DISCRIMINATION AND DEVELOPMENT?: MIGRATION, URBANISATION, AND SUSTAINABLE LIVELIHOODS

Loren B. Landau

Forced Migration Studies Programme
landaul@migration.wits.ac.za

October 2006

Submitted to *Development Southern Africa,* November 2006

Forced Migration Working Paper Series #21
Forced Migration Studies Programme
University of the Witwatersrand
http://migration.wits.ac.za

Migration Studies Working Paper Series

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DISCRIMINATION AND DEVELOPMENT?: MIGRATION, URBANISATION, AND SUSTAINABLE LIVELIHOODS[1]

Through its analysis of new survey data and interviews coupled with participant observation, this article examines how official and popular responses to international migration and urbanization may undermine Johannesburg's efforts to build a prosperous, safe, and inclusive city. Working from the position that international migration is an inexorable response regional economic inequality, it illustrates how ignorance, xenophobia, and legal discrimination are preventing significant numbers of foreign migrants from productively integrating into Johannesburg's politics, economy, and communities. In concludes that in an era of migration, building inclusive and sustainable cities means finding creative ways to combat discrimination based on nationality, even when such exclusion is legally, politically, and socially mandated. Doing otherwise tacitly endorses human rights abuses, social fragmentation, inequitable growth, and insecurity.

Introduction

Many South African local governments feel they are facing a crisis of human mobility. Although formally empowered to create inclusive, secure, and prosperous cities, urbanisation and international migration threatens to aggravate the HIV/AIDS crisis and raises the spectre of economic and political fragmentation and urban degeneration (see Beal*, et al*, 2003). Although some expected elevated mobility rates were a temporary reaction to the lifting of Apartheid-era mobility controls, there is little evidence that movements into, through, and out of South Africa's urban centres is slowing (South African Cities Network 2004:36; Balbo and Marconi 2005). These dynamics bring with them both challenges and opportunities. However, if governments fail to develop empirically informed and proactive policy responses, international migration will threaten sustainable and equitable economic growth.[2] Rather than replacing divisions with shared rules of economic and social engagement, discrimination against non-citizens threatens further fragmentation and social marginalization. This paper explores how exclusion based on nationality or community of origin effects initiatives, 'to achieve a shared vision, amongst all sectors of our society, for the achievement of our goal of improving the quality of life for all citizens' (Gauteng Province 2005:3).

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[1] An earlier version of this paper was presented to 'Towards a Local Government Response to Migration and Urbanisation,' a workshop convened by the South African Cities Network, Johannesburg (16 September 2005) and the 'Xenophobia Conference' convened by the Gauteng Provincial Department of Community Safety, Johannesburg (18-19 August 2005).

[2] My definition of sustainable livelihoods is drawn from Evans 2002a; Davis 1998; Logan, Whaley, & Crowder 1997; and Logan & Molotch 1987.

In investigating the potential affects of human mobility on sustainable urban development, this article draws on data collected over a three-year period through a combination of participant observation; secondary source analysis; interviews with migrants, service providers, and advocates; and original survey research by the University of the Witwatersrand (Wits) and Tufts University (hereafter the Wits-Tufts survey). The survey was administered in early 2003 in seven central Johannesburg neighbourhoods with high densities of African immigrants: Berea, Bertrams, Bezuidenhout Valley, Fordsburg, Mayfair, Rosettenville, and Yeoville. We also included South Africans in our sample, many of whom are new to the city. In total, we interviewed 737 respondents, 53 percent South Africans and 47 percent non-nationals. Fourteen percent of the total sample came from the Democratic Republic of Congo; 12 percent from Angola; 9 percent from Ethiopia; 8 percent from Somalia; 2 percent from the Republic of Congo; and 1 percent from Burundi.

Although these data represent some of the most comprehensive information on international and domestic migrants in central Johannesburg, they do not reveal the full extent of migrancy in the city. The sample does not, for example, include Mozambicans or Zimbabweans, two of Johannesburg's most numerous migrant populations. It also excludes wealthier migrants who move out of the inner-city areas where we sampled. Moreover, due to financial and logistical concerns, we could not construct a true sampling frame so it is impossible to know whether respondents in our sample are typical of residents of those areas. The patterns of exclusion discussed here nevertheless illustrate many of the real and potential dangers of marginalising non-nationals. In addition to the survey discussed above, I draw on four years of work in Johannesburg (2002-2006) during which time I have interacted extensively with migrants, service providers, advocates, and government officials from throughout South Africa. As many of the findings reported here are drawn from participant observation, they can provide insights into the experiences of refugees in Johannesburg not available to the outside observer. That said, they are partially impressionistic and do not capture the full range of experiences, attitudes, and policy deliberations.

