

Xenophobic Violence, Business Formation, and Sustainable Livelihoods: Case Studies of Olievenhoutbosch and Motherwell

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Introduction

Throughout South Africa, government and other actors are faced with the dual challenge of countering existing forms of poverty while planning for an ever expanding and diversifying population. Rather than replacing divisions with shared rules of economic and social engagement, discrimination and violence against non-citizens and other migrants threatens to exaggerate tensions, social marginalisation, and retard business formation. This report explores how exclusion and violence based on nationality or community of origin is affecting 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 Provincial Government, 2005: 3). It draws particular attention to the consequences for small and medium size business formation.

It finds that there are underlying tensions throughout many of the country's urban and peri-urban settlements that are currently preventing needed investment by the country's foreign-born population: immigrants, refugees, asylum seekers, and other migrant categories. Many of these are rooted in a prevailing xenophobia that dehumanises foreigners and opens space for abuse at the hands of citizens and government agents. But it is not only attitudes that are restricting the development of small businesses by foreigners and South Africans in the country's poorest neighbourhoods. So too do poor institutional guarantees of property and services, general patterns of police harassment, and poor mechanisms for effectively managing conflicts inherent in a newly liberalized, free-market economy. Although we are not able to discuss general legal frameworks here, it is also worth drawing attention to an immigration policy that effectively criminalises many of the foreign born population who could make valuable contributions to the South African economy. The report concludes that given their entrepreneurialism, experience, and 'chutzpah', failing to address the obstacles that prevent foreign migrants from investing in the country will not have significant, negative multiplier affects in terms of job creation, business formation, and skills transfer.

The Prerequisites for Business Formation and Sustainable Urban Livelihoods

With the decline of employment with industry and parastatals, small and micro-business formation is a critical component of the Government's plan to achieve sustainable

livelihoods for all who reside in South Africa. Examining Gauteng Province's *Growth and Development Strategy* provides an entrée into current government thinking about urban governance and development. Although this document was drafted for the country's most urbanized and wealthiest province, it nevertheless provides a metric for evaluating the real and potential impacts of discrimination and xenophobic violence on the country's economic and social development. Given that Gauteng's population is also the most heterogeneous in the country, this document is particularly valuable in identifying those areas needing attention from government and business associations.

According to Gauteng, development and business formation depends, *inter alia*, on building institutions that facilitate interactions among and service provision to all urban residents. They refer to this as the 'provision of social and economic infrastructure and services that will build sustainable communities and contribute to halving poverty' (Gauteng Provincial Government 2005: 16). Within such pronouncements, one already sees the close relationships among long-term growth, business formation, and inclusivity regardless of background or legal status. The means outlined to achieve this objective similarly echo an effort to shape a common destiny from cities facing social pressures that risk exaggerating current fragmentation and exclusion. Among other points, the specific objectives include (Gauteng Provincial Government 2005: 16–17):

- Building relationships and partnerships between all sectors of society;
- Ensuring that the benefits of economic growth extend to all our people;
- Strengthening cooperative 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; and
- 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, policies and social pressures have meant that fundamental problems that are critical to liveability and sustainability remain or are emerging outside the reach of existing policies and institutions. This is evident in the rhetoric of urban and peri-urban regeneration, a language that often privileges improving property values and promoting capital-intensive business, both factors making cities inaccessible to many current and future residents.ⁱ This is perhaps most obvious in documents like *Joburg 2030*,ⁱⁱ a strategic plan that effectively ignores residents' heterogeneous backgrounds, aspirations and limitations. Such premises have translated into concerted efforts to promote formal business and trade that, as President Mbeki and others argue, provide the poor with no guarantee of improved welfare. 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. Newly urbanised populations and

international migrants are also face severe challenges in finding access to sustainable income generating opportunities.

Where the poor do benefit, is the through the provision of services: health, education, and (especially) housing. However, in many instances the government lacks the human capacities to deliver these services effectively outside of city centres. More fundamentally, service provision is often premised on a misreading of the population as one that has particularly needs or wishes to stay permanently in the city or in their current township locations. Given the nature of urban life in South Africa, one can make few assumptions about the desires or trajectories of the population.

Although the need to address issues of both domestic and international migration is evident in the large number of new arrivals to South African cities every year, 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. In other instances, they have recognised the need to explicitly address migration, but lack even the most rudimentary information on the populations for which they are responsible. 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, but we do not know who they are or what they do.’ⁱⁱⁱ In other instances—including the two detailed here—policy pronouncements and frameworks are being undermined by political leaders’ inability to control the means to realise the objectives: the police and petty government officials. As the movements of people from other countries continue, discrimination based on nationality or community of origin threatens to create a new socially, economically and politically excluded ‘underclass’ that makes their livings in the economies existing outside the law. Not only does such fragmentation lower the price of labour, slow job creation, and foster criminality, but the inability to resolve conflicts between different ethnic or national groups will likely result in continued violence and conflict of the kind described in the following pages. No legal business—South African or foreign owned—is likely to flourish amidst such insecurity.

