

# ‘Here I Am Nobody’:

## Rethinking Urban Governance, Sovereignty and Power

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It is a cold July afternoon and I am spending time with Florence, a Congolese woman, at her stall in the Yeoville market. The Johannesburg winter sun is streaming through the market, and its welcome rays are falling on the *kitenge* material that she sells. Florence is recounting how she managed to escape a police raid on the market the day before. The ‘Metro’, [metropolitan police] as they are commonly known, conduct raids in the market in search of illegal foreigners and others who contravene municipal by-laws.

‘They come and surround the market so that you cannot escape’, she says. ‘But we have a warning system, those sellers who face the street see them and warn us inside the market.’ ‘*Sbo!* I almost didn’t escape yesterday,’ she laughs. ‘I didn’t hear the [warning] whistle, but God is great, I was helped by a friend and escaped before they caught me!’

As Florence tells her story, which is similar to many I have heard, I ask her how she copes, seemingly always on the run. Manner-of-factly she says, ‘Here I am nobody. I hide from the police, I hide from the South African government, I hide from my government at home. Sometimes I even hide from my own country men ... you see this is how I survive’.

Florence represents an enduring problem for urban governance. Her ‘hiding’ obscures the state’s objective to control patterns of social behaviour and to make urban space transparent. Indeed, the everyday practices of migrant women reshape our understanding of urban governance, how we see the official and unofficial, formal and informal, visible and invisible city. In their murky world, what appears to be informal business supports and is supported by formal economic activities. Women’s lives collapse the dichotomy of the official and unofficial city, in ways that overturn conventional understandings of the nature of the state and state power in the city.

### **Governance and the African city**

The idea of urban governance in African cities is often influenced by the definition itself: ‘the relationship between civil society and the state, between rulers and the ruled, the government and the governed’ (McCarney 1996: 4). Set against growing urban poverty, inequality, crumbling infrastructure and mounting social and political crises, proponents suggest that the key to resolving urban problems is to recognise that a city consists of a variety of urban actors, each with a stake and role in the city’s development (Stren and White 1989; Halfani 1996; McCarney 1996; Swilling 1997). Governance suggests that the solution to the crises is to develop relationships that are underscored by democratic, accountable, reciprocal norms and values. Resolving the urban crisis therefore is not so much a managerial or technical exercise, but a *relational* one.

Viewing governance as *relational* might imply, at least in theory, that the locus of authority and power does not lie in a single urban actor or institution, but in the actual practice of urban governance. It is the state that sets the nature and character of civil society participation and decision-making and determines when, where and how civil society engages with it.

This is true for South Africa.

After the establishment of a legitimate local government in 1995, the focus turned to restructuring the city in ways that erased the racial and economic inequalities. The establishment of local government as a 'sphere' with constitutional authority and functions, set up urban governments with the power to restructure urban spatial form and to work 'with citizens and groups within the community to find sustainable ways to meet their social, economic, and material needs and improve the quality of their lives' (Ministry of Provincial Affairs and Constitutional Development 1998: 17).

Critical to the transformation of local government is greater participation and democratic decision making at local level. Although in theory this remains true, the reality in South Africa suggests that the practice has been reduced to a 'technocratic' managerial exercise in fulfilling certain legislative requirements around integrated development plans and land development objectives (Heller 2003: 170). Inner city regeneration in Johannesburg, some charge, tends to be driven by powerful business and commercial interests, with the city paying 'lip service' to the participation of ordinary urban dwellers (Beall et al 2002: 128). And although the way in which governance is conceived makes critical contributions toward developing a strong foundation for the management of urban space, it presents only a partial understanding of the dynamics that privilege urban relationships between the state and civil society. In doing so, it fails to see how 'urban Africans are reworking their local identities, building families and weaving autonomous communities of solidarity, made fragile by neo-liberal states' (Fassil 2007: 155).

