income (Presidency 2009). The importance of comparative poverty is that it is rooted in inequality and a sense of injustice. Millions of South Africans harboured the hope and the great expectation that the new democracy would fundamentally change their lives from apartheid-era oppression to social and economic freedom and well-being. According to the World Development Report of 2006<sup>i</sup>, South Africa's income inequality remains one of the highest in the world. Just under half of South Africa's 47 million people are poverty-stricken, with black Africans comprising nearly 90% of the almost 22 million poor people in South Africa. In some parts of the Eastern Cape, more than three quarters (76%) of the population live below the poverty line.

Citing the Presidency's Development Indicators 2008 publication, the South African Institute for Race Relations (SAIRR) notes that though there has been a slight decrease in poverty levels, 41% of the population was living below the poverty line of R367 per month in 2007. While official levels of unemployment vary between 25% and 27%, in places such as Khayelitsha<sup>ii</sup> in the Western Cape, almost 48% of the adult population are said to be economically inactive. Of those employed in Motherwell<sup>iii</sup> in the Eastern Cape, 25% earn less than R19 200 per annum. Arguably, income inequality ranks highly among the structural determinants of the recent wave of community protests, including the ongoing attacks on migrants. In all community conversations, across the 5 target provinces, participants identified poverty and unemployment as the most pronounced barriers to social cohesion. Participants spoke specifically about the growing inequalities in South African society, where the 'rich are getting richer and the poor are getting poorer'.

Generally, they perceive inequality not only in terms of economic or income inequality, but rather in terms of their ability to access and to participate in social and political processes and decision-making. Poverty and unemployment - widespread and increasing levels of poverty and unemployment are fuelling the frustrations of impoverished communities, as well as increasing the number of people dependent on basic and indigent services. This makes further demands on the scarce resources of municipalities with large, impoverished communities and as a result, they struggle to deliver quality services. Participants in the community conversations spoke at length of the magnitude of poverty, seeing this as the primary source of a host of other social attendants such as high levels of crime; the proliferation of shebeens and the extraordinarily high levels of alcohol abuse; and the availability of drugs and the impact this has on the youth, among others.

Since 1994 a host of laws have been enacted to address historical forms of social exclusion and marginalisation. Wide-ranging pieces of legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act and successive pieces of employment equity laws, for example, have been put in place to identify and address contemporary manifestations of exclusion, not only in the workplace, but also in the social and economic spheres. South Africa also has in place a social welfare grant system that provides small financial grants to various categories of persons seen to be at greatest risk. However, despite a relatively responsive, rights-based policy and legal framework, massive sections of the population remain on the margins, outside the mainstream social, economic and political trajectories for the rest of the country.

*When you are poverty stricken you gonna try to find this and try to survive. So, people get frustrated, they do a lot of things like crime and such. And also, How do these fuel the moral degeneration, like one group has already stated some people leave their children alone, under no guidance the moral degeneration can take place where....and... lack of role model..I think you get where you get suppressed by the situation in the environment. - Nyanga Community Conversation*

### **Housing as a point of tension**

South Africa is one of the few countries that have constitutional provisions recognising and protecting socio-economic rights. The Constitution is often cited as an example for the protection of such rights. It explicitly addresses the right to adequate housing; section 26 states that “1) Everyone has the right to have access to adequate housing. 2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right. 3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.” Section 28 (1) c of the Constitution also calls for the right of children to basic shelter. In addition, the Government of South Africa has put in place a number of legislative and other measures aimed at fulfilling the right to adequate housing, including the provision of rental housing, allocation of land for purchase and subsidising the building of housing, among others.

In 2004, a comprehensive plan for sustainable human settlement was designed. This policy, “Breaking New Ground”: A Comprehensive Plan for Developing Sustainable Human Settlements (hereafter “Breaking New Ground”), seeks to ensure the realisation of the right to housing enshrined in the Constitution. However, in a recent report released by the Department of Local Government and Traditional Affairs, the department acknowledges that the lack of the requisite skills has left many municipalities inadequately staffed, with grave implications for service delivery. It noted, for example, that the infrastructure for water and sanitation services has deteriorated badly over the years, leaving many communities with poor water quality, inadequate access to clean water and poor, to no sanitation services. In addition, the lack of experienced staff with the requisite project management and financial skills has meant that many municipalities are unable to properly manage and budget for their projects, leaving budgets unspent and projects urgently needed to uplift the lives of the poor uncompleted. The impact of such government constraints in delivering basic housing manifest not only in tensions between South African and migrants, who are perceived ‘to steal our houses’, but also creates further fissures within South African communities.