The Economics of Xenophobia in South Africa

For present purposes, it is neither possible nor necessary to offer detailed explanations of South Africans’ attitudes towards foreigners or fully outline their effects. However, it is worth noting that discrimination is widespread and contrasts with the government’s commitments to tolerance, social inclusion, and expanding opportunities for all who reside in the country. 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 per cent of South Africans believed that the country was letting in too many foreigners.^{iv} These numbers may have declined somewhat as people grow accustomed to living among foreigners and CDE research in Witbank found that the communities were relatively welcoming to non-citizens.^v However, research conducted for this report supports findings from a 2003 Wits

University study finding that 64.8 per cent of South Africans living in the inner city thought it would be good if most foreigners were to leave the country.^{vi} 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.^{vii} In Johannesburg, among the 85 per cent of South African respondents in a Wits survey who thought crime had increased in recent years, almost three-quarters identified immigrants as a primary reason.^{viii}

Without explaining the full range of motivations for negative perceptions against foreigners, it is worth noting that one of the most common explanations for xenophobia in South Africa is a sense among South African citizens that non-nationals are a threat to citizens' access to employment and opportunities for business formation. As Mattes, *et al*, note:

Immigration is not viewed as a public policy tool that could benefit South Africa. Immigrants and migrants (even the most highly skilled) are more often stereotyped as a threat to the economic and social interests of South Africans . . . Lurking behind much of this one-sided focus is the misguided assumption that national development and skills in-migration are incompatible.^{ix}

Such sentiments are clearly reflected in public and political discourse, especially under the former Minister of Home Affairs. In his first speech to parliament following his appointment as the Minister of Home Affairs, Mangosuthu Buthelezi proclaimed that:

If we as South Africans are going to compete for scarce resources with millions of aliens who are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme.^x

He went on to argue that:

The employment of illegal immigrants is unpatriotic because it deprives South Africans of jobs and that the rising level of immigrants has awesome implications for the RDP as they will be absorbing unacceptable proportions of housing subsidies and adding to the difficulties we will be experiencing in health care.^{xi}

Such sentiments are also reflected at the local level. In his 'State of the City 2004' address, for example, Johannesburg's Executive Mayor reflected widespread sentiment in arguing that:

In keeping with the international trend of growing migration, our city has become a magnet for people from other provinces, the African continent and indeed the four corners of the world. While migrancy contributes to the rich tapestry of the cosmopolitan city, it

also places a severe strain on employment levels, housing and public services.

In a country with high levels of unemployment, it is not surprising to see resentment against any group that has the potential to either fill jobs or push down the price of labour for those who are working. That many non-nationals are, in fact, better trained, more experienced, and willing to work for lower wages than the South Africans with whom they compete, provides some empirical justification for such concerns.

Although mine and agricultural labour imported through formal guest worker schemes have disempowered South African workers and unions, new immigration patterns are likely to be increasing job opportunities for South Africans. Wits University research in inner-city Johannesburg, for example, found that non-South Africans were far more likely to have hired someone to work for them in the past year than the South Africans amongst whom they lived. While just 20% of South Africans report having paid someone to do work for them, 34% of migrants surveyed had. Even more significantly, more than two-thirds (67%) of those hired by migrants were South Africans. Hunter and Skinner's work in Durban also identifies a positive economic impact from immigration and the city government has adopted policies that allow non-nationals to apply for street-trading permits.^{xiii} Our work in Motherwell and Cape Town, conducted in preparation for this report, point to a strong entrepreneurial spirit among the Somali population and, to some extent, other immigrant groups; a pattern reflected globally among immigrant groups. Summarising work done in South Africa and elsewhere, Meintjies argues that:

Immigrants are, in fact, net contributors, not parasites. Immigrants are, on average, healthier, more energetic and better educated than people in the host population. Consequently, they draw comparatively less on social welfare and other social services. Many pay tax and, through their entrepreneurship, make a positive injection into local economic development.^{xiii}

In a related matter, the allocation of housing and other services seems to have fostered mistrust and conflict between South Africans and others. Over a million housing units have been built around the country since 1994, and large-scale plans for housing are in place. In spite of these developments, the pace of housing provision and especially the allocation processes are the subjects of local complaint across the country. This takes on xenophobic elements when citizens feel that foreigners are taking houses meant for them. The SWRadioAfrica.com news website, for example, reported that:

Zimbabweans and other foreigners are competing with the local residents for scarce resources and jobs as well as housing, and this fuels the resentment. The recent clashes have also been attributed to housing allocations by the council, which is being accused of giving houses to foreigners while the locals remain in shacks.^{xiv}

There are undoubtedly some non-citizens who have fraudulently claimed houses. However, most of the foreign born population who live in houses have either rented or purchased these from South Africans who quickly move out of their new accommodation to generate cash.

Whatever the actual effects of foreigners in the country may be, it is not surprising that there have been so many instances of violence against foreigners in recent years given prevailing attitudes and the general poverty and violence that characterises many of South Africa's urban and peri-urban areas. These are briefly reviewed in the following section along with two more detailed studies of recent anti-foreigner violence in Olievenhoutbosch (outside of Pretoria) and Motherwell (outside of Port Elizabeth).

Xenophobic Violence: Olievenhoutbosch, Motherwell, and Elsewhere

Insecurity and violence confront all South Africa's residents, but foreigners living in the country—regardless of legal status—face additional threats from government, the police, and the citizenry. A number of important instances over the past decade illustrate how easily resentment against foreigners has translated into explicit and, occasionally, horrific violence. It is impossible to review all of them as most receive little attention in South Africa's national media. Moreover, many cases that may have strong xenophobic motivations are simply recorded as ordinary (i.e., not hate) crimes. That said, the patterns of violence are evident, as is the inability of South Africa's official bodies—the police, the Chapter Nine Institutions, and local government—to find ways of mediating the tensions motivating them.

In September 2003, for example, a joint operation launched by the City of Johannesburg and the Department of Home Affairs deployed helicopters and almost 1,000 private security officers in a thinly disguised effort to rid the city of unwanted foreigners in the name of crime prevention and urban renewal. After sealing a Hillbrow apartment block, officials managed to confiscate four illegal firearms—modest by Johannesburg standards—and arrest 198 illegal immigrants. Along with these arrests, almost 200 people lost their livelihoods and the city lost an important human resource.

This form of violence by the state is not the only hazard foreigners face while in South Africa. Criminals have also learned to exploit foreigners' vulnerabilities. As a result, foreign nationals are far less likely to feel secure on the streets, even during the day. In Johannesburg, 81% felt unsafe compared to 38% of South Africans.^{xv} Crush and Williams present similar figures at the national level.^{xvi} And these fears appear to be justified. A Wits University survey in Johannesburg, for example, found that 72% of migrants reported that they or someone they lived with had been a victim of crime in the country, compared with 56% of South Africans. Given that many non-nationals have been in the country for only a short period, this difference is particularly remarkable. This is not to say that petty-criminals are actively trying to cleanse the streets of foreigners.