### **Legal limbo and administrative invisibility**

A problem in determining how many foreign migrants there are in a country is the fact that many, particularly those who are undocumented, are invisible to the state. Once undocumented migrants enter the country, the state has no way of tracking them unless they are detained by the police. The migrant women I encounter are cases in point – 'hiding', in a precarious state of limbo, with limited choices to participate fully in South African society because of their legal status. Most of the women are asylum seekers, with Section 22 permits that *de jure* allow them to work and study while their refugee status is determined. Although status determination is

meant to take six months, in reality it can take years of waiting to get an interview to determine whether an application is successful or not (IRIN 2008; CORMSA 2008). In the meantime, few service providers, such as banks and state hospitals, or landlords for that matter, recognise the Section 22 permits as valid forms of identity.

These institutional ‘barriers to entry’ mean that migrant women can live suspended, sometimes for years. The consequences of being in legal limbo crystallise daily when women seek such basics as employment, health care and housing in the city. For Rose, a woman from Rwanda, the barriers impact her ability to find work and a place to live:

*For me [getting work] is difficult because I’m still having this asylum seeker permit so I can’t get a little job. I just sell my bananas. So I was trying to ask to the Home Affairs if they can give me a permit for more than one month, [but] ... until now they just give me one month ... [and] every month I have to go now to renew my permit. This ... permit can’t allow you to get a job; can’t allow you to open an account ... can’t allow you to even to rent your own house ... Even the flat which we are living is on another person’s name ....’*

Julliet from Cameroon echoes Rose’s frustration about not having access to a job, despite completing her degree at the University of the Witwatersrand. Her experience of trying to access ante-natal care in a provincial hospital is also indicative of the alienation experienced by migrant women:

*When I was pregnant, the first time I went for ante-natal [care], all the South Africans were let in. Then if you are a foreigner, if you are a refugee ... they have to check to see if your paper is valid. Then if you are not a refugee they give you some conditions. You find it very difficult to register ... and even after you registered, they don’t treat you the same way they treat the South Africans. So those are the kind of things that make me to feel that it is not home here ... that make you feel like an outsider.*

A report by the Consortium for Refugees and Migrants in South Africa (CORMSA) shows that these women’s experiences are not unique, but are shared by many migrants in Johannesburg. On accommodation, the report states: ‘The vast majority of non-nationals seek housing through the private sector ... In many instances, landlords refuse to rent to non-nationals regardless of their legal status. Others take advantage of non-nationals’ vulnerability and charge them higher rental rates than South Africans (CORMSA 2008: 8).

Exclusions from services, such as health, banking and job opportunities, and the differences in the way in which nationals and non-nationals are treated by service providers and state officials creates a threshold that keeps women as permanent ‘outsiders’, unable to breakthrough the discriminatory thresholds. These attitudes toward non-South Africans also make social integration difficult.

### **Shifting sovereignties – fragmenting state power**

For refugees or migrants, national borders are of great significance. They are at once symbols of hopes and fears, obstacles and opportunities. Borders are the embodiment of a nation’s sovereignty, yet are also the point at which state power can be undermined. They are both a nation’s strength and its potential weakness. Borders are meant to keep ‘illegals’ and those without the requisite documents out, while allowing in those who conform to the law and its requirements. But as some women’s accounts of crossing borders illustrate, it is not necessarily the statutes that govern who comes into the country and who does not.

In practice, borders are porous for those people able to negotiate their way through. Their very existence creates an opportunity for the development of a sub-economy, whose actors include migrants, state actors, drivers and smugglers. These alternative economies create spaces that resist official border restrictions and develop new 'rules of the game' that at once subvert sovereign codes and laws and at the same time, reinforce the significance of the physical border. Although these factors contribute to a failure in governance, they are nevertheless indicative of the ways in which the state *is present* and, wittingly or unwittingly, *active* in producing parallel centres of authority and power.

