



Migrant Mobilisation: Structure and Strategies in claiming rights in South Africa and Nairobi

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December 2009



The Forced Migration Studies Programme at the University of the Witwatersrand, Johannesburg

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Table of Contents:

List of Tables	4
List of Acronyms	5
Acknowledgements.....	6
Executive Summary	7
Section 1: Introduction and Methodology	8
Section 2: Background.....	9
Section 3: Discussion of Findings: Interviews with Migrants in Johannesburg.....	14
Section 4: Discussion of Findings: South African Organisations.....	21
Section 5: Discussion of Findings: Nairobi	30
Section 6: Conclusions and Recommendations	35
References.....	38
Appendices.....	40
Appendix A	
Appendix B	
Appendix C	
Appendix D	

List of Tables

Table 1: Gender distribution of respondents.....	15
Table 2: Country of origin.....	15
Table 3: Legal status of respondents.....	15
Table 4: Employment status.....	15
Table 5: Age distribution.....	15
Table 6: Length of stay.....	15
Table 7: Composition of respondents South Africa (organisational).....	22
Table 8: Group 1: number of years in operation.....	22
Table 9: Group 2: number of years in operation.....	23
Table 10: Group 3: history and organisational structure.....	27
Table 11: Group 3: main activities and target group.....	28
Table 12: First contact for migrants in Nairobi.....	32
Table 13: Composition of respondents – Nairobi (organisational)	33
Table 14: History, mandate and legal status – Nairobi	33

List of Acronyms

Abbreviations and Acronyms

ARP-GL: Africa Refugee Programme-Great Lakes
CRADLE: Child Rights Advisory Documentation and Legal Centre
CBO: Community Based Organisation
CJPC: Catholic Justice and Peace Commission
CS: Civil Society
DHA: Department of Home Affairs
DRC: Democratic Republic of Congo
DRA: Department of Refugee Affairs
FBO: Faith Based Organisation
GTZ: German Technical Cooperation
GOK: Government of Kenya
HIV: Human Immunodeficiency Virus
HI: Handicap International
IOM: International Organization for Migration
IAF: Inter Agency Framework
IWAG: Inter Agency Working Group
ICRC: International Committee of the Red Cross
IRC: International Rescue Committee
JRS: Jesuit Refugee Services
KCRS: Kenya Red Cross Society
KNCHR: Kenya National Human Commission on Human Rights
KEFAT: Kenya Federation for Alternative Trade
KADET: Kenya Agency for Development Enterprise and Technology
LRF: Legal Resources Foundation
LWF: Lutheran World Federation
MoE: Ministry of Education
NARAP: Nairobi Archdiocese Refugee Assistance Programme
NCCK: National Council of Churches of Kenya
NGO: Non Governmental Organisation
NPO: Non Profit Organisation
NRC: Norwegian Refugee Council
PHARP: Peace Healing and Reconciliation Programme
RCK: Refugee Consortium of Kenya
SA: South Africa
UN: United Nations
UNHCR: United Nations High Commissioner for Refugees
WFP: World Food Programme
WOFAK: Women Fighting AIDS in Kenya

Acknowledgements

This report was written by Zaheera Jinnah with Rio Holaday, a U.S. Fulbright Student Researcher. Fieldwork was undertaken by Teresa Le, Rio Holaday and Zaheera Jinnah in South Africa and Leonida Odongo in Nairobi.

This study was made possible by a grant from Hivos and the Institute of Social Studies in The Hague.

Aurelia Kazadi Wa Kabwe-Segatti and Tara Polzer are thanked for their comments and contributions to this study.

Finally, thanks to the individuals and organisations who participated in this study.