During the community conversation in Jeffrey’s Bay for example, we learnt that by 1992, Tokyo Sexwale Township reportedly comprised of 24 households, one small school and a

local church. In the words of a community leader, Jeffrey's Bay *'used to be the meeting place where people gathered - the Xhosa tribes of the Eastern Cape, Ciskei and Transkei...The Xhosa's, the Zulu's, Swati's, Sotho's and the Venda's and the coloured people'*. However, between then and now, Tokyo Sexwale and the adjacent settlement of Ocean View have become a burgeoning mix of RDP houses, taverns and sprawling informal dwellings, housing in excess of 50,000 people. An estimated 70% to 80% are dependent on seasonal work, at best for about four months of the year. They say, especially in times of scarcity, people tend to 'click' together, retreating into their own ethnic or language group. Even within groups that share a common ethnic or language background, there is a tendency to split off further along clan lines. For example, the Hlubis gang up against the Pondos or vice versa, making the question 'where do you come from?' the deciding query.

In yet another site where community conversations were held, we were told of community conflict spurned around access to housing. Nyanga, like most other black townships in the country, is the twin creation of the migrant labour system and the Group Areas Act, when, in the late 1940s and early 1950s, scores of blacks were dispossessed of their land and forcibly evicted from the now-middle class areas such as Sea Point, Hout Bay, Retreat and Simonstown. Under the growing weight of the migrant labour system, Nyanga became a township of single-cell hostels, where 'when you must sneak your wife into your house, you learn not to give expression to your emotion'.<sup>iv</sup>

By the mid-1970s migration from the newly-independent homelands of Transkei and Ciskei to Cape Town took place at an accelerated rate. The apartheid government and its local proxy, the Bantu Affairs Administration Board (BAAB), however, were ill-prepared. As the influx of people increased, informal corrugated-iron dwellings sprung up all over, particularly in a part of Nyanga, commonly referred to as Crossroads. However, in terms of the influx control laws, migrants from the homelands had been declared 'illegal immigrants' in the urban centres of Cape Town. With the help of the Izimbondo or agents of the BAAB, the 'new arrivals' were regularly prosecuted for being in Cape Town 'illegally', frequently resulting in forced deportations back to the homelands. Many of the attempts at forced removal erupted in violence. In 1977, facing the threat of yet another round of forced removals and deportations to the Transkei, the women organised and formed the Crossroads Women's Movement. Under the rallying call 'Asihambi' – we are not moving –

the women mobilised international attention, turning Crossroads into a symbol of resistance against forced removals.

At the height of the community's defiance, local leaders emerged to form the United Crossroads Committee. In 1979, the United Crossroads Committee entered into an 'agreement' with Piet Koornhof, then Minister of Cooperation and Development. In terms of the 'agreement', the community, under the leadership of the 'headmen', was to assist with a head counting exercise to limit further influx into the area, in return for temporary rights to remain in Cape Town and the promise of formal housing in an area that was to become known as New Crossroads.

In 1983, violence erupted once again. A group, commonly known as the 'Witdoeke', reportedly supported by the South African Police and the army and closely associated with one of the most feared headmen, Johnson Ngxobongwana, went on a bloody rampage that lasted several months. According to some, there was growing resentment among the older Crossroads residents about the rising influence of a mostly younger group aligned to the United Democratic Front (UDF).

By February 1985, Crossroads was home to eleven shack leaders. The most powerful, Johnson Ngxobongwana, controlled up to 100 000 people. The local leaders soon realised that they were sitting on a gold mine. As the lists grew longer and people started paying to have their names included on them, satellite 'squatter camps' and local leaders mushroomed. The leaders, or 'headmen' as they were known, seized the opportunities for extending political and economic control over the 'squatter camps' by selling rights to occupy land at Crossroads and collecting dues from people living within their areas. They exploited traditional belief systems; cultural differences; socio-economic differences and social status divides between the township dwellers for the squatter communities; and the general scramble for housing – at all costs – to further their own greed and desire for political control. Boundary disputes and leadership struggles abounded.

A major outbreak of violence occurred in 1986 when the leaders of the satellite camps and their followers were driven out and large areas of KTC (Kakaza Trading Centre), an adjoining

informal settlement, were destroyed. The Goldstone Commission reports that nearly 65% of KTC shacks were razed to the ground, leaving an estimated 60,000 people homeless.

After the 1986 violent expulsion of people from the satellite camps, new houses were built in an area known as Phase 1. In 1989, violence broke out once between Ngxobongwana and his 'witdoeke' on the one hand, and shack leaders from other satellite camps on the other, amid claims that houses were being allocated to people not residing in the area. The conflict continued well into 1993. As the violence spread, it grew in complexity and dimension. From 1991 to 1994, rival taxi associations were firmly embroiled in what was to become one of the longest, bloodiest and most ruthless taxi wars in Cape Town.

In meetings with various community-based structures, religious and community leaders, we are also told of the multiple layers of social stratification coalescing around the type of housing one has access to. In almost all communities, we were told of tensions between those in formal dwellings versus informal settlements; the so called 'shack-dwellers' versus the 'backyarders'; or urban residents versus the more recent migrants from rural or underdeveloped areas in South Africa. The lack of cohesion among South Africans was highlighted in several other communities. Below are excerpts of participants' contributions in community conversations in the different provinces.