The Prerequisites for Sustainable Urban Livelihoods

Examining Gauteng Province's *Development Strategy* provides an entrée into current government thinking about urban governance and development in Johannesburg's home province. In this document, Gauteng emphasises the need to build institutions that facilitate interactions among and service provision to all city residents. That its first objective is, 'provision of social and economic infrastructure and services that will build sustainable communities and contribute to halving poverty' (2005: 16) reflects their belief in the indivisibility of inclusivity and long-term planning. The means outlined to achieve this object similarly echo an effort to shape a common destiny from cities characterised by fragmentation and exclusion. These include (*op cit:* 16-17), *inter alia*:

- Building relationships and partnerships between all sectors of society;
- Ensuring that the benefits of economic growth extend to all our people;
- Strengthening co-operative and intergovernmental relations in a manner that reduces competition and reinforces combined efforts towards our national goal of creating a better life for all people;
- Strengthening sub-continental and continental partnerships and relationships towards meeting the goals and objectives of the New Partnership for African Development (NEPAD).

Unfortunately, as elsewhere in the world, 'the desire to construct policies that will advantage cities in global markets [has lead] those in power to ignore problems of liveability and sustainability' (Evans 2002b: 141). This is evident in the language of urban regeneration within the city which often privileges improving property values in ways that make them inaccessible to their current residents (Winkler 2006). It also appears in documents like *Joburg 2030* (Johannesburg Corporate Planning Unit 2002), a strategic plan that effectively ignores residents' heterogeneous backgrounds, aspirations, and limitations. This has translated into concerted efforts to promote formal business and trade that, as President Mbeki (2003) and others argue, provide the poor with no guarantee of improved welfare (see also Castells 1998:162; Sassen 1997; Douglass 1998). Due to apartheid's legacy, this means small numbers of relatively wealthy whites, together with a select few from other groups, are improving their economic standing while historically disadvantaged groups risk further marginalisation. Moreover, the models of urban generation used by Provincial and city leaders often presume a population that wishes to stay put in their current residence. If liveability means creating a city that meets the needs of its residents, it must also provide the physical infrastructure and services for a population that does not see the city as its final destination.

Although the need to address issues of both domestic and international migration is evident in large number of new arrivals to the city every year (see below), local and provincial authorities have typically reacted to the presence of foreign migrants by implicitly denying their presence, excluding them from developmental plans, or allowing discrimination throughout the government bureaucracy and police (Vawda 1999). This will, of course, do nothing to alter migration dynamics that are rooted in regional socio-economic and political configurations (Kok and Collinson 2006). In the words of one Johannesburg city councillor, 'as much as we might not want them here, we can not simply wish these people away' (Personal Communication, 13 July 2005).[3] As these movements continue, discrimination based on nationality or community of origin threatens to create a new socially, economically, and politically excluded 'underclass' with the potential to undermine the welfare of all urban residents (cf. Wilson 2002[1987]). The following pages outline the ways in which this is already taking place and attempts to chart future implications if current reactions to international migrants continue.

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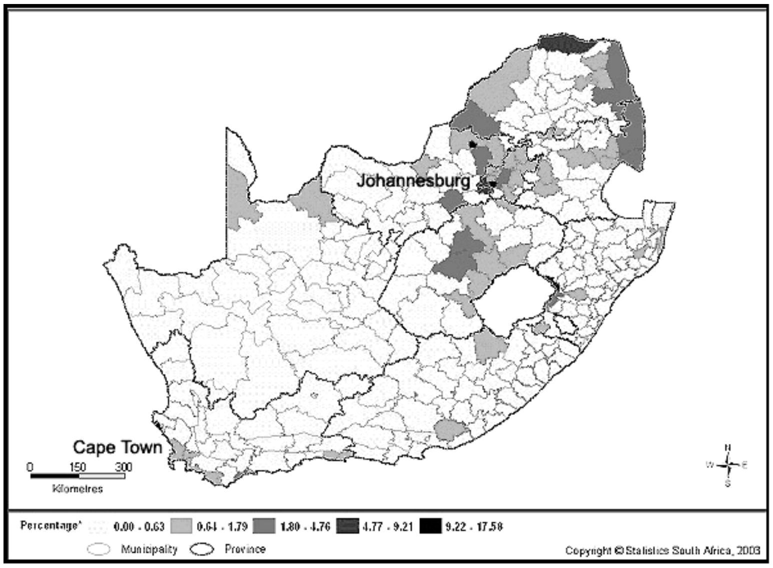
[3] Johannesburg metropolitan government has slowly begun to consider migrants as a vulnerable group although it is unclear whether efforts to include migrants in local decision-making priorities.