Executive Summary

The ability of migrants to successfully move, work, and seek protection depends on their ability to and strategies adopted in accessing claiming rights. This study documents and explains migrants' individual and collective efforts in mobilising for their rights and the attempts of organisations to do so on their behalf in three cities in South Africa and in Nairobi, Kenya. This report contains six sections; after a short introduction, section two reviews the literature on migrant mobilisation. Access to resources, social networks and political opportunities all play a key role in migrant mobilisation. In South Africa, there appear to be benefits in not mobilising, which include not being deported and not having reciprocal responsibilities which come with rights. Though South Africa has an active civil society sector, migrant issues do not occupy a visible part of the national agenda with the exception of a number of litigation cases on behalf of refugees. Furthermore, there is a key gap in national level advocacy-oriented organisations. The third section presents the findings of individual mobilisation amongst migrants in South Africa. Migrants are generally not mobilising for rights citing lack of documentation, discrimination and language barriers as key obstacles to claiming rights. Migrants also have minimal interaction with state institutions, NGO's and migrant-led organisations. The fourth section discusses collective mobilisation in South Africa. Most organisations can be distinguished into four broad categories; international agencies and non governmental organisations (NGO's), national South African led NGO's, smaller migrant-led NGO's and community based organisations (CBO's) and faith based organisations (FBO's), with differing levels of resources, target groups and mandates. Almost all organisations do not have a clear mobilisation strategy or target citing limited funding for migrant related work, language problems, lack of resources and insufficient platforms for mobilising as key reasons for not mobilising. Collaboration in the migrant sector is limited; a lack of trust between the stakeholders and an unclear role of the state and international agencies has created a fragile and fragmented sector. The fifth section presents selected findings of individual and collective mobilisation from Nairobi. Similar to the South African study, most migrants have minimal trust in and reliance on institutions and organisations. Collectively, most organisations have a different understanding of mobilisation from each other and have limited resources to mobilise. Most of the organisations' work is limited to the refugee camps, hindering the integration of migrants' rights within a broader discourse on development and human rights.

Section 1: Introduction and Methodology

This study by the Forced Migration Studies Programme focused on the structures and strategies in claiming migrant rights in Southern Africa. This regional study focused on three South African cities; Durban, Johannesburg and Cape Town and Nairobi, urban centres with significant non-national populations, and attempted to document and explain migrants' individual and collective mobilisation for rights and the attempts of other groups to do so on their behalf.

This report covers the following main research questions:

Migrant mobilisation

- How do migrants mobilise?
- What are the aims of and strategies adopted by migrants in mobilising?
- How do migrants access rights and services?
- What informal ways of accessing rights can be identified?
- To discuss the relationship between migrants and organisations working on their behalf
- Why are migrants not mobilising?

The role of civil society

- What role do organisations play in migrants accessing rights and services?
- What types of organisations are working with which groups of non-nationals in each city and to what end?
- What is the capacity of these organisations?
- What services are they providing?
- What success have they had?
- Why are migrant organisations not visible and active?
- How do the organisations working on migrants' behalf understand mobilisation and migrants' rights?
- What are the gaps in the sector?
- What is the level of collaboration amongst organisations?

Methodology

This report is based on interviews with organisations run by migrants and those working on their behalf in Durban, Cape Town, Johannesburg, and Nairobi conducted between July and October 2009; individual open ended interviews with a small group of migrants in Johannesburg and an analysis of two existing Forced Migration Studies Programme data sets, which are the African Cities Dataset (ACD) and the Vulnerability Study (VS). The bias toward the South African context is recognised.

Section 2: Background

Introduction

This section reviews the relevant literature on migrant mobilisation. It comprises three parts; first a review of migrant mobilisation theory and action in South Africa, Kenya and elsewhere which examines the nature, form and target of migrant mobilisation, thereafter an analysis of the nature of the civil society sector in South Africa and Nairobi including gaps and challenges and lastly an institutional analysis which identifies who allocates rights in the South African context and how the main state and non state actors relate to each other.

The nature and target of migrant mobilisation: theory and experiences from South Africa, Kenya and elsewhere

Social movement theory identifies four key factors in individual and collective action; resource availability, political opportunities, collective identity and social inequalities (Chazan, 2006:9). Looking specifically at migrant mobilisation, Odmalm (2004) identifies four similar factors that affect migrant mobilisation: resources, national and institutional opportunities, modes of incorporation by institutions and migrants' socio-economic class. These analyses provide a convenient starting point for a discussion on mobilisation literature; for they demonstrate that similar and overlapping factors play a role in different types of mobilisation. Much of the reviewed literature focuses on four similar themes; resources, political opportunity, social and ethnic networks and social, economic and political inequalities as targets of mobilisation. The following section will address these four areas, along with the benefits of inaction.