Consider Estelle who left Lubumbashi at 19 to come to Johannesburg in September 2000:

*I travelled with a cousin who was going to Lusaka from Lubumbashi ... I was alone when I left Lusaka to go to Namibia. The cost of the travel was high, compared to the amount of money that I had. I spent three days in Windhoek ... waiting for the money that my sister from Johannesburg would send to me. In Windhoek, I met a Congolese businessman who advised me to hide my passport before getting into South Africa and declare myself asylum seeker at the border, as I did not have enough money. According to him, South African immigration officers do not allow foreigners who lack money to get into their country.*

*I was scared because of what that businessman told me. When I got to the South African borders, I hid my passport and told the immigration officers that I lost it. Unfortunately, things did not work as I was thinking because nobody trusted me until I decided to show it to them, after telling them that I found it in my stuff. I managed to talk to him [the border guard] to let me go in with R200. It was almost everything I had. I did not have money for the bus and had to convince the driver that my sister would pay him when I got to Johannesburg. Normally they do not agree ... but he kept my bags until my sister paid.*

Harriet was 23 in 2002 when she left Kampala to come to Johannesburg to live with her sister:

*I was planning to obtain a South African visa before coming to South Africa ... Unfortunately, the ... embassy refused to give it to me. So, I decided to come without visa as did many other people. I came by road, and the journey was very long (six days) ... From Uganda to Tanzania, everything was fine because I did not need visa to cross these countries. But from Zambia to South Africa, I spent a lot of money in order to bribe the immigration officers. Before getting into South Africa, I paid R300.*

A Zimbabwean woman's determination to enter South Africa led her and a family member to take advantage of a particular gender stereotype when presenting at a border post:

*Yes, it was not easy to come to South Africa at that time... I was helped by one of my sisters-in-laws ... She was coming to South Africa for a visit. When we arrived at the South African border she presented me as her sister and told the immigration officers that I was a dumb and I never spoke to people. I was just quiet and looked at people like a mad woman because if I did not react like that my sister-in-law and I could be arrested.*

For these women, crossing borders required courage and the ability to manoeuvre and manipulate difficult situations. The experience for Janet, a Rwandan refugee who had an infant child at the time, was no less stressful:

*We heard through Burundi people that you could make a living by looking after cars in Durban. We decided to go there ... We went to Tanzania through bushes, when we crossed the border the child was a few months old. From Tanzania we went to Zambia, then we crossed to Zimbabwe. We tried to get to South Africa through Zimbabwe but ... our money was running out, and they wouldn't let us cross without papers. We found people who told us ... to go through Swaziland. But to do that we had to cross through Mozambique. I remember carrying my child the way they carry their children in that country ... We just walked through the border as if we were going shopping, my heart was nowhere! In Mozambique we were warned that crossing to South Africa through the bush was too dangerous. There are electric fences and wild animals. So we went through Swaziland [and] paid a border 'agent' to come to South Africa.*

Women's experiences of border crossing challenge the idea of the state as a homogenous actor with coherent rules that are universally applied across space. Using networks consisting of a whole host of actors foreign nationals enter South African territory without the passports or entry visas. Other studies show that not only money is exchanged, but also sexual transactions between the migrants occur in order to facilitate passage into the country (Human Rights Watch 2008). In these ways they subvert sovereign codes and laws. No longer is the juridical power of the state supreme. Rather, power is vested in the relationships between migrants wanting to get into the country and the actors that facilitate their entry. Thus, new systems of legitimacy that are not state-authorized are generated and as Michel Foucault notes: 'Power is employed and exercised through a net-like organisation. And not only do individuals circulate between its threads; they are always in the position of undergoing and exercising this power' (Foucault 1980: 98).

Yet power is not so diffuse that it lacks a location or centre. Although illegal border practices undermine the control and enforcement of border regulations, which are a significant area of state jurisdiction, they do not weaken the symbolic and empirical significance of the border. The networks and sub-economies unwittingly reinforce the presence of the *physical* border. Migrant women's manipulations and evasions allow them to traverse border spaces in ways that circumvent the state's juridical power. But, to do so, the border as a frontier demarcating South Africa's political territory has to be recognised by social practices. What women's experiences reveal is the coexistence of multiple spheres of authority, which are applied differentially depending on the context.