Migration and Xenophobia in South Africa

Since 1994, South Africa has entrenched its position as a regional focal point for trade and travel. Although there are few reliable statistics, the 1996 and 2001 censuses show the foreign-born population of the country steadily climbing (Crush & Williams 2001). Accepting estimates at the high end of the spectrum—850 000–1 million people, for example—means that about 2 percent of the country's residents are foreign born. Although not as numerous as many South Africans suspect, foreigners are a highly visible and politicised group that are transforming many of the country's rural and urban areas.

Figure One:
Distribution of Non-Nationals in South Africa (2001)



Although immigration and urbanisation affects all of South Africa, it is concentrated around nodes of regional trade and production (see Figure One). As the most recent *State of the Cities* report suggests, many cities are effectively shrinking while semi-rural settlements like Nelspruit and White River are growing, In Gauteng Province, the primary destination for many international migrants, the foreign-born population has increased from 4.8 percent of to the total to 5.4 percent, reflecting a jump from 66 205 to 102 326 people according to the 1996 and 2001 census. Statistics South Africa admits, however, that this is a severe undercount. A recent survey (n=1,100) in central Johannesburg, for example, that close to a quarter of inner-city residents were born outside South Africa (Leggett 2003)

As indicated above, foreigners are not the only ones moving to the cities. Leggett's (2003) study found that 68 percent of inner-city Johannesburg residents reported moving to their present household in the last five years. Although shifts within the city partially explain this, at least 11 percent of the city's South African residents counted in the 2001 census had been in Johannesburg for less than five years. This translates into an increase of about 300 000 people between 1996 and 2001, a figure far overshadowing the number of non-nationals. As black South Africans claim space in these previously 'forbidden cities', they are confronting non-nationals also seeking safety or livelihoods in the country's urban centres (see Landau 2005).

Discrimination based on nationality starkly contrasts with the government's commitments to tolerance and social inclusion. West Africans (particularly Nigerians) are the archetypical antagonists, but South Africans include almost all poor, blacks from elsewhere among the undesirables. A national 1998 survey conducted by the Southern African Migration Project (SAMP), for example, revealed that 87 percent of South Africans believed that the country was letting in too many foreigners (in Segale, 2004: 50). These numbers may have declined somewhat as people grow accustom to living among foreigners, although the Wits-Tufts study found that 64.8 percent of South Africans living in the inner-city thought it would be good if most foreigners were to leave the country. Justifications for such sentiments include perceived connections between a non-national presence and the country's most visible social pathologies: crime, HIV/AIDS, and unemployment (Crush & Williams 2003). In Johannesburg, among the 85 percent of South African respondents in a Wits-Tufts survey who thought crime had increased in recent years, almost three-quarters identified immigrants as a primary reason (see Landau & Jacobsen 2004; also Legget 2003).

These exclusionary attitudes not only stem from street-level tensions, but have also been shaped and legitimised by politicians and bureaucrats. In addressing a 1997 meeting about migration in the region, former Minister of Home Affairs Mangosuthu Buthelezi (1994-2004) outlined a series of crises facing the country before arguing that, 'South Africa is faced with another threat, and that is the SADC ideology of free movement of people, free trade and freedom to choose where you live or work. Free movement of persons spells disaster for our country.'[4] More subtly, Johannesburg's Mayor reflected a widely held sentiment in his 'State of the City 2004' speech when reporting that, 'While migrancy contributes to the rich tapestry of the cosmopolitan city, it also places a severe strain on employment levels, housing, and public services.' The availability of data limits the ability to measure the costs of international migration, although they are likely dwarfed by those associated with movements within South Africa and other urban concerns.

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[4] Full text of the speech (20 June 1999), is available at http://www.queensu.ca/samp/sampresources/migrationdocuments/speeches/mgb/200697.htm.

Dividing the Urban Poor

The discriminatory sentiments outlined above, coupled with ignorance over migrants' rights, are promoting fragmentation in Johannesburg's inner-city. This is evident in a range of areas critical to sustainable urban livelihoods including: access to identity documents, social services, markets, and financial services; and interactions with the police and other regulatory bodies. The consequences—discussed in detail below—include economic losses, threats to security and health, and a less liveable city. Rather than ensuring that all city residents participate in planning processes and have access markets, accommodation, and critical social services, discriminatory practices are creating an underclass comprised of non-citizens from throughout the continent and domestic migrants who may be similarly excluded. 'For the most part, refugees and migrants are a silent group, never engaging with the authorities or drawing attention to themselves for fear of incurring official sanction or social wrath' (Beal et al, 2002: 125). The following paragraphs outline the sources and parameters of this exclusion.