Resources

Resources play a key role in individual and collective action. As Tilly (1978) notes, migrant mobilisation—which is defined as collective action to promote or protect a group's interests—is dependent on resources and relationships. The group's effectiveness is impacted by its ability to acquire, manipulate and use resources; the relationships it creates with those around it and the context within which it functions (Tilly, 1978). Resources include people, money and legitimacy (McCarthy and Wolfson, 1996).

Resource mobilisation theory emphasises the relationship between the amount and type of resources available, and the success of collective action (Cress and Snow, 1996 and Jenkins, 1983). Resource mobilisation is a key influence on the emergence, growth, impact and form of movements (McCarthy and Wolfson, 1996:1071). In particular, agency, strategy and organisation affect the success of mobilisation. Agency is defined as the volume of effort; strategy as the choice of action or inaction within the three key spheres of public education, direct services and structural change and organisation as the form of leadership and work undertaken. (McCarthy and Wolfson, 1996)

Political opportunity

Migrant mobilisation can also be affected by the political context within which it occurs. Koopman (2004) demonstrates that migrants are more likely to claim rights from their host countries in environments with high rates of naturalisation and integration; conversely, migrants remain involved with homeland politics when there are fewer opportunities for naturalisation and integration. Additionally, a political opportunity approach to collective action asserts that political mobilisation can occur in three areas; participation in public debates on issues of migration, involvement in politics of home countries and claims for rights in host countries (Koopman, 2004).

Favorable political environments are also those in which migrants are considered a powerful stakeholder. In Southern Europe, for example, the reliance of the national economy on migrant labour has favoured migrants in their demands as industries placed their weight behind migrants' calls (Poros, 2008:16120).

Social networks

Social networks are central to migrant mobilisation. Massey et al (1998) defines migrant networks as "Sets of interpersonal ties that connect migrants, former migrants and non migrants in origin and destination areas through ties of kinship, friendship and shared community of origin" (42). These ties serve as a rallying force for migrants to organise and claim rights. Networks are also useful because they often rely on non-formal sources for functioning (McCarthy and Wolfson, 1996:9), meaning that they are often more flexible than traditional channels of organisation.

Studies have shown that migrants organise informally along kinship and ethnic lines and that such networks and contacts are useful sources of information, support and protection. The most comprehensive study on migrant organisations in South Africa looked at Congolese associations (Amisi, 2006). This study found that Congolese organisations have formed along ethnic and tribal lines replicating the political and ethnic ideologies back home and are largely concerned with political affairs at home than with issues of rights and integration in South Africa. As with Congolese associations in Durban, migrants in Europe have formed along ethnic lines.

Although ethnicity is used initially in forming associations, the future of such collaborations is uncertain. On the one hand, collective action and political mobilisation tend to have broader notions of inclusion. In Spain, for example, Moroccan workers formed an Immigrant Workers Union that included both interpersonal and ethnic ties. On the other hand, a shared ethnicity does not necessarily make for shared goals. Though British Asians have largely mobilised for migrant rights along ethnic lines, Statham (1996) found that lack of a common political interest and opportunity amongst different migrant groups could have a negative impact on long term mobilising. More information is needed on how this is done and to what extent it is successful.

In some cases, migrant communities are too fractured to organise along ethnic lines. Hopkins (2006) found that despite a large Somali community in London, collective mobilisation has been limited, primarily because of tension among different clans as well as limited funding. Despite numerous Somali organisations in the city, some Somalis distrust and avoid them because the

organisations prioritise clan and political interests over service delivery and care (Hopkins, 2006).

Targets of migrant mobilisation

Studies have shown that mobilisation tends to focus on inequalities in the host country. Socio-economic self-sufficiency and political protection are primary targets of migrant mobilisation. In a study on Somali organisation and livelihoods in Nairobi, Campbell (2006) found that Somali migrants organised specifically to protect their economic interests and to ensure that their livelihoods were secure using social networks as a strategy for support. In her work on the experiences of urban refugees, Jacobsen (2006) emphasises the action that urban refugees and economic migrants take in order to create spaces for work. She (2006) also argues that the state needs to foster the self-integration of migrants by facilitating access to documentation and protection. Finally, a study on Somali organising in London and Toronto suggests that migrants organise as a defense mechanism against the state (Hopkins, 2006). This finding challenges the perception that Somalis only go to Somali organisations for help, raises the issue of political dynamics and divisions within migrant organisations and questions how these fissures lead to mistrust and a weakening of the collective voice (Hopkins, 2006:370).