### **Boundaries of power in the city: booms, busts and everything in between**

Raids, such as the one Florence recounted to me in the Yeoville market, are not uncommon in inner city Johannesburg (Bullard, 2003; Pelser 2003; Thale 2003) and they are the topic of much public debate. Raids are seen as part of a broader Inner City Urban Renewal Strategy, which according to a city official involves, among other things, 'intensive urban management including the provision of high quality services; strict enforcement of by-laws; managing taxis and informal trading in the city ... addressing "sinkholes" and encouraging "ripple pond" investments. Sinkholes are properties that are slumped, abandoned, overcrowded, or poorly maintained' (Makda 2004:180-1). Human rights and other civil society activists claim, on the contrary, that these raids are unjust mechanisms of racial profiling, used to arrest asylum seekers and refugees on suspicion of being illegal aliens (Ramajahan 2003).

Inner city raids are revealing both in the names that officials adopt for them (for example, Operation Identify Yourself, which took place in Hillbrow in 2003) and in their actions. They are attempts to make visible urban space and to establish state authority in an area in which ordinary by-law enforcement appears to have failed. Through staging highly visible displays of state power, often executed in military style, local state authorities hope to re-establish their rules of engagement. By imposing this official cartography on inner city 'sinkholes', the city

government of Johannesburg seeks to displace the unofficial, invisible and illicit city, with a visible, official and legal one.

Interventions such as Operation Identify Yourself and urban regeneration initiatives, are often founded upon an enduring faith in the state's ability to shape urban space. Like many cities, Johannesburg's lifecycle has seen periods of boom and bust. Its decline in the 1990s culminated in the flight of big capital, such as the Johannesburg Stock Exchange, De Beers and Gold Fields, and the closure of service-oriented businesses such as the Carlton Hotel. More recently, strategies have shifted to creating new opportunities for business and middle class investment in inner city property. Where the latter is concerned, the CBD is bustling with activity and millions of rands have been spent on converting historic buildings into boutique hotels, condominiums and bars aimed at the 'hip, cool and sexy' (Fraser 2010). The development of new art, knowledge and lifestyle precincts, such as Arts on Main, has transformed dilapidated buildings into revitalised spaces. Where Johannesburg's past model was big and bold, its current upswing is driven by smaller developments marketing exclusive, intelligent, green and urbane lifestyles.

Yet, amid the glitter of the new capital investments and the enforcement of order, the 'sinkholes' remain and continue to perplex city planners. Their enduring faith in statutes, law enforcement and financial incentives to transform the densely populated inner city neighbourhoods, seems misplaced and even military-style interventions prove inadequate in addressing challenges in the urban core – blinded as they are to everyday practices of exchange, the multiple regimes of authority, and the moral codes and social norms that shape urban living. Criminals and 'illegals' might disappear after a raid, but they soon resurface elsewhere in the city or they return when police withdraw from the area. Thus, the state's crime prevention strategies unwittingly encourage practices that undermine its own ability to 'see' or make legible its territory.

Avoiding detection by the police is key to remaining 'invisible'. Mary, a Congolese woman, employs a similar strategy to Florence in the Yeoville area:

*I do not like going down that street, Joe Slovo ... because under the bridge there are always police there. If I have to go to Bertrams, I rather take another route through Yeoville. It is very long, but it's better than meeting the police.*

Indeed, encounters with police are something to be avoided because of the fear of harassment, corruption and threats of arrest and deportation. Lucy, from Zimbabwe, is all too familiar with being on the receiving end of such practices:

*Many times when we are going home from the restaurant in the evening in a taxi, we find a lot of police roadblocks. We all know these police are just there to target Zimbabweans because they know we have just finished working and we have money from tips. I would really like to take a photograph of a policeman taking money from us, but I don't know what they will do if they catch me.*