Rather, they are exploiting their vulnerabilities. In doing so, they limit the kinds of investments they can undertake or the areas in which they can work.

Investments are further restructured by non-official—yet often well-orchestrated—efforts to rid South African communities of their foreign born population. Soon after South Africa's first democratic election, Alexandra Township north of Johannesburg's city centre organised a campaign entitled 'Operation Buyelekhaya', or Operation Go Back Home in an effort to rid the township of all foreigners.^{xvii} In 2002, Du Noon Township outside Cape Town also passed a resolution expelling all foreigners and prohibiting them from returning.^{xviii} A similar resolution was proposed in Motherwell township but was blocked by a Chamber of Commerce who recognised its illegality.^{xix} Nevertheless, the sentiments remained.

Somewhat earlier (in October 2000), fighting between South African and Zimbabwean residents wracked Zandspruit informal settlement near Johannesburg. The fighting was apparently triggered by a shebeen brawl in which a Zimbabwean killed a Xhosa man. Other Xhosa-speaking residents then took 'vengeance' on Zimbabweans by burning at least 76 shacks belonging to Zimbabweans to the ground. They also attacked South Africans married to Zimbabweans or South African-born people of Zimbabwean family background on the basis that foreigners had brought crime into the area.^{xx} A conflict resolution meeting called by the South African Human Rights Commission, the Zimbabwean Consulate and community leaders failed because South African community members refused to take part. The police were accused of being slow and negligent in investigating against the perpetrators of the violence.^{xxi} In August 2005, Zimbabwean and Somali refugees were also beaten in Bothaville, in the Free State. The attacks on foreigners occurred after a community protest against the local municipality, and were accompanied with looting of the foreigners' belongings.

While Zimbabweans and Mozambicans may have a longer experience of violence exclusion in South Africa, the country's Somali population has become a target of particularly extreme and seemingly organised forms of violence. Although in the country for just over a decade—most began moving south (but not necessarily to South Africa) with the overthrow of Siad Barre in the early 1990s—they have since settled in the country's larger urban areas, in peri-urban townships, and in smaller, rural towns and settlements. They have been rewarded for their efforts by varied forms of resistance and violence. In many places, communities have protested the largely Muslim and physically distinct population. Elsewhere, reactions have been far stronger. In July 2006, Somali shop owners in a township outside the normally sleepy Knysna were chased out of the area and at least 30 spaza shops were damaged. Tensions started when an 18-year-old South African alleged robber was shot by a Somali shopkeeper. After police arrested four robbery suspects and a shop owner, the community members went to all the Somali-owned spaza shops in the area and destroyed them. The police reportedly did not assist any of the Somalis to open cases against the robbers and arsonists, and the spaza shop stocks that had been taken to the police station for safe keeping allegedly disappeared. Because the police had not provided receipts when they took the goods, no cases of theft could be opened. According to the United Nations High Commissioner for Refugees

(UNHCR), all the Somalis affected were legally in the country. The police claimed to have responded to the violence immediately and to have investigated, but that the senior State public prosecutor but he declined to prosecute because there were no specific individuals who could be prosecuted.^{xxii}

Over the course of August 2007, the attacks against Somalis continued in the Cape Flats. During a period of just over a month, somewhere between 20 and 30 people were killed in townships surrounding Cape Town. In some instances, shops were robbed and looted. In others, men were assassinated in their shops before the killers fled empty handed. At least one Somali woman was shot, execution style, at a taxi rank. Here too the exact motivations are unclear and we may never know who pulled the trigger or the killers' motivations. Discussions with representatives from the Somali community, news reports, and interviews with local government suggest that the killings were orchestrated by South African businessmen who resented the success Somalis had achieved in the Townships. The police and others have accused the Somali residents of trading in weapons or *tik* (methamphetamines), a charge dismissed by Somali businessmen.

Although many charge that the police were either complicit with the killings or, at least, unable to stop them, the City of Cape Town—in partnership with the United Nations High Commissioner for Refugees and other civil society organisations—launched an investigation into the murders and began processes to try to resolve conflicts. Unlike the meetings following the Bothaville incidents, South African businessmen attended the sessions convened in the Cape Flats. However, it is unclear if these mechanisms will provide relief to any of those hurt by the incidents as the recommendations were that Somalis should stick to wholesale business while the South African businessmen could control the townships' retail trade. Clearly this is an untenable and unenforceable division of labour with no basis in law. A report based on subsequent investigations has been completed by the City of Cape Town but has not been made public. Leaked reports say it suggests better conflict resolution mechanisms, public education, and tolerance.

Olievenhoutbosch and Motherwell

Rather than continue reviewing all the reported instances of xenophobic violence, we will now turn to two recent and particularly dramatic cases. Although the violent episodes in Olievenhoutbosch and Motherwell have different dynamics and are by no means representative of all xenophobic violence in the country, they nevertheless provide deeper insights into the sources of tension and the failures of conflict resolution mechanisms. They also bring into relief the multiple relationships between insecurity and business formation.

Olievenhoutbosch

Olievenhoutbosch is a settlement close to Centurion to the southwest of Pretoria. From 25 December 2005 to 4 January 2006, groups of South Africans chased foreign Africans living in the Choba informal settlement in the township from their shacks, shops and businesses. Several people were killed in the burning and looting. The exact numbers

killed, wounded and dispossessed vary according to different sources, as do the underlying factors to which the violence was attributed. To understand the violence in Olievenhoutbosch and elsewhere, it is important to identify broader processes of transformation and tension. Olievenhoutbosch is a relatively new settlement area close to Centurion that, until the late 1980s, was an almost purely white area. In the mid-1990s, in tandem with political negotiation and a relaxation of movement controls, there was a large and sudden influx of black South Africans to the area, including many from rural areas and nearby smallholdings. The settlement is conveniently located close to several of the major urban and manufacturing hubs in Gauteng and is therefore an attractive place for job-seekers and people working in the various industries of Pretoria, Centurion, Midrand and Johannesburg.