*We in South Africa, firstly, are bothered by the TVBC states (Transkei, Venda, Bophutatswana, and Ciskei). In South Africa, we as a people didn't even accept each other as South Africans when we came to the cities. Someone who came from the Eastern Cape coming to Cape Town or Gauteng, Kwa-Zulu Natal, we never embraced each other and even we had conflict. That alone has played an instrumental role inside of us because it remained and what mattered was who you were and where you came from. – Khayelitsha Community Conversation*

*I am a foreigner from Limpopo, since I came here I can still feel some of the challenges that my brothers and sisters from other parts of the continent are experiencing. I have been asked several times where I come from even when there is no requirement for me to do so. – Khayelitsha Community Conversation*

### **An explosion of crime**



In 2007, the Centre for the Study of Violence and Reconciliation submitted a concept paper for the Justice, Crime Prevention and Security Cluster. Among others, it questions the inherent class and racial dimensions of crime, how it is reported and how this informs a national response to crime. It makes the point that too often 'crime concerns of poorer people are not given proper recognition on the public agenda'. It is as though poverty and crime necessarily coexist, and therefore little attention is given how this not only threatens their basic right to safety and security, but in trivialising poor people's experiences of crime, through commission and omission, we fail to put in place appropriate strategies that affect the vast majority of the population.

Those most vulnerable to crime are the poorer sectors of society which are still predominantly black. Research points to a host of social factors fuelling the high incidence of crime, including inadequate strategies to address crime, and increasing public distrust in the criminal justice system. Coupled to this are the informal living conditions making urban communities more vulnerable to public violence rather than in the rural areas. The lack of road infrastructure, street names, street lights, shack numbers, amongst others, hindered the active policing of the violence, and this continues to be a problem. Lack of tenure records for a shack poses a dilemma in resolving cases of shacks which were appropriated during violence or displacement; therefore there is a need for satellite police stations. However, from the perspectives of community participants, the most critical ingredients in the explosion of crime points to a lack of trust in policing structures and the wide-spread availability of fire-arms, as seen in the comments below.

*I am going to be talking about lawlessness. First let me start what is causing lawlessness, firstly we know that South Africa we are coming from apartheid and these legacies are still prevailing in our society. Black consciousness was never really developed, it was just an idea. It was never internalized by the people that it was meant to you know like black people. That is why you find black on black violence and all those things and also there is an issue of poverty, the majority of people living in South Africa are poor and they are black. That is the reality and also looking at the side of the people that are making the law there is a lack of information from the implementers of the law. There is a lack of commitment and they are being paid low wages and there is a huge gap between policy makers and those that are*

*implementing the policies. Also there is ignorance and also the education that we received from school is not really empowering they teach you to go and work for McDonald's or whatever. So you are not really being empowered.* – Khayelitsha Community Conversation

There appears to be wide-spread scepticism about the ability or willingness on the part of the police to act against criminals or to protect communities against the growing spread of violence. In almost all conversations, participants spoke the general lack of trust between themselves and the police. In one community conversation, during the Transect Walk and Mapping Exercise', one group identified the local police station as a 'dry grass area' – an area that contributes to the spread of violence in the community. When others questioned this, the group fiercely defended their view, saying that it is common knowledge that all kinds of contraband, such as liquor, drugs, firearms, are readily obtainable at the local police station. Comments from other sites were:

*I know we say, in as much as government is doing a lot to get rid of illegal firearms in our homes, there is still a lot of illegal firearms that people are not willing to let go. They use it as their source of strength and power and they cannot get rid of it.* – Khayelitsha Community Conversation

*Women are the back bone of society, we know the problems facing our children; let us do something, form structures. Crime is increasing; we single parents, are not able to send children to school, give them food or grow them healthy, as a result our kids go and rob, that's how the crime starts.* – Walmer Community Conversation

*So, until we, who think we want our society to be perfect, try as much as possible to get rid of those illegal firearms, we are hauling in our homes; if we do not succeed in doing that, violence will always be in our communities. We also see that it is all in because that people find themselves in little gangs and to commit a crime it is like they hale you for having committed a crime. And they will say, "Hey! You did it! That was nice. I saw, you just shot him, he died. This is the type of person we want in our group." And if we do not stop that gangsterism and stopping to haling people who commit crimes, we will not go any further –* Khayelitsha Community Conversation.

From the communities' perspective, the lack of protection from the police directly contributes to the tendency within communities to take matters into their own hands. In some communities, the Community Policing Forums seem to play a vital and very positive role in being in touch with community concerns, and serve as an important liaison between the community and other law enforcement agencies. In others, there are unconfirmed reports that members of the community policing structures are themselves involved in violent or criminal activities.