Documentation

Official identity papers can not prevent discrimination or ensure social inclusion, but they are valuable in finding work, accessing social services, and preventing arbitrary arrest, detention, and deportation. Conversely, something as innocuous as petty-trade to walking in the street becomes illegal in the state's eyes without the requisite documents. Two key factors work against non-nationals acquiring the documents needed to help regularise their stay in South Africa. The first is job seekers inability to apply for employment rights in the country. Instead, those coming to the country without an employment offer or study permit can only claim short-term tourist of study visas. Alternatively, they enter through irregular border crossings or apply for asylum. Indeed, tens of thousands of people, many from peaceful countries, have used the latter strategy to at least partially legalise their stay. The August 2005 endorsement of the SADC protocol for 'The Free Movement of Goods and People' may eventually ease entry for foreign nationals; although these benefits will only affect the small number that have passports.

The second obstacle to acquiring documentation is the Department of Home Affairs, the government branch responsible for registering residents and issuing documents to both citizens and non-nationals. One of the most corrupt departments during the Apartheid period, administrative incompetence and irregularities flourished under Minister Buthelezi.[5] To overturn years of entrenched corruption and improve services, the new Minister launched a 'turnaround strategy'. There has, however, been little noticeable change in the levels of petty corruption that affect non-nationals. Even would-be refugees often must pay unofficial 'fees' simply to file an asylum claim (Segale 2004). For many, the first of these payments goes to private security guards hired to keep order and regulate access to the DHA facilities. Inside the offices, applicants have had to pay 'translators' (even when they speak English) or offer fees to file their asylum claim, a process that is meant to be free. Those unable to cover the costs typically drop their claims and remain in the country without documents. Apart from their illegality and threats to human dignity, these practices have generated economies within the DHA involving 'corruption strategists' and front-line staff who jockey for the most profitable posts.[6]

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[5] When opening the National Counter-Corruption Workshop of the Department of Home Affairs in 2005, a representative for the Minister openly admitted, "On the corruption cards, our Department scores very high…"

Those lucky enough to lodge an asylum claim and get refugee status face further difficulties in acquiring suitable identity documents. The physical form of asylum seekers' documentation itself contributes to delays and irregular practices. Asylum seekers, for instance, are issued with a single piece of paper (the 'Section 22' permit), often with hand-written amendments and conditions. Few employers or government agents, including the police and many health care workers, recognise these documents legitimacy. Moreover, after a few months in a coat or trouser pocket, the document is often worn, illegible, or simply lost. In such cases, asylum seekers must re-enter the queues and seek a replacement. The document can also be easily destroyed, something corrupt police regularly do (Palmary, et al. 2003:113). Even those granted refugee status continue to face difficulties. A recent national study found that only 11 percent of those granted asylum have been issued a 'refugee identity documents' (Belvedere 2003:6). Those granted permanent residency status have also been subject to delays of months or years. Over the last two years there have been improvements—most newly recognised refugees now receive their documents within a month—but problems persist. The country is now slowly introducing a 'smart-card' that should immediately be recognised by employers and service provides. At the time of writing, however, technical delays were preventing the widespread implementation of this system and it is unclear whether it will ever provide the intended protection.

Markets and Financial Services

Ready access to informal and formal markets for exchanging goods and services is critical to successful urban economies. Unfortunately, non-nationals are often systematically excluded from employment and income generating opportunities through both formal and informal mechanisms. Many foreign citizens without the right to work—but with the skills and a willingness to do so—

(Department of Home Affairs 2005). See also Adepoju (2003) for a discussion of the corruption surrounding the pass law system managed by the DHA.

[6] A senior internal investigator within the DHA recounted these networks to me in great detail during an informal meeting on 30 June 2005. I have respected his wish to remain anonymous. See also Chesang 2005.

accept positions where they are paid below the minimum wage or work in inhumane conditions. Even those with employment rights report being turned away by employers who do not recognise their papers or their professional qualifications. Without money to have their qualifications recognised by the South African Qualifications Agency (SAQA), they have little choice but to seek other ways to generate income.

Patterns of exclusion are also evident in private sector industries where poor foreigners are typically unable to access even the most rudimentary banking services. Although current banking legislation technically prevents anyone except permanent residents and citizens from opening bank accounts, this policy may be waived on a discretionary level (see Jacobsen & Bailey 2004). Under pressure from lobbying groups, some banks have now begun extending services to refugees, but are still unwilling to open accounts for other African immigrants who do not have the requisite thirteen-digit identity number or foreign passport. Elsewhere in the world, banks have recognised the profits to be made from providing foreigners access to financial services; not only because they typically save at a higher rate than more secure local populations, but also because they frequently transfer money to and from other countries. At present, only wire-transfer services and informal moneychangers are collecting the considerable profits from such transactions.