Women's navigation through urban space is shaped by 'fear and risk' (Short 2006). Their tactics for avoiding police display not only their resistance to state power, but also their vulnerability to it. Paradoxically, police interventions, intended to 'see' urban populations, unwittingly create urban 'black holes'. Florence, Mary and Lucy are not criminals, but they are at the mercy of state authorities who all too often target foreigners to extort bribes. It could even be argued that the presence of foreigners produces a parallel economy that undermines the juridical power of the state. An Eritrean student living in Johannesburg rationalises it this way: 'As foreign students we are not required to pay taxes to the government. But when we walk down these streets, we pay' (Landau and Monson 2008: 330-1).

## Street trading – life on the streets

Emma and Ruth, from Kenya, make a living selling jewellery, socks, gloves and other miscellaneous items on the corner of Claim and Plein streets in inner city Johannesburg. This location is considered illegal by the municipality because it has not been designated an official trading area. It is therefore prone to police raids and so the street traders are often forced to pay a fee to a ‘spokesperson’ who negotiates with the police. In this case, the appointed spokesperson is a South African woman. Everyone pays her R50 a month, but how much of that goes into the pockets of the policemen is unclear. There are instances in which the spokesperson is unable to fend off the authorities and traders have to rely on each other. If they are caught in the dragnet of a municipal raid, the consequences can be harsh, as Ruth explains:

*The business is not bad. It's quite ok. But the Metro, they don't allow it and most of the time they come and take the stuff ... Normally they give you a ticket for about a R1000. And you can't pay it. So that is a way to take your stuff. I think it's better to get other stuff than to go back ... That fine, it's just too much.*

Emma concurs with a personal experience of having her entire stock confiscated during police action:

*Unfortunately that day I had everything there on the street ... I normally only put a few things on top ... This was the lady who was selling for me on that day when the police came; she's the lady that Ruth and I have employed. She's the one who was supposed to handle my stuff and run with it but she didn't; she's pregnant, she's very, very pregnant – eight months. I lost everything, everything on that day, despite saving for months to be able to buy new stock. Now I am back to square one.*

To survive police raids, Ruth explains the importance of forming networks on the street:

*My neighbour [on the street] is a Tanzanian guy called Rasta. He sells just next to me. This one, she is also selling somewhere next to me; she is from Mozambique. ... you have to keep together, with the person who is selling next door ... [This is] very very important because if you do not stand together your business will go down. People will not warn you when police are coming...*

It is clear that the money Ruth and Emma pay for protection on Plein and Claim Streets does not guarantee them protection from the police. Yet, if they don't pay they risk losing their trading space. Everyday life on the street therefore means negotiating multiple relationships, each with its advantages and disadvantages but no less significant in their implications for survival.

## Beyond the city of formal/informal, visible/invisible, legal/illegal binaries

Condemning unofficial practices as a result of the lack of effective enforcement or a weak local state fails to see the dynamic inter-relationship between official and unofficial spaces. To be sure, strengthening state enforcement agencies, rooting out corruption and improving systems of registering migrants, will go some way toward improving the state's control over the inner city. But this is not entirely up to the state. There are other social norms values and codes that determine acceptable and reprehensible behaviour and these compete alongside the official city.

What does this mean for strengthening relationships between the state and urban dwellers, particularly non-citizens? These sub-economies create instability and fear that negatively impact women's willingness to see the city as part of their future. Migrant women's legal status prevents their inclusion and full participation in Johannesburg. Experiences of xenophobic violence and other forms of exclusion, such as the lack of access to bank accounts and economic opportunities, result in the emergence of a transient and ephemeral existence in the city. Women's business activities are often structured to allow them to make a quick getaway, when under threat.

The concept of urban governance makes certain assumptions about what motivates urban dwellers, the certainty and fixity of urban identities, the nature of state power and the unified objectives of the state system. The experiences of migrant women complicate these assumptions, shifting how we conceive of urban governance, and the nature of state sovereignty and power in African cities.