*And why is there violence in our community? It is because there is little police visibility. We move around, we hardly see police. And because people feel it is only the police's responsibility to enforce the law, so when the police are not there then I am free to do anything that I want. – Nyanga Community Conversation*

*In terms of the police, most of us have experienced bad things from the police, so that's why here are community, CPF out there. That's why we ourselves are trying to...You come, you will go to a Police and tell them that people are fighting or there are guns or whatever, then they come, they don't come or they come two or three hours later after the incident and people are dying and all these things. That's why the CPF is doing a much better job than Police themselves - Atteridgeville Community Conversation*

### **Where is the divide?**

In its 2009 report 'Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa, the Forced Migration Studies Programme notes the 'culture of violence' where violence is endorsed and accepted as a socially legitimate means of solving problems and achieving both 'justice' and material goals'. It also refers to Hamber's assertion that 'the structural violence effected by the state through repression and legislated inequalities in the distribution of resources and opportunities during the Apartheid era has created a climate in which all forms of social existence – including housing, education, jobs, wages, and service delivery – are politicised.

Along similar lines, government comments in its 2008 'Towards a Fifteen Year Review' 'the worrying increase in violence in pursuit of socio-economic objectives in the past two years or so, the kind of lawlessness seen in the violent action against people from other countries

and South Africans in early 2008 and dynamics in the party-political terrain have all played a role in undermining the legitimacy of state institutions.

Across the provinces, there is very fierce contestation of social and political space, with the ownership of that space seen as a root to political and economic power. In one of the communities in Gauteng, for example, we witnessed the sale, by one of the informal civic associations, of letters verifying the residential addresses of shack dwellers – a function normally authorised by local councilors only. The emergence of parallel institutions was also reported in community conversations, with participants noting, for example, that there exists an ‘officially elected’ community policing forum. Alongside, and functioning purportedly with the same mandate, also exists another community policing forum.

This foreclosure of a developmental space, and the extent to which it has been overtaken by political agendas, presenting a fusion of ethnic identities and how that is usurped within a political realm, can be seen in other provinces as well. In Jeffery’s Bay for instance, during the community conversation about the lack of educational opportunities and the availability of training programmes for young people, one gentleman got up and very boldly said: *“Let’s just call a spider a spider. When these training opportunities become available, not only are they only given to those to be subscribing to a particular political view, but they are also given to the Zulus.”* The coincidence between an ethnic identity and the association with political structures, corroborate research done by a number of institutions.

### **New Lines of ‘Difference’**

Part of the process of dialogue lies in creating a safe space through which the community can discuss the impact of such historical experiences, and use this space to begin a process of tackling the trauma that has been transferred from previous generations with the aim of breaking the infinite cycle of oppression and exclusion of groups of people.

When tackling the issue of marginalisation, each community has been jolted through a process of reflection, when they understand how a generation of people that experienced such harsh persecution can find themselves articulating the oppressors reasoning as a basis for excluding other sections. A number of the community conversations are slowly arriving

at this point of self-reflection, presenting opportunities to heal relationships among sections of the community.

As the community conversations reveal, even homogenous communities bound by common linguistics are not exempt from disintegration, given the variety of elements that can be used to grow the chasms among the community, such as their origin at birth, class, age and gender. The question that they seem to be developing, particularly in light of the real dangers of disintegration that flow out of narrow interpretation of migration, is how best can it integrate the diverse voice of various sections within it, in a way that that recognises present day internal and external migration?

It is clear that resolving tensions lies in addressing the gap between groups by encouraging greater participation in existing structures present within each community. Many dialogues have pointed at the rich existing networks of social capital available, through which the numerous challenges identified can be addressed. This is critical because, as a number of conversations have highlighted, where communities fail to utilise these structures, there is a danger of such voids being hijacked by unscrupulous elements to pursue their own interests, and not the needs of the community.

That said, through the conversations we have identified many instances where great potential exists for enhancing community participation through intermediary structures that seek to consolidate the wide range of social capital that exists on the ground. An example of such potential is the Khayelitsha Development Forum, a medium where a wide range of social networks including civic organisations, community policing forum, and faith based organisations are brought under one umbrella to better address community needs.

The usefulness of such intermediary structures has been recognised by the Provincial Government of the Western Cape, which highlighted for example the ability of structures like the KDF and Proudly Manenburg as tools to mobilise communities to facilitate social transformation through a community development approach. Such intermediaries have a relationship with the community and with government institutions, through which they can facilitate action.

The CCE methodology envisages the up-scaling of decisions taken during community conversations through linkages between these initiatives and local, provincial and national government structures. The richness of social capital consolidated in such structures like the KDF presents an opportunity for achieving this objective in resonance, particularly in the Western Cape, with the Provincial Governments prioritisation of 15 key geographical areas (overlaid by many concerns identified in conversations) upon which to support the setting up of such intermediary structures as points of interventions. Three of these include sites in which the programme is holding conversations (Khayelitsha, Nyanga and Philippi) where governments social transformation efforts envisages the setting up of a platform for communities to pursue a mandate to social cohesion, community healing and moral regeneration, as well as the creation of employment and other social problems with the communities, through such structures.