Social Services

A cocktail of inadequate documentation, ignorance, and outright discrimination, prevents many non-nationals who are legally in South Africa from accessing critical social services. Those in the country without documents face even greater obstacles. Section 5(1) of the South African Schools Act 84 of 1996, for example, declares that, 'a public school must admit learners and serve their educational requirements without unfairly discriminating in any way.' Moreover, Article 27(g) of the Refugees Act (130 of 1998) states that: 'Refugees as well as refugee children are entitled to the same basic health services and basic primary education which the inhabitants of the republic receive from time to time' (cited in Stone and Winterstein 2003). Despite these provisions, asylum seekers and refugees—to say nothing of other foreigners—face significant obstacles in accessing the educational services to which they are entitled. The de facto requirement that migrants pay school fees is the most obvious barrier to education and contradicts a prohibition on refusing admission to public schools based on parents' inability to pay (Department of Education 1988). Costs for transportation, books, and uniforms further exclude the often semi-destitute non-nationals who find their way to South Africa's cities. A 2000 study on the Somali refugee community in Johannesburg, for example, found that 70 percent of Somali refugee children of school-going age were not in school (Peberdy and Majodina 2000). Although few data exist on other groups, the Somalis are not unique and those without refugee papers face even greater problems.

A similar pattern of exclusion is reflected in access to health service. Section 27(1) of The Constitution states that everyone has the right to health care services, including reproductive health care. This clause is followed by Section 27(2) binding the state to make reasonable measures towards realising these rights. Under law, refugees are entitled to have access to the same basic health care as South African citizens, although other migrants are required to pay additional fees.[7] Section 27(3) of the South African Constitution clearly states, however, that no one—regardless of nationality, documentation, or residency status—may be refused emergency medical treatment.

The inability or unwillingness of many hospital staff members to distinguish between different classes of migrants (coupled with xenophobia) often means that migrants, including refugees, are denied access to basic and emergency health services or are charged inappropriate fees. Non-nationals may not only be refused services outright, but foreigners report being made to wait longer than South Africans before being seen and are subject to other forms of discrimination. While waiting, one refugee overheard nurses talking about 'foreigners taking government money and having too many babies,' and another reports a hospital staff member describing the hospital as 'infested' with foreigners. There are also accounts indicating that non-nationals are often denied full courses of prescribed medicines (see Nkosi 2004; Pursell 2005).

Failure to overcome these obstacles can have dire consequences. A recent national study of refugees and asylum seekers found that 17 percent of refugees and asylum seekers had been denied emergency medical care, often because of improper documentation or ignorance on the part of the admitting nurses (Belvedere 2003). If one could calculate this as a percentage of those seeking such care, the figure would be much higher. In one particularly dramatic incident reported at a meeting of the Johannesburg Forced Migration Working Group, a pregnant Somali woman was refused service on the grounds that (a) delivery, unless problematic, did not constitute an emergency and (b) she could not pay the additional fee levied on foreigners (which as a refugee she was not required to pay). As a result, she ultimately delivered the child on the pavement outside the hospital, only to have it die a few weeks later. This is an extreme example, but speaks to broader patterns of exclusion from effective protection. Given their tenuous status in the country, often aggravated by a lack of proper identification and their relative ignorance of their rights, many foreigners simply accept these violations. Indeed, only 1 percent of refugees who were refused health services lodged a complaint and 24 percent report doing nothing, largely because they did not know what to do (Belvedere 2003).

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[7] Section 27 (g) of the Refugees Act 130 of 1998 (see also s 27 (b)). For more on refugee access to health care, see Pursell 2005.

Investigations, Detention, and Arrests

Throughout the country, police officers are exploiting poor oversight, xenophobic discourses, and immigrants' vulnerabilities to supplement their income and address what many incorrectly assume to be the root cause of crime. Non-South Africans living or working in Johannesburg, for example, consequently report having been stopped by the police far more frequently than South Africans (71 percent versus 47 percent in the Wit-Tufts University survey) despite having generally lived in the city for a shorter period. Although legally mandated to respect non-nationals' rights, police often refuse to recognise work permits or refugee identity cards. Some respondents even report having their identity papers confiscated or destroyed in order justify an arrest. Furthermore, there are numerous assertions that police elicit bribes from apprehended persons (documented and undocumented) in exchange for freedom (see Palmary, et al. 2003:113).