When established in 1996 by the Centurion Town Council, it was designated as a 'transit area' with rudimentary services. Over time, it was expected that the government would provide low-cost housing. It quickly became a growing informal settlement, partly on illegally occupied private land and partly on smallholdings where the owners (both black and white) 'farmed' out permission to reside on their land for a fee. Choba^{xxiii} section, which is still an informal settlement today, is on such privately owned land. Parts of the area were subsequently developed as formal housing, including government RDP housing. By 1998, there were approximately 1,665 households with 8,605 individual residents in Olievenhoutbosch,^{xxiv} which by 2001 had grown to 22,500 residents.^{xxv} According to the 2001 census, the settlement's population is predominantly young (61% of the population is under 30), unemployed (20,5% unemployment and 24% self-employment), poorly educated (23 % of adults have passed matric), and poor (67% falling into the poverty income group).^{xxvi}

The settlement continued to grow rapidly from that point through further domestic immigration, which was furthered by the establishment of several RDP housing extensions from 2000 when Olievenhoutbosch was officially recognised as an informal settlement by the Town Council. As formal housing was built and residents of the informal settlement moved into them, the informal settlement also continued to grow with new arrivals, who in turn waited for formal housing. Choba informal settlement is therefore a place of transit for most of its residents and not an established community, which impacts on all elements of economic and social development.

A post-democracy port-of-entry township, Olievenhoutbosch is a multi-lingual settlement, with many cross-provincial domestic migrants in addition to people of more local origin. There are also significant numbers of foreign African migrants. The most visible groups are from Mozambique and Zimbabwe, but there are also people from Zambia and Malawi. Some of these migrants are relatively new arrivals in the country, while others have lived and worked in South Africa for decades. There are also Pakistani businessmen living and trading in the township. None of the official offices or community representatives could provide an estimate of the number of foreigners resident in the township, nor the proportion of the population, but it is likely to be a relatively small percentage.

After the 2000 local government elections and the reorganisation of municipal boundaries in Gauteng, Olievenhoutbosch was moved from Centurion Municipality to the new greater Tshwane Metropolitan Municipality, as part of its Ward 48. This move was significant for the development of the area, since under Centurion, Olievenhoutbosch had been one of a few poor areas within a rich municipality with a high tax base, and so received municipal infrastructure investment in the form of housing, a community centre, a clinic, etc. When the settlement came under Tshwane Metro, it became one of many poor areas requiring attention from an overstretched Metro, and so housing and infrastructure development slowed and the quality of housing deteriorated. This has led to a general sense of grievance about service provision, especially in relation to housing, in the settlement. Furthermore, Centurion Town Council used to register all residents of the informal settlements and provide paid guards for the settlement (in the absence of a local police station). Tshwane no longer registers residents and has withdrawn the guards.^{xxvii}

The violence was triggered by a fight between two men in a shebeen in Choba informal settlement on 24 December 2005. In the fight, a Zimbabwean was seriously wounded while fatally wounding a South African SePedi-speaking man. According to Robert Matshete, a community leader and ANC representative, the family of the dead man found several Zimbabweans in a shack when they came to search for the family of the attacker. They immediately attacked them^{xxviii} and then reportedly tried to mobilise ‘the community’ (initially other SePedi-speakers, according to a South African spaza-shop owner in Choba)^{xxix} against foreigners in general as posing a threat to South African lives.

As a result of this call, groups of South Africans, mainly young men, went from shack to shack in Choba wielding improvised weapons such as hammers, whips and spades^{xxx} to find foreign African residents, chasing them from their shacks, often beating them, then looting and burning their shacks to the ground. A 76-year old Malawian man, who had been living in South Africa since 1950 and is now a South African citizen, recounts how ‘people from Choba took my phone and burnt my fridge and my car and my shack. They beat me up in the street.’ There were also reports that some women were raped. Shops owned by foreign Africans were also looted and burned.^{xxxi} A children’s crèche run by a foreigner was also burnt.^{xxxii} The violence was reportedly accompanied by police activities to arrest foreigners not in possession of legal documentation.^{xxxiii} The media did not cover this initial period of violence.

Matshete recounted that South African residents of Choba held a meeting on the 25th of December at which they requested the community leadership to address them on how the perceived threat from foreigners would be addressed. According to Matshete, the opportunity to calm the situation at this meeting was missed because most community leaders, including himself, were away from the settlement for the Christmas holidays. Furthermore, the Community Policing Forum Chairman, Freeman Lukhele, who was present at the meeting together with representatives of SAPS, actively escalated the violence by calling for all South African residents of Choba to identify the foreigners in the settlement and bring them to the police.

Another community meeting was called on the 27th of December, for which several community leaders, including Robert Matshete returned from holiday. However, Matshete argues it was still not possible to stop the violence since the ‘youth had already discovered easy money’ and continued raiding foreigners’ shacks during the nights. Within a few days, almost all foreign Africans who had not travelled for the holidays had fled the settlement. As a young South African man working in the semi-formal Camp 1 section bluntly reported: ‘the fighting stopped when the foreigners were all gone.’^{xxxiv}

In the first week of January, some foreign residents returned from holidays, unaware of the violence. This coincided with reported retaliation attacks by Zimbabweans who had been displaced from Choba against some of the South Africans presumed to have led previous attacks.^{xxxv} This combination sparked another round of violence on the night of 2 February. Media accounts report that at least four people, including two Zimbabwean men, were killed in the initial outbreak of violence between Christmas and January 4th and that 19 people were injured, some seriously.^{xxxvi} Locals count between 5 and 15 people killed overall during the two weeks of violence.^{xxxvii}

On 4 February, yet another mass meeting was called in a bid to curtail the continuing violence. The meeting was addressed by the Executive Mayor of Tshwane, Smangaliso Mkhathshwa, and was attended by the Police Area Commissioner Amon Mashigo and a strong police contingent. On the same day, police arrested 36 South Africans on the charge of public violence, including Freeman Lukhele, the chairman of the Community Policing Forum.^{xxxviii} 90 policemen were stationed in the settlement for several days after the meeting. There was no further open violence after the meeting and the arrests.