Conversations in other provinces also indicate the existence of similar initiatives, at least as far as the existence of fragmented social networks, though it is still unclear the extent that these have developed linkages with provincial government such as the Western Cape. As the community conversations develop, there is recognition of the need to build closer working relationships with such structures, growing platforms that provide communities with a “voice” in a coordinated manner, in such a way that existing institutional structures may not adequately fulfil. It is important in growing such relationships, however, that representatives from all relevant sectors of the community are brought on to the intermediary structure. At the present stage, it is uncertain whether migrant sections have leaderships that serve on the intermediary structures, in accordance with the principle of inclusivity necessary for decision making.

### **Economic exclusion of migrants used to assert power**

Discussing the underlying reasons for the 2008 attacks against migrants, and specifically the scale of exclusion they experience, the Forced Migration Studies Programme (FMSP) notes that ‘what separates non-nationals (*from nationals*) is the degree to which exclusion is both bureaucratically and socially institutionalised<sup>v</sup>. The report also notes the long term institutional attitudes and practices that have excluded migrants from accessing the full range of social protection and rights envisaged by the Constitution and the Refugee Act.

In many ways, the views gathered through this process of community conversations corroborate the findings contained in the FMSP report and other similar studies. The community dialogues also reveal how marginalisation not only impacts migrants' ability to participate in the community, but has the potential in the long run, if not checked, to pave the way for further violence and societal instability.

The Aliens Control Act of 1991, which has been labelled by some writers as the last kicks of the dying apartheid era, is a classic example of the dysfunctional thinking of the apartheid regime on migration which found its way into the post-democracy era. The Act saw black migrants as a threat which needed to be contained, and basically reflected the kind of thinking that had been applied to majority of black South Africans onto migrants coming from outside of the country.

In this way, it continued to perpetuate South Africa's ambivalent and often hostile attitude to illegal immigrants, especially those from war-ravaged African states. The Immigration Act 2002 which replaced it almost eight years post-democracy, though progressive, has been criticised for the powers it gives police in terms of its focus on reducing the number of immigrants through repressive measures. The community conversations present the reality of communities who have witnessed years of exclusion struggles with the urgent need to reconcile the mental scars unleashed by systematic implementation of this exclusion and the demands of a post 1994 Constitutional era and the rights it accords – both to citizens and migrants.

The Department of Home Affairs (DHA) recently initiated a 'Turn Around Strategy' to improve the functioning of the Refugee Reception Offices (RRO), and to speed up the status determination of asylum applications in line with the provisions of the Refugee Act. In keeping with this, the Department has opened an additional Refugee Reception Office in Limpopo and established the Tswane Interim Refugee Reception Office in Pretoria, bringing the total number of RROs in the country to seven. In April this year, government also announced the introduction of a new migration plan for Zimbabweans, including a moratorium on deportations, a 90 day free visa for Zimbabweans entering South Africa, and a 12 month special dispensation permit for undocumented Zimbabweans already in the country.

Despite these positive developments, there are ongoing concerns about the DHAs capacity to meet the protection needs of migrants. According to CoRMSA 2009 report, 'The Refugees Act and accompanying regulations lay out the asylum process, including several procedural guarantees. Unfortunately, RROs frequently fail to adhere to these procedures and deny the rights of potential asylum seekers and refugees. The failure to fully and adequately implement the provisions of the Refugees Act leaves many asylum seekers without documentation and vulnerable to arrest, detention and deportation, despite having valid asylum claims. These failures stem from a combination of factors: lack of capacity; inadequate training; non-adherence to the rule of law; and a tendency to ignore the protective goals of the asylum system in favour of an approach aimed at keeping 'illegitimate' non-nationals out.'

*There's refugee and there's foreigner. So, they must understand what's different for foreigner and refugee. That's what I want the people must understand. There's a difference for foreigner and there's a difference for refugee. Refugee is like people they ran away from something. So, the people from here they don't understand what means foreigner and what means refugee. – Refugee Leader, Gauteng*

*Other problem is to get asylum seekers here in South Africa now, also is a problem. You'll find that people have got more than three, four, five years here in South Africa, but he's still using asylum seekers, which is not giving you that...here he's peaceful, you know? There are people, they're being looked there in Lindela. Sometime nowadays, what he's saying, you can even get arrested...asylum seeker... asylum seeker, maybe expired, you go and report, you get sentenced for asylum seeker. – Refugee Leader, Yeoville*

It is in light of this systematic social and bureaucratic exclusion that the accusation of the reluctance by migrants to participate in the local community structures must be examined. In conversations such as the one in Nkomazi, locals lamented that migrants remained disinterested in the day-to-day affairs of the community, and with sections of migrant communities being accused of seeking to profit from the community without wanting to integrate in other social aspects.