Beyond xenophobia, there are structural reasons why the police often target foreigners. Denied access to almost all formal banking service, poor immigrants must either stash cash in their residences or carry it on their bodies (Jacobsen & Bailey 2004). Combined with their tenuous legal status, (often) poor documentation, and tendency to trade on the street (hawking or informal business), some police officers have come to see foreigners as 'mobile-ATMs' (Private Communication: 7 May 2004). In the words of one Eritrean living in South Africa, 'as foreign students we are not required to pay taxes to the government. But when we walk down these streets, we pay.' A study conducted in late 2000 indicates that the frustrations outlined above reflect systematic patterns of bias where asylum seekers are arrested and detained for failure to carry identity documents; on the basis of a particular physical appearance; for the inability to speak any of the main national languages; or simply for fitting an undocumented migrant 'profile' (Algotsson 2000). In practice, the burden of proof is on non-nationals to establish their legal status in the country or buy their way into freedom.

There are additional deviations from the law oriented at regulating or extracting resources from non-nationals.' The 2002 Immigration Act, for example, effectively authorises the DHA to conduct searches, arrests, and deportations outside of constitutional or other legal limitations.[8] Without muscle of their own, immigration officers rely on the South African Police Services (SAPS) and, occasionally, the National Defence Forces (SANDF), to make arrests. More importantly, SAPS has exploited this law to legalise what would otherwise be illegal raids on buildings inhabited by suspected criminals and, potentially, illegal immigrants. Often conducted at night and away from oversight, police officers force entry, demand identity documents, and arrest both non-nationals and South Africans without respect for normal legal provisions. As unpalatable as these operations may seem, Yakoob Makda, the Director of Johannesburg's 'Region Eight' (i.e., the inner city) proudly (and without irony) reported their anti-crime cum anti-immigrant achievements to a public meeting called to help combat social exclusion.[9] These efforts are, moreover, not limited to Johannesburg's city centre. Soon after South Africa's first democratic election, Alexandra Township north of the city centre organised a campaign entitled 'Operation Buyelekhaya' (Operation Go Back Home) in an effort to rid the township of all foreigners (Palmary, et al 2003: 112). Nor are these efforts limited to Johannesburg. In 2002, Du Noon Township outside Cape Town also passed a resolution expelling all foreigners and prohibiting them from returning (Palmary, et al, 112; Southwell 2002).

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[8] See Section 3 (Powers of *Department)* in the Immigration Act (2002).

Implications for Sustainable Urban Livelihoods

The forms of exclusion outlined above are not only disturbing, but have the power to negatively affect Johannesburg's development trajectory. If we accept—as the city government says it does—that common, accountable institutions and fluid interactions among all groups are prerequisites for equitable and sustained growth, any source of social fragmentation becomes a threat. In this regard, difficulty accessing housing, markets, financial, and social services together with consistent targeting from criminals and the police are immediately problematic. The remainder of this paper outlines a number of the current and potential consequences of marginalising non-nationals and other migrants.

Economic exclusion: South Africa has a substantial skills gap that the government hopes to fill by spending millions of Rands on skills training (Department of Labour 2005). However, few employers (including the government) capitalise on the economic potential of those already in their cities or who are likely to come in the near future including international migrants. While South Africa faces an acute nursing shortage, for example, there are certified refugee nurses in South Africa who can not find work. Instead of positively exploiting the presence of foreigners who are often well-educated and experienced, current policy criminalises migrants and drives processes of informalisation and illegality. In efforts to protect the rights and livelihoods of citizens, immigration policy has de facto promoted the illegal hiring of non-nationals in ways that continue to undermine the unions and suppress the wages paid to all workers. Moreover, by encouraging non-nationals (and those who hire them) to work in the informal sector or shadow economy, the government deprives itself of an important source of revenue and helps create networks of corruption and illegality that will be difficult to eradicate.

Whatever the reasons, migrants' inability to access secure banking has manifold consequences that extend beyond those excluded from service. Perhaps most obviously, inaccess to financial services (particularly credit) discourages migrants from investing in the cities in which they live (see Leggett 2004; Jacobsen & Bailey 2004; Simone 2004: 10). Such obstacles can only aggravate infrastructural decay, limit job creation, and prevent a kind of 'rooting' through investment that can help stabilise communities and promote long-term planning. Given the migrants' general entrepreneurialism, their exclusion from business will have disproportionate effects.[10] Keeping migrants and those they hire from moving into in the informal economy also denies the government a source of direct revenues (from taxes and licensing fees) and means that much of the business that takes place is, to a greater or lesser degree, illegal. This, in turn, weakens the law's (and the state's) legitimacy and regulatory power.

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[9] This statement was made during a poverty alleviation work Workshop Organised by the Joburg Development Agency (JDA): *'Poverty and Exclusion in the Inner City'* Held in Johannesburg, 14 May 2003.