By exploring the everyday lives of migrant women, such as Florence, Lucy, Ruth and others, we see not only how state power is reconfigured, but also how the categories that seem so clear in official parlance – legal, illegal, official, unofficial – are blurred. Their experiences of living ‘in between’, and often invisible to the state and the community, challenge assumptions about governance and invite us to rethink urban social categories and relationships. By looking from the ground up, yet another reality and perspective of the city emerges, one that draws our attention to the complexity of urban relationships.

## References

- Beall, J., Parnell, S. and Crankshaw, O. (2002) *Uniting a Divided City: Governance and Social Exclusion in Johannesburg*, London, Earthscan
- Bullard, R. (2003) ‘Illegal immigrants deserve what’s coming to them’, *Sunday Times*, 19 October
- CORMSA (2008) *Protecting Refugees, Asylum Seekers and Immigrants in South Africa* Johannesburg, Consortium for Refugees and Migrants in South Africa
- Demissie, F. (2007) ‘Imperial legacies and postcolonial predicaments: an introduction’, *African Identities*, Vol. 5, No.2, pp.155–65
- Foucault, M. (1980) *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, London, Pearson Education Ltd
- Fraser, N. (2010) *Hip, hop hotels*, <http://www.joburg.org.za/content/view/5163/335/>, accessed 8 August 2010
- Halfani M. (1996) ‘The challenge of urban governance in East Africa: responding to an unrelenting crisis’, in McCarney, P.L. (ed) *Cities and governance: New Directions in Latin America Asia and Africa*, Toronto, University of Toronto Press
- Heller P. (2003) ‘Reclaiming democratic spaces: civics and politics in post-transition Johannesburg’, in Tomlinson, R., Beaugregard, R.A., Bremner, L. and Mangcu, X. (eds) *Emerging Johannesburg: Perspectives on the Post-Apartheid City*, London, Routledge
- Human Rights Watch (2008) *Neighbours in Need: Zimbabweans Seeking Refuge in South Africa*, New York, Human Rights Watch
- Integrated Regional Information Networks (IRIN) (2008) *South Africa: Rethinking Asylum*, 15 August, <http://www.unhcr.org/refworld/docid/48a93aa51e.html>, accessed 18 November 2008
- Landau, L.B. and Monson, T. (2008) ‘Displacement, estrangement and sovereignty: reconfiguring state power in urban South Africa’, *Government and Opposition*, Vol. 43, No. 2, pp. 315–336.
- Makda Y. (2004) ‘From slum to (financial) sustainability: Johannesburg’s better building programme’, *Development Update*, Vol. 5, No. 1, pp177–186.
- McCarney, P.L. (1996) Considerations on the notion of ‘governance’ – new directions for cities in the developing world’, in McCarney, P.L. (ed) *Cities and Governance: New Directions in Latin America, Asia and Africa* Toronto, University of Toronto Press
- Ministry for Provincial Affairs and Constitutional Development (1998) *The White Paper on Local Government*, Pretoria, CTP Book Printers
- Pelser, E. (2000) ‘Operation Crackdown: the new police strategy’, <http://www.iss.co.za/PUBS/CRIMEINDEX/00VOL402/OperatCrackdown.html>, accessed 30 May 2004
- Ramajathan, K. (2003) Panel speaker at the ‘Civilian oversight and monitoring of the police in South Africa’ hosted by The Open Society, 20 November, Johannesburg
- Stren, R.E. and White, R.R. (eds) (1989) *African Cities in Crisis*, London, Westview Press
- Swilling, M. (1997) ‘Building democratic local urban governance in Southern Africa’, in Swilling, M. (ed) *Governing Africa’s Cities*, Johannesburg, Witwatersrand University Press
- Thale, T. (2003) ‘Drama as police swoop on inner city buildings’, [http://www.joburg.org.za/2003/sept/sep25\\_hillbrowswoop.stm](http://www.joburg.org.za/2003/sept/sep25_hillbrowswoop.stm), accessed 24 May 2004