However, perspectives that emerged from other conversations such as the one in Cato Manor contest this viewpoint, with migrants expressing how their increasingly demeaning treatment by authorities and society in general has left them feeling like outsiders among the communities in which they live. As one migrant in a conversation explained, “With the sort of labels that are used on us, how can we become participate in the community?”

Thus the viewpoints explaining the low levels of migrant participation among the community will require further conversations, through which both groups can begin to address the root cause on either side –either the exclusionary tendencies by local community structures, or the lack of proactivity by migrants in becoming a part of the local structures. Certainly there is increasing acceptance by a number of communities, such as the one in Albert Park, of the benefits of participating as a unified community that embraces the diversity of its members, irrespective of their origins.

This community has already begun mapping out an action plan that includes the formation of joint committees (made up of migrants and locals), through which the entire committee can profit from skills transfers, sharing of innovative practices and a united voice to amplify their concerns and begin to reverse the downward spiral of marginalisation. Other sites such as Delmas provide some good examples to be further explored where, possibly owing to its various interactions with migrants even during the apartheid era, the community, even though faced with similar challenges as other townships in South Africa, has made more progress towards indigenisation of migrants into the community where their skills and resources are used as part of active structures.

In line with the old adage “united we stand, divided we fall”, communities may be on the verge of realising there may be more resources to unlock through the inclusion of all its constituents who may bring valuable contributions their concerns and challenges.

However, it is regrettable when communities, in the course of seeking this attention, have to turn on other marginalised groups such as migrants as part of their strategy to get attention of the government. While locals think that such migrants enjoy favourable treatment through the protection by legal regime, the practical situation is somewhat different. During conversation, migrants in areas like Albert Park were able to discuss with

locals the many concerns they have in an extremely vulnerable position, despite the apparently favourable constitutional and legal frameworks.

Non-nationals say they continue to experience discrimination in terms of their inability to meet socio-economic needs, such as seeking employment, accommodation, health care, education and social security. Often they complained that those tasked to implement the varied legal and constitutional provisions affording them protection such as the Department of Home Affairs, the South African Police Services etc. seemed oblivious of their mandate, and compounded their problems through their attitudes and wide spread practices of corruption. Many of the migrants seeking asylum in different conversations continue to lament at their inability to access documentation to legitimise their stay in South Africa. Without such documentation they are unable to find work, suitable accommodation and often end up suffering from police harassment.

The upshot of such treatment is the undermining of this segment in the eyes of the general community, leading to their further exclusion and loss of voice. In this way, non-nationals have slowly become the embodiment of the exclusion experienced by black South Africans during apartheid – the main difference being that the present day delineation is one based on geographical and cultural origin and not race. Quite a lot has been written about the extent of exclusion and institutional barriers put up in terms of foreigners being able to access opportunities or social protection, and the rights enshrined in the constitution. Some of the barriers have been documented in the health sector, accessing basic health services, the barriers in accessing basic socio-development services in some instances are very pronounced.

*All of us we are the same. The limit, it's the human being who put the limit. From God, God didn't give us this you are White, you are Black. No! It's us, we are doing it ourselves. –*  
Refugee Leader

There is the perception that one group of people enjoys a favorable status – favorable in terms of access to the legal regime and sorts of benefits that come with that. That by itself is a source of tension, because it's not uncommon in many of these sites to hear locals say *“The constitution favors the foreigners”* or *“The foreign nationals come in and they can, before we know it, the Pakistani people have shops allover. So these guys are doing very well*

*compared to us.” So, there’s that perception which is drawn across the two sides. The KZN conversations have helped to downplay that conception because then migrants speak and say, “The reason we do one, two, three other things is because we are in this situation and we’ve got to survive in this sort of way”.*

In many instances participants also attribute the general lack of awareness about migrants and, specifically the lack of awareness about government’s national and international obligations with respect to refugees and migrants, to government’s poor communication with grassroots structures. There is generally very little understanding of Constitutional provisions and how these relate to migrants; different pieces of legislation relating to the protection of migrants; and little appreciation of government departments’ mandates in providing services to migrants. The community at grass roots level interprets migrants through the eyes of these institutional practices. So, if for example in the Nkomazi area, the police treat people from Swaziland, people from Mozambique, people, there’s also a quite high number of Zimbabwean people there, in a particular way. That has become so entrenched that even the attitude of the locals at a grass roots level view them almost as second class citizens.