Access to social services: Education and health care are central to any population's economic and physical health (See Annan 1999:4). In transforming urban settings, education serves a dual role. The first is to provide children and youth with the technical and analytical training they need to compete and contribute to a specialised, skills-based economy. Obstacles to any group acquiring those skills will, consequently, project existing inequalities into future generations and limit the country's ability to adapt to new economic opportunities. Education serves a second, but no less critical role: forging communities from strangers. Through the sustained interactions within the classroom, diverse groups learn common sets of rules, how to exercise civil rights, and mutual respect. Exclusion from education, therefore, can create a subset of the population without the knowledge or skills to interact productively within the city.

While the inability to access to education may have delayed effects, denying migrants access to health services has both immediate and long-term consequences. In the short term, it puts them at physical risk and endangers the welfare of those who depend on them. Where the denial of services contravenes published legislation, it also exposes public institutions to potentially costly legal action. Furthermore, denying basic health services raises the spectre of public health crises. While medical staff may discriminate between citizens and non-nationals, infectious agents are far less discerning. As long as migrants and South Africans continue to share urban space—often living in close proximity—those unable to access treatment become a danger to all those around them. A work force already weakened by the scourge of HIV/AIDS, is in no position to accept such an additional threat.

Crime and Insecurity: Although many South Africans support the police's strategy of targeting foreigners on assumptions that they are behind most of the country's criminal activity, such actions are largely ineffective in establishing order or security. For one, there is no evidence showing foreigners are disproportionately prone to criminal actively (Harris 2001). An obsession with them consequently distracts police from where they are needed (Palmary 2002). Moreover, the general ineffectiveness of such policing strategies is leading citizens to accept criminal activity as part of their social landscape. Many South Africans interviewed as part of the Wits-Tufts study did not classify mugging as crime, for example, unless it involved the use of a fireman. In this context, people are seeking alternative means to manage crime. In cases, this includes turning to groups like Mapogo a Mathamaga, a national investigation and 'goods recovery' company that work largely outside the law, but regularly draw on police information and backup.[11] These linkages 'delegalise' the criminal justice system, robbing the state of one of its most primitive functions and placing all of urbanites at risk.

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[10] Despite numerous obstacles, the Wits-Tufts survey found international migrants still create jobs faster than South Africans. Only 20 percent of South Africans reported having paid someone to do work for them in the past year compared to 34 percent of international migrants. Even more significantly, 67 percent of the people hired by the migrants were South Africans. See also Hunter and Skinner (2003).

The arrest of people trading on the street—whether South African or foreign—or conducting other small business also affects the livelihoods of those arrested and their dependents. Cities must promote entry into trading markets rather than close this avenue to those who have few other options, a category of people well represented in inner-city Johannesburg. For migrants who lack the documentation or capital to find work in the formal sector—despite many having skills to make contributions in this area—regularly targeting this subset of the population for by-law infractions only drives trade further underground and increases the likelihood that they will turn to irregular, illegal, or dangerous economic activities.

Community: Overcoming racialised fragmentation and avoiding new forms of exclusion means bringing together people from all sectors of the urban environment in ways that promote investments in a shared future. This was never going to be an easy task in South Africa's heterogeneous cities. Marginalising significant migrant communities, however, only creates an additional obstacle to achieving this objective. This is already visible in migrants' widespread sense of permanent dislocation fostered by the violence, abuse, and discrimination they experience in new residential communities. Rather than striving to integrate, foreigners instead cling to their outsider status, make conscious efforts to avoid close personal relationships with South Africans, spend their time in South Africa planning their move elsewhere (Amisi & Ballard 2005; Mang'ana 2004; Araia 2005). Indeed, more than three quarters of respondents in the Wits-Tufts survey (76 percent) felt it important for migrants' to retain their distinct during their stay in the country and only 40 percent of the non-South African respondents predicted being in South Africa in two years. Critically, journeys home or onwards often remain practically elusive for reasons of money, safety, or social status. This leaves almost two-thirds of Johannesburg's non-national population effectively marooned in the city, but not wishing to take root or invest in it. While it is impossible to force people to identify themselves with the communities in which they live, many undoubtedly would if the option were available.

When viewed from the objective of building inclusive cities, this sense of isolation and transience is deeply problematic as it may limit immigrants' interest in investing in the cities in which they live. People preparing for onward journeys will not dedicate themselves to acquiring fixed assets and may maximise immediate profits at the expense of long-term planning. Such exclusion also limits cities' ability to capitalise on immigrants' valuable transnational connections. While Hunter & Skinner (2003) found that the immigrants' exotic products boosted overall sales in at least one Durban marketplace, the tendency to limit such sales represents lost opportunities. Similarly, studies have found that African tourists spend more in South Africa than their European and North American counterparts (Rogerson, undated). Nelspruit, for one, is prospering as a shopping centre for wealthy Mozambicans. Discouraging citizens from neighbouring countries from visiting may, consequently, result in considerable losses to the South African economy. Although domestic migrants may bring fewer skills and resources, their inclusion may similarly boost trade, investment, and a sense of community.