Although the violence in Choba was eventually controlled, the violence spread to other parts of Olievenhoutbosch, although less severely. Some of the foreign residents of Choba fled to stay with friends resident in the formal parts of Olievenhoutbosch and were reportedly followed and attacked there by people. There were virtually no reported attacks on foreigners by the residents of the formal parts of Olievenhoutbosch themselves. Many of the foreign former residents of Choba today have built shacks in the back yards of the formal houses in other parts of Olievenhoutbosch, or in new shack settlements on the borders of the formal housing extensions.

Motherwell

One of the country’s largest townships, the sprawling settlement of Motherwell is spread over flat lands approximately 25km from the city centre of Port Elizabeth in the Nelson Mandela Metro on the eastern coast of the Eastern Cape Province. It is a relatively new township, only established in early 1980s, largely to supply labour to the automotive plants that provided cars to South Africa during a period when imports became difficult to secure. Like Olievenhoutbosch, it was also originally intended to be part ‘transit camp’, but by the early 1990s, the population had swelled and informal settlements were established around it. While it may be isolated from parts of Port Elizabeth, it has taken on the status of a city unto itself with a population estimated, in 2001, at approximately 360,000 people in 60,000 households. All accounts suggest that the population has

continued to grow rapidly as people move from the former homeland areas into urban areas. As in other townships across the country, unemployment in Motherwell is estimated at between 41% and 53%. A report from the Centre for the Study of Violence and Reconciliation quotes a consultant as describing the city as 'the prime example of apartheid planning – a mass housing development located on a piece of farmland outside the city, with poor linkages to the city, and far from other developments.'^{xxxix}

Motherwell is currently made up of a series of neighbourhoods, 13 of which are confusingly termed NUs. There are also surrounding settlements referred to as Ramaphosa, Ikhamveli and Tjoks. These range from formal areas that have benefited from RDP houses to a decreasing number of densely shack-populated areas. Importantly, the township is almost completely residential, with few public open spaces, schools, or businesses. The South African owned business that do exist are largely concentrated around the taxi ranks in a number of formal small shopping centres. Many of the latter have emerged after Motherwell was included among the 8 townships Mbeki identified Mbeki in his 2001 State of the Nation address as needing additional and urgent assistance. Even so, there is a marked lack of service infrastructure and the area remains poorly serviced and dangerous. The opening of a second police station has provided additional security personnel, but all residents we spoke with spoke of extremely high levels of crime including regularly instances of rape and murder.

According to Mcebesu Xundu. Provincial Chair, SA Council of Churches, East Cape, there was a taxi conflict resolution committee that was set up in Motherwell after a big spate of violent conflict in 1997.^{xl} This was a relatively effective body that has a high degree of legitimacy among all of the stakeholders. It is, however, the only one of its sort in the area and conflict among various groups—especially between unemployed young men and others—characterises much of the township. The Ward councillors and community policing forums are active, but it is unclear how effective they have been at mediating tensions on a daily basis.

Unlike Olievenhoutbosch, Motherwell is a relatively homogenous settlement with a population largely comprised of Xhosas who was either living in the area at the time of its formation or who have subsequently moved from the former homeland areas. There is a small South African Muslim population in the Township that, according to Sheik Mussa of the clearly impoverished Motherwell Mosque, numbers in the low hundreds. There has also been a long standing, if small, population of migrants from other parts of the country and, even fewer, from elsewhere on the continent: largely Mozambique and Zimbabwe. Although we did not see them, there are reportedly a few Indian (South African) owned shops in or near Motherwell.

It is in this context that Somali refugees began moving into the Township in the early part of the decade. According those we spoke with, many of the early arrivals went to Johannesburg and then eventually moved to Port Elizabeth where they initially settled in Korsten, a previously Coloured (and Muslim) area not far from the city centre. Since then, the numbers have continued to grow with some informal estimates offering figures from the low thousands to over ten thousand. (As neither the Department of Home

Affairs nor the United Nations High Commissioner for Refugees keeps a register of where refugees live, it is impossible to verify these reports.) Most of the men living in Port Elizabeth made money through the creation of small businesses, hawking, or working for Somalis who were more established in the city. When this latter group was able to accumulate sufficient resources, they would often start their own businesses. Recognising that Durban Road (the high street) in Korsten was already saturated; it was this group that began moving to Motherwell in search of new opportunities.

The Somalis who moved into Motherwell recognised the paucity of spaza-style shops within the township. Rather than concentrating on busy thoroughfares where they would directly compete with South Africans, they used the money they had raised in Port Elizabeth and rented shops deep in the neighbourhoods. According to some of the South Africans we spoke with in Motherwell, the arrival of these Somali shops reduced the time it took to reach a shop by as much as half an hour. In addition to being closer, the shops were cheaper as many of the Somalis bought wholesale from a supplier in neighbouring Uitenhage. Perhaps even more importantly, the shops were open for longer hours, meaning that women could avoid travelling significant distances at night to buy food for themselves and their families.