*We feel there are not enough awareness campaigns to make sure that people understand the Constitution. I should make an example. If we recall last year the organisation that wanted to break away, they said that they wanted to protect the Constitution while the one that was left behind said that there is no problem with the Constitution, instead we must maintain it. If those people on top have those different messages then what about the people on the grass roots level? – Khayelitsha Community Conversation*

*The leaders in the community need to come to communities that are struggling to understand and develop relevant solutions. We have got councilors and government officials who don't even live in the communities anymore. The moment they are elected, they will go to stay in Camps Bay. – Khayelitsha Community Conversation.*

*...The lack of communication between leaders and people. To explain on the lack of communication, it basically means the leaders that are being elected in our communities they are self-centred. What is more important to them is their families more than the*

*community, the one that elected them to be where they are.*- AlbertPark Community Conversation

The perception that people have at the grass roots level is that South Africa is being overrun by migrants, and that migrants are responsible for everything in this country that is wrong. Coupled to that is the fact that there is generally a lack of awareness among South Africans around the national and international obligations that South Africa has with respect to migrants. First of all there's very little understanding of the categories of migrants, and the specific pieces of legislation that govern the protection and promotion of rights of each of those categories of migrants.

### **Factors inhibiting Participation of Migrants**

In this current context of social instability and conflict, our experience is that host and migrant communities come from unequal positions of power. In every single community, we have people saying to us, migrants, and particularly refugees and asylum seekers, and particularly those who had been victims of previous xenophobic attacks.

They will say to us, *"I would love to come, but I'm too scared."* Participation generally from the migrant communities in the conversations has been very poor. And in every conversation across the provinces, the issue is raised about the lack of participation of migrant communities. The level of fear within the migrant community is palpable. It is palpable in terms of them being able to go. They want a million assurances that they are not going to go to a conversation and something is going to happen to them – either that they are going to be arrested, or harmed by the locals.

The majority feel that they are there by the grace of those who let them in. And so there's a reticence on the one hand, and those who do have the courage to speak invariably end up in a defensive position. From a conflict transformation point of view, they give up more than they are getting. One of the lessons that we have learnt is that whilst the power of the community conversations is very strong, we need to recognise that we are working in a very tense space, and there are very subtle and unequal power relationships. So, even when people come into that community conversation, they do not go there as equals. And so, it

raises for us the question, *“If they do not go there as equals, if they are not recognised as such, then what is the kind of outcome that we can get from this?”*

We have been forced to adapt in looking at relationship building because the methodology looks at the community conversation as an intervention to grow that relationship building.

Because of the paradigm of conflicts and tensions, polarisation and fear, it’s almost difficult to get the communities there together and then commence with the process of relationship building. What it has meant in a lot of the cases that we’ve been overseeing, is that we pick a group separately and we join with them to build confidence for the actual conversation. For example, the whole issue of xenophobia, migration and similar issues are put to the side, and we end up engaging on resource access and other things like that. So the period of grooming a relationship between this polarised world has almost forced us to adapt so we can bring both groups there and actually have a place of exchange.

We recognise the power of the community conversations, but we are beginning to say that community conversations must be one tool in an arsenal of tools. So when we talk about relationship building (yes, it is embedded within that CCP methodological framework) there must be that special emphasis on relationship building. This relationship building has very specific purposes. We believe that given the unequal power relationship in this dynamic of conflict and social instability, there needs to be investment in building up the confidence of the migrant community. We also need to begin to recognise that the migrant community is not homogeneous. We have not had the opportunity through the community conversations and limited engagement to begin to tease out the layers of complexity within that migrant community.

There need to be a set up interventions that are resourced financially and in terms of personal power and very clear strategies to deal with, impact some of that complexity and build up a level of confidence within the migrant community, so that in a public space they can begin to articulate what their needs are, and what their interests are. Similarly with the formal and informal community-based structures, there perhaps has to be a much stronger capacity development element, not only in terms of what the methodology is about and what the objectives of the programme are, but also in terms of those informal leaders, the more informal he is, it’s almost the more power he has. We have had experiences where, at

12 o'clock these informal leaders walk in and they turn the whole thing upside down. And the community starts clapping.

They say, "*We don't want foreigners*", and everybody claps. So, it undoes everything that we have done from 9 o'clock until 12 o'clock. There's a different set of capacity development needs to be addressed within the South African community, and perhaps a different set within the migrant community. Until we do that kind of foot work, and the reason we're stressing the work that needs to be done with the informal and formal structure within the community level, is the power that they have to influence opinions. If these leaders stand up and say, "*The borders were put there by the white man. The borders have got nothing to do with us. We say we don't want foreigners in our country*", the whole conversation swears with him. And until those people, in fact, begin to integrate the factual knowledge, we're just not going anywhere!

It was important to see how that disadvantage paired out at the grassroots level and how the divergent interest within that category of people that are disadvantaged began to reflect. There were two groups of people. Both groups purported to represent the interest of the communities. One group made of trade associations and other informal structures that work in that community made it very clear to us we have big problems here because the migrants come in and they take all the shops. We must deal with that issue of shops. We must find a way of regulating their presence amongst us. In the same conversation we had, a lot of women who listened to the same charges heard stories which I think most of us are aware and familiar with – the stories about undercutting, the stories about price controls, and they asked themselves and told us categorically, "*We don't have a problem with these things because before the Somali trader was here we had to go to such and such a shop. We had to go to Shoprite, we had to go to Pick n Pay to get these essentials. Now we get them here at a very lower price*".