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[11] Interview with Cecil van Schalwyk, Director of Midrand office of *Mapogo a Mathamaga,* 25 July 2003.

Accountability and Planning: Gauteng Province and the City of Johannesburg recognise that sustainable urban livelihoods can only be achieved when supported by accountable institutions that promote to a set of overlapping goals among city residents. Discrimination based on national or community origins, like other arbitrary forms of exclusion, undermines this objective in two primary ways. First, for reasons discussed above, people who do not feel welcome in South Africa's urban society are less likely to respect the rules and institutions dedicated to governing it. This may become visible in efforts to dodge taxes regulations, avoid census takers, or actively subvert regulatory agencies they feel are more likely to prey on than promote their interests. When not given the rights to work or documents needed to secure housing, it may also result in building hijackings, criminal activity, or other anti-social behaviours. Those who feel excluded are also unlikely to participate in participatory planning exercises (e.g., the integrated develop planning process (IDP)). Such self-exclusion makes government policies all the less likely to address city residents' priorities and needs and may, in time, harm public institutions' efficacy and legitimacy (see Winkler 2006).

Anti-foreigner sentiments and scapegoating have a second, more insidious effect on realising accountable and responsive public institutions. In the words of one immigrant, 'rumours . . . are continuously spread by everyone that foreigners are responsible for whatever is wrong. It is like, "Thank you, foreigners, that you are here, now we can blame you for everything." South Africans do not look at their own – they just ignore their own problems and pretend that foreigners cause all their problems' (in Beal, Crankshaw, & Parnell 2002: 124). Although such attitudes are not universal, the presence of a convenient scapegoat prevents South Africans from holding their public institutions responsible for their shortcomings and failed promises. The willingness to accept that foreigners are responsible for South African children not finding places in school, for continued insecurity, and unemployment, only distracts people from the fundamental structural and institutional issues behind these pressing social concerns. Removing foreigners from South Africa's cities will not solve these acute social challenges but as long as such expulsion remains a preferred solution, real progress is unlikely to be made.

Towards Sustainable Cities in an Era of Migration

Policy makers and citizens in Gauteng and Johannesburg share a fundamental interest in overcoming fragmentation in pursuit of equity, accountability, wealth, and security. Recognising that people born outside of South Africa are a permanent feature of Johannesburg means that initiatives towards these ends must include efforts to counter exclusion based on nationality. Failing to do so may condemn the country's cities to a future of ghettos rather than ethnic enclaves (See Jurgens, Gnad, & Bahr 2002); social fragmentation and economic polarization rather than creative tensions and dynamism; protection rackets and hijackings rather than investment and an expanding tax base. It will also threaten efforts to achieve NEPAD's goal of fostering regional political, social, and economic integration. There is more than one model of economic growth, but if growth and development is to be sustainable and to meet standards of equity and human rights, international migrants can not be ignored.

While one might ethically defend differentiating between foreigners and citizens within policy,[12] such distinctions are less viable in the context of a Constitutional commitment to protect the lives and improve the rights of all South African residents. Not only is there a logical inconsistency in arguing that government should improve the lives of city residents while implicitly promoting exclusion based on nationality. More pragmatically, there will be negative bi-products of preventing significant segments of a population from accessing safe accommodation, jobs, and social services. These include heightened rates of crime, corruption, poverty, social tensions, and greater risk of communicable disease. Problems that affect all residents.

While citizenship and asylum laws must remain national, there is a heightened need for sub-national actors to assert their influence on the country's immigration and asylum regime. Cities and Provinces need to recognise that they can, and indeed must, actively advocate for an immigration regime that helps legalise—rather than marginalise—their residents. South Africa need not open its borders to all who wish to come, but its success depends on developing pragmatic, affordable, and effective responses to those who find their way into the country and into its cities. If the Province's wishes to foster inter-governmental collaboration, a dialogue among national, provincial, and local government around migration policy could be a fruitful avenue.

Involving local government in these discussions is critical for a number of reasons. Not only is it charged with being developmental, but it is empowered to make decisions that affect their communities (Gotz 2004). Elsewhere in the world, local governments have begun issuing their own forms of documentation to all residents. Although this may not be viable in the South African context, local and provincial government may nevertheless develop programmes to foster inclusion by countering ignorance among police, civil servants, landlords, and employers. This may include facilitating access to primary care clinics, life saving medical care, and legal services without regard to nationality or immigration status. Countering exclusion based on individuals' community of origin will not ensure secure and sustainable livelihoods, accountable institutions, and unified communities. It can, however, make achieving these objectives a possibility.

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[12] For more on the ethics of asylum and immigration, see Gibney 1999 and Carens 1992.

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