Although there was no additional obstacle stopping the expansion of South African owned shops deep into the township neighbourhoods, few South African businessmen and women took advantage of what was evidently an untapped market. Instead, they actively resisted the Somali presence. Kutloano Headbush, President of NAFCOC for Nelson Mandela Bay, reports that as long as three years ago, the small business owners in Motherwell had attempted to pass a resolution banning all foreign owned shops in the township.^{xli} This was rightfully blocked by the Chamber as being illegal. All the same, businesses continued to use their good relationship with the police and unemployed township youth to harass Somali shopkeepers. Although rarely did this result in widespread violence, almost all of the Somalis we spoke with report being threatened if not robbed by the police. In a number of incidents, Somalis were arrested on spurious charges and only released once their shops were looted. In a few more serious instances, Somalis were physically attacked. Almost all remembered the necklacing of three Somali shopkeepers in Uitenhage and were well aware of the attacks on Somalis in Knysna, Cape Town, and elsewhere. There were also reports that the South African owned businesses were paying local youth to rob or harass Somali businesses. Despite these threats, the shops keepers continued with their work and, in many instances, were able to expand their businesses: buying fridges, diversifying their product lines, and hiring locals to help staff the shops.

By early February 2007, there the number of Somali shops had grown to approximately 120-140 spread more or less evenly across the wealthier and more recently established parts of Motherwell. Then on the afternoon of Monday, 12 February, a young South African man was accidentally shot while outside the Bafana Bafana spaza shop in Motherwell township in Nelson Mandela Municipality. The details are unclear but Police claim he was shot by a Somali shopkeeper. Hassan Alow, the accused, told us thieves who had just robbed his shop shot the boy when Alow was trying to escape.^{xlii} Others say

the boy was hit by a bullet that ricocheted off the lock the thieves were attempting to break. Regardless, when the police arrived, they arrested Mr. Alow and immediately charged him with the crime. With Alow arrested, the gathering crowd rushed in to plunder the shop. Before they left, they lit a drum of paraffin that had spilled across the floor. In a matter of minutes, the (South African owned) building was completely gutted.

Over the next few hours, Motherwell residents systematically looted more than one hundred Somali owned businesses across the sprawling township. Most shops were not burnt, but all were stripped of everything that could be carried out. Not only the food, and phone cards, but also fridges and fuse boxes. Only when the mob reached the Motherwell Centre, a small shopping mall containing a Shoprite, Pep and some Somali owned businesses did the police give the order to disperse. The looting was over, but by the next day, more than four hundred Somalis had left the township in fear, most without any of their belongings. When we interviewed them in Korsten, they were afraid to return to collect what little might be left of their property. One man was even too fearful to visit his pregnant South African wife who had stayed behind to protect her house in the township.

From the accounts we collected, the melee was a mix of spontaneous opportunism and organisation. Almost everyone spoke of a small group of people in cars directing the mob from shop to shop and carrying away looted goods. The police stuck with the action throughout, helping to remove shopkeepers, ostensibly for their own protection. They may have saved Somali lives, but they did nothing to protect their belongings claiming that they lacked the resources to do so and had not been given the necessary orders to use force. Whatever the reasons, once the Somalis were out of the picture, the rapacious crowd was free to go about its business: stripping the shops down to bare walls and floors.

Some of the Somalis we interviewed in Korsten accuse the police of carrying goods out of the shops and helping to organize the attacks. More worryingly, many Somalis and South Africans report announcements blasted from police vehicles demanding that the Somalis vacate the township by eight the next morning to ensure their security. The police predictably deny making such claims and say they were simply calling people together for a community meeting to discuss the incident. Regardless of what was actually said or done, within 48 hours from when the boy was shot, all of Motherwell's Somali residents were out of the township. Most were staying with family or friends in Korsten or other neighbouring towns. Forty or more were sleeping on the floor of a mosque in Korsten, stripped of their material belongings except, quite literally, the shirts on their backs.

The central government quickly condemned the violence, as has the municipality. The South African cabinet, in a declaration made on 22 February 2007, stated that Somalis and other immigrants must be assured of the government's rejection of violence against them and our commitment to ensure that lasting solutions are found to the causes of the conflict and tensions.' Both local and national government have asked the Somali population to return to Motherwell and restart their businesses. Many of the South

Africans we spoke with in Motherwell expressed similar desires. However, none of the Somalis we met had any immediate plans to return and said they would only do so if their safety could be guaranteed. Given a long history of harassment, few have much faith that this will happen in the near future. Others argue that they now lack the capital to resurrect their businesses – so far no one from the UNHCR, the South African Government, or any NGO has come forward with offers of material assistance to help the Somalis. They will have to find ways of making ends meet, but they are likely to be far more conservative in where and how they invest.

The Failure of Local Institutions to Stem Violent Conflict

In both of the instances described above, we see the failure of local institutions to channel frustration—however xenophobic—arising from foreigners’ presence and business activities within the townships. Rather than serving as instruments of ongoing mediation and conflict resolution, the South African Police Services, the Community Policing Forums, local civics and councillors chose to do nothing, lacked the tools to do so, or actively contributed towards the violence. The effective exclusion of foreigners from local chambers of commerce and the denial of access to legal representation also made foreigners easy prey. Broader underlying problems of documentation and rights awareness—a problem linked to the Department of Home Affairs and other national bodies—only exaggerates problems. Similarly, the frailty of the Human Rights Commission and other official bodies (including the Public Protector) to intervene actively to protect the rights and property of foreigners has not generated an investment-friendly environment.