In Albert Park, the conversation shifted to how can we get together and re-establish some of these ethos and ethics that existed amongst African communities prior. So how can we, instead of being jealous about your neighbour, get together and start actually considering buying stuff in bulk and maybe realising some of the advantages those peculiar communities have?

In all these places for one reason or the other, we realised that there was a fundamental erosion of trust in legitimate structures. So it was not difficult to see, for example, in the presence of a councillor that the communities were uncomfortable. In Komazi, for example, when the local councillor left, the communities would make remarks like, "Now we can talk." That tells you there is a gap there.

There is something that exists which we often read about in newspapers. But the sad thing is not just the gap. What is really sad is what happens because of the existence of the gap, the sort of informal organisations that begin to percolate that space and begin to enter and use the space for their own benefit. We came across a lot of those organisations whose power was not imagined or perceived, but real power. But they lacked the legitimacy that went hand-in-hand with the positions that they proclaimed for themselves. So for example in some communities, and I think the KwaZulu-Natal team would remember occasions like this, we were told categorically, *"You can't enter this area. Unless we give you the thumbs-up, the dialogues will not attract the necessary numbers."*

A very interesting perspective, but it was true that if you tried to proceed with those dialogues without incorporating some of those elements you maybe wouldn't have numbers or you wouldn't have an authentic conversation between the people. What is really critical is how you involve those elements so that you don't have a conversation that purports to be a dialogue, but it's just a dialogue for the converted.

Even with those structures and with those tensions within the communities, there was a sense that having a conversation which pulls them out of their political spaces, their ideological spaces, their religious spaces, having a safe space where you can come in and just speak, that itself was a winner. We had so many communities where some of the legitimate political structures, could be used to enhance the degree of communication between local authority leadership and their constituencies, something that would be a sense of participatory democracy, something where people could speak and those voices could find expression in decisions taken at local level.

We come from a very particular context in South Africa where violence has been used so expressively as a way of voicing grievances and dissatisfaction. For example, in Cape Town when we were talking about human rights (we were talking about the rights of migrants and

refugees), and the rights to respect one another, we were pointing to those constitutional provisions that accord those rights. One of the participants stood up and said, *"I hear what you're saying and I understand you're pointing to the Constitution. But who made that Constitution and is that our Constitution?"* And it was a moment of intense introspection because this young individual put out his points and said that: *"That Constitution was made by those people. We need to make our own Constitution."*

There is a chasm between what we have on paper and what people have internalised and accepted as a society, and values that would run those societies. These are truths that we confronted during the conversation. For example, in KZN where the local community policing forum in a specific area dubbed all the problems of crime to be as a result of migrant activities, these communities who were idle, sleeping in the park and they're the ones robbing.

That community policing forum was able to initiate a groundbreaking intervention where they actually welcomed migrants to be a part of the community policing forum. There is a huge debate there because on the one hand locals insisted that it's the lack of participation by migrants that ostracises them, and on the other hand there was a cage that prevented migrants to become a part and parcel of those community structures. So to see that resolution taken by a community policing forum that months before had all kinds of insinuations in terms of the labelling of those migrant communities.

Those social cultural issues that have to do with this whole concept of 'othering', this whole insider/outsider concept and practical examples and how the use of language is used to demarcate who is in and who is out. In certain provinces the language that is dominant is either isiZulu, isiXhosa or any other language and how that language determines who is in and who is indigenous and who is part of the community and it's a powerful force because even the South Africans that come from other provinces feel or experience that sense of exclusion because of their inability to articulate themselves in those dominant languages.

The way that plays out when you look at on the receiving side, the migrant community themselves, and the sort of fears, whether real perceived or imagined, the way those fears begin to play in response to that insider/outsider phenomena is peculiar. In one of the conversations it became clear that information, or misinformation, is a critical thorn that is



dogging the communities. People don't know the other and that's why it's so easy to develop all these myths and all these fears about the other.

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<sup>i</sup>Triegaardt J, University of Johannesburg, distributed by the South African Civil Society Information Service

<sup>ii</sup>Socio-economic Profiling of Urban Renewal Nodes– Khayelitsha and Mitchell's Plain, City of Cape Town

<sup>iii</sup>Motherwell Nodal Economic Development Profile, Department of Local and Provincial Government

<sup>iv</sup>Former activist and participant in the stakeholder meeting held in Cape Town on 9<sup>th</sup> and 10<sup>th</sup> September 2009.

<sup>v</sup>Misago J P, Landau L, Monson T, Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa, January 2009

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