The Police

As in many other cases of violence against foreigners across the country, the police played a highly ambivalent role in the incidents described here. At the time of the violence, there was no police station in or near Olievenhoutbosch, with police having to travel from Wierdabrug Station more than 15 km away. They were therefore generally considered ineffective in dealing with daily crime issues in the township. While their presence after the second escalation of violence on 4 January helped quell the violence, many whom we spoke to blame the police for triggering and supporting the spread of violence against foreigners in the settlement and for only acting against the violence very late. ‘The police were just watching the violence. I saw when a Mozambican was covered in petrol and burned and the police just watched. This was last year,’ recounted a Zambian woman.^{xliiii}

Similarly in Motherwell, the police were accused by many of the Somalis and some South Africa of regularly harassing foreign shopkeepers and doing little to control ‘totsi’ activity on the streets. Like the police elsewhere in South Africa, Motherwell’s finest regularly demanded bribes and seized documentation from asylum seekers and refugees. When Somalis complained to local magistrates, the police threatened them with deportation. And while SAPS should be applauded for protecting the Somali shopkeepers during the melee in mid-February, they were at least implicitly involved in facilitating the

widespread looting. Their possible involvement in ‘cleansing’ the township of its Somali residents in the wake of violence is deeply worrying. In the words of one Somali with whom we spoke, ‘we are easy prey; we do not have access to the law’.

Community Policing Forums

The Community Policing Forums, community-based structures intended to contribute to conflict reduction by liaising between ‘the community’ and the police, also appear to have contributed to the violence. In Olievenhoutbosch, the chairman of the CPF, Freeman Lukhele, was one of the main instigators of the violence and was arrested for this. In Motherwell, there was no similar ‘smoking gun’, but many reported that the policing forums were dominated by businessmen who have a close relationship with the police. Indeed, these structures provide an opportunity to coordinate efforts between the police and business to protect the community from threats. As we have seen, one of these threats was Somali business owners. The involvement of the police in these orchestrated attacks suggest that these meetings had been successful, although in subversive, violent ways.

Local Councillors and Political Leaders

Ward councillors and other representatives from the Municipality can (and should) play an active role in fostering conflict or easing tensions. In Olievenhoutbosch, the several local councillors and political leaders were active in trying to calm the violence and stop the attacks on foreigners. According to some locals, this was not an easy task, and leaders put their own reputations, and sometimes lives, in jeopardy by speaking for the rights of foreigners. This helped bring about an organised community response to the violence through the establishment of a regular, formal committee in Choba through which local conflicts can be resolved. The committee accepted complaints and concerns from all residents of Choba including South Africans and non-South Africans. Moloto emphasised that they have specifically encouraged foreigners doing business in Choba today to come to the committee if they are threatened or abused in any way, since then the police came come and arrest the abusers.^{xliv}

In Motherwell there are no signs that community leaders have taken a pro-active role in managing conflict between Somalis and others in the township. According to Admiral Thembela, a Legal Officer with the Port Elizabeth office of Lawyers for Human Rights, local government has typically seen matters surrounding the Somalis as an issue for the Department of Home Affairs.^{xlv} Only following the violence has the municipality established a commission to investigate, but at the time of research there was no clear sign about what they are likely to do. Government representatives we spoke to suggested

that some of the problems could have been avoided if the Somali shop keepers had participated more actively in community policing forums, the chamber of commerce, or other community events. When asked about their participation, the Somali shopkeepers we interviewed said that they used to attend such gatherings but stopped doing so when the tone of the meetings was evidently hostile to them. In some instance, meetings would end with proposals that all the Somalis should leave the community. At the very least, Somalis felt that they would not receive a warm reception from the Ward Councillors or party offices if they stepped forward with a complaint. Whether true or not, the perceptions of an unreceptive local government undermines whatever institutions do exist.

Courts and Legal Bodies

Given the degree to which local police and community bodies are corrupt or actively xenophobic, the courts play an important role in protecting the rights of all residents and creating a positive business environment. However, in both of the instances discussed here, the local courts have been found seriously wanting. In Olievenhoutbosch, 36 people were originally arrested in relation to the violence, including the Chairman of the Community Policing Forum, Mr. Lukhele. Twenty-three men, including Mr. Lukhele, first appeared in the Pretoria Magistrate's Court on 6 January 2006 on charges of public violence such as the barricading of streets, the 'hunting' and threatening of foreigners and the disturbing of motorists. However, the case was postponed several times for further investigation (including 13 January, 14 February and March 28) and transferred to the regional court. All the accused were released on their own recognizance. Murder or homicide was notably not part of the charge even though the case concerned the death of at least two Zimbabweans.^{xlvi} The case was finally withdrawn in August 2006. It has been impossible to get detailed information about the course of the case and reasons for its withdrawal.

In Motherwell, a number of South Africans were arrested for the violence, but at the time of the research, it was impossible to say what would happen with the charges against them. However, there are more fundamental problems linked to the Magistrates' ineffectiveness in responding to earlier incidents of violence or abuse. As discussed elsewhere, Somali shopkeepers regularly had their documents stolen or destroyed by police officers patrolling the townships. When they complained to the magistrates about this abuse, the police would (naturally) learn of the case and force its withdrawal by threatening violence or deportation. Without adequate access to legal representation or higher levels of the judiciary, the Somali shopkeepers were forced to comply. It was also evident that the Human Rights Commission was unprepared or unable to take legal or other forms of action against the police or others who fomented the violence because no one was willing to lay formal charges against an individual.^{xlvii} The Monique Ekoko, a protection officer with the United Nations High Commissioner for Refugees, similarly argued that there was little they could do unless South Africa's domestic institutions were prepared to take action, which they are not.

Implications for Business Formation and Sustainable Urban Livelihoods

If we accept that common, accountable institutions and fluid interactions among all groups are prerequisites for business formation and equitable and sustained growth, then any source of social fragmentation becomes a threat. In this regard, the continued targeting by criminals, the police and citizens are immediately problematic. This section outlines a number of current and potential consequences of the violence outlined above.

Crime and insecurity: Although many South Africans support the police's strategy of targeting foreigners (or simply failing to protect them) the 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 that foreigners are disproportionately prone to criminal activity,^{xlviii} and being obsessed with them distracts police from where they are needed.^{xlix} Moreover, the general ineffectiveness of such policing strategies is leading citizens to accept criminal activity as part of their social landscape. In this context, people are seeking alternative means to manage crime. In some cases, this includes turning to groups like *Mapogo a Mathamaga*, a national investigation and 'goods recovery' company that works largely outside the law, but regularly draws on police information and backup. In other instances—as we have seen here—they simply take the law into their own hands in ways that places all residents at risk.

The arrest of people – whether South African or foreign – trading on the street or conducting other small businesses also affects the livelihoods of those arrested and their dependents. The violence and exclusion described above is not only disturbing but also has the power to negatively affect the country's development trajectory. Most immediately, there is very little direct economic activity in Olievenhoutbosch or Motherwell, and the destruction of foreign-owned spaza shops, hair salons and taverns will have considerable impact on business formation, employment, and the levels of economic exchange within the townships. Those most affected will, of course, be the foreign business owners who lost their shops and all their goods. But the people are also likely to be discouraged from investing significant levels of capital in such insecure environments. As a Zambian owner of a hair salon in Olievenhoutbosch told us, 'I never even consider getting something for my business because if a South African sees that you have something nice they attack you and take it or destroy it. I would invest in the business otherwise because I have many customers, but I don't invest out of fear.'¹

And while South African shop owners say they will benefit from the departure of foreign business people, it seems unlikely that their investments will compensate for lost revenues and activities in the townships. The success of the foreign owned enterprises was premised on a more efficient business model and investment gained through social networks and hard work. These may be accessible to South Africans, but given the low level of business investment on the streets of Motherwell and other locations, the interest does not seem to be there.

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 investment in a shared future. This was never going to be an easy task in South Africa's heterogeneous cities and townships. 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, and spend their time in South Africa planning their move elsewhere.

This sense of isolation and transience is problematic as it limits immigrants' investment in the cities they live in. 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. Discouraging citizens from neighbouring countries from visiting may also 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.

Accountability and planning: South Africa's broader investment strategies are premised on first achieving accountable institutions that promote a set of overlapping goals among urban residents. Discrimination based on national or community origins, like other arbitrary forms of exclusion, undermines this objective in two primary ways. First, for the reasons discussed above, people who do not feel welcome in South Africa are less likely to respect the rules and institutions dedicated to governing it. Migrants may attempt to dodge tax regulations, avoid census takers, or actively subvert regulatory agencies they feel are more likely to prey on them than promote their interests. Those who feel excluded are also unlikely to take part in participatory planning exercises such as the integrated development plan (IDP). Such self-exclusion makes government policies all the less likely to address city residents' priorities and needs and may, in time, diminish public institutions' efficacy and legitimacy.

Anti-foreigner sentiments and scapegoating have the second, more insidious effect of making it more difficult to realise 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.'^{li} Although such attitudes are not universal, the presence of a convenient scapegoat distracts South Africans from their public institutions' shortcomings and failed promises. The willingness to accept that foreigners are responsible for South African children not finding places in school, and for continued insecurity and unemployment, only shifts attention away from the fundamental structural and institutional causes. Removing foreigners from South Africa will not solve these acute social problems but so long as such expulsion remains a preferred solution, real progress is unlikely to be made.

Conclusions and Recommendations

Policy makers and citizens across South Africa have a fundamental interest in overcoming fragmentation and insecurity in a way that promotes small business development. Recognising that people born outside of South Africa are a permanent feature of the country's urban communities means that initiatives should be taken to overcome the institutional failures outlined in the previous pages. Failing to do so may condemn South Africa to a future full of ghettos characterized by social fragmentation and economic polarisation rather than creative tensions and dynamism, protection rackets and hijackings rather than investment and an expanding tax and employment base. Given that foreigners are disproportionately educated and entrepreneurial, the motivations for addressing these obstacles are all the more acute.

One might ethically defend differentiating between foreigners and citizens within policy, but such distinctions are less viable in the context of a Constitutional commitment to protecting the lives of all South African residents and upholding their rights. Not only is there a logical inconsistency in arguing that the government should improve the lives of city residents while implicitly promoting exclusion based on nationality; more pragmatically, there will continue to be negative by-products if significant segments of a population are prevented from accessing safe accommodation, jobs and social services. These include poverty, violence, and a lack of investment.

While citizenship and asylum laws must remain national, there is a heightened need for subnational actors to take an active role in addressing issues of national, ethnic, and class diversity within their communities. South Africa need not open its borders to all who wish to come, but it will benefit economically by developing pragmatic, affordable and enforceable responses to those who find their way into the country and into its cities. This will mean identifying and addressing the causes of violence, not only violence but citizens' perceptions about foreigners. Job creation will obviously ease tensions, but so too will greater transparency in allocation of state resources (including housing) and greater accountability amongst the police. Magistrates must be effectively empowered in ways that allow them to protect the rights, property, and investments of all residents.

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 its communities (Götz 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 could nevertheless develop programmes to foster inclusion and promote investment by countering ignorance among police, civil servants, landlords and employers.

But these issues can not only be solved locally. There is a need to reform the Department of Home Affairs so that those who need documentation—South African and foreign—can get it cheaply and reliably. With this documentation, they can access banking and other services that are critical to business formation. In this regard, banks must also be

encouraged to facilitate foreigners' access to banking services. At present, only First National Bank is offering accounts to refugees. This limits savings and promotes crime by ensuring that large amounts of cash remain in residences. Lastly, other national mechanisms—albeit working at the local level—must be strengthened to protect the rights and property of foreigners. This means better supervision of SAPS, a heightened role for the Human Rights Commission, and facilitated access to legal resources and justice centres.

The South African government, together with Chambers of Commerce and other business organisation, must promote entry into trading markets rather than close this avenue to those who have few other options. Regularly targeting for by-law infractions migrants who lack the documentation or capital to find work in the formal sector – despite many having skills to make contributions in this area – only drives trade further underground and increases the likelihood that these migrants will turn to irregular, illegal, or dangerous economic activities. Countering exclusion and violence 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.

Centre for Development and Enterprise
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Endnotes

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