Migrant inaction

Finally, there are benefits to a lack of mobilisation. First, self-exclusion from the political arena can benefit migrants who wish to fly under the radar of immigration officials. If migrants do not visibly organise, they avoid skirmishes with state agents over documentation and deportation (Amisi, 2006; see Landau and Haupt, 2007:12 and Landau and Monson, 2008:315). Second, with rights come responsibilities. By not claiming rights, migrants avoid being obligated to their host countries. Both Amisi and Ballard (2005) and Landau and Haupt (2007) suggest that in South Africa, migrant organisation tends to be strategic and purposeful rather than committed to obligations and responsibility.

Dynamics of civil society in South Africa

The 2006 Hopkins report indicates that the post apartheid civil society sector in South Africa is both large and active. The report shows that there are some 58 000 organisations in the country, of which 32 000 or 55% are informal and voluntary CBO's. Formal NGO's account for just 17% of the sector. The study did not specify migrant organisations. Despite its active presence and participation, however, the civil society sector is fragmented. Uncertainty over the exact role of civil society *vis a vis* a democratic government; competition for funding, as many foreign donors have either pulled out of South Africa or opted for bilateral agreements with the government and a shortage of skills and resources have all contributed to the fractured state of civil society. The migrant focused organisations are not dissimilar (Amisi and Ballard, 2005:2).

In South Africa, social movements have mobilised to claim rights with varying degrees of success through targeted lobbying, protests and litigation (Amisi and Ballard 2005:2). The Treatment Action Campaign has perhaps been the most successful in this regard in claiming the right to health care for people who are HIV positive. (See Greenstein, 2003) It is difficult to understand why this has not happened in the migrant sector. Three propositions are put forward; firstly the lack of a single unifying body under which the diverse migrant groups can organise,

secondly the lack of awareness of rights and the changes in policy which have made claims difficult and thirdly the reciprocal responsibility which these rights can give rise to have been embraced by all.

Over the past decade, there have been a number of strategic litigation cases with and on behalf of refugees in South Africa by national NGO's such as Lawyers for Human Rights, the Wits Law Project and others. These cases have focused on issues of arrest, detention and deportation, refugee status determination and socio-economic rights.

Apart from litigation, mobilisation for migrants' rights has remained largely absent from the national agenda. Palmary (2006) identifies two main gaps in the migrant sector; a lack of a focus on advocacy and migrants' access to socio-economic issues. Furthermore, there are a relatively small number of organisations working for, with or on behalf of migrants. Amisi and Ballard (2005:25) identify four types of NGO's that work with migrants in South Africa; service providers, refugee forums, networks and coordinating bodies and, lastly, small civil society organisations and political parties which are self run and formed on ethnic lines.

One exception to the lack of representation of migrant groups in the civil society sector is the Consortium for Refugees and Migrants in South Africa (CoRMSA), a consortium of migrants' organisations tasked with promoting and defending the rights of migrants in South Africa. There are currently 18 members, which include FBO's, legal firms, research units and NGO's.¹ Two of the members, Tutumike and Durban Refugee Service Providers, are in turn networks of refugee service providers in Cape Town and Durban and have 11 and four members respectively.

Institutional analysis: who allocates rights in the South African context

Only 10–15% of the one million non nationals in South Africa seek protection from the state from violence, oppression or persecution (Palmary, 2006:10). In a country that has seen violent instances of xenophobia attacks; the absence of state protection is significant. How do the majority of migrants—as many as 90%—protect and defend themselves? Similar arguments can be made for nationals, but issues of documentation and discrimination further impedes access to formal protection for non-nationals.

Civil society organisations are not the apparent answer. The African Cities Survey by FMSP shows that NGO's play a small role in migrants' lives in Johannesburg and Nairobi. Most have not gone to the police in the event of a crime and many feel that there is no recourse. FBO's seem to be providing immediate services and care to migrants—particularly in the aftermath of the May 2008 attacks—but their role, state of resources and mandate is not clear.

There is a notion that citizenship enables an individual to make claims from the state. However, this reasoning is somewhat idealistic as the state has failed in basic service delivery such as housing, water and health care to South Africans and migrants. The situation is similar in Kenya. Within a context where the state has not protected migrants within its borders, what does citizenship mean and is it desirable for migrants? Although documentation is important in order to access services, and the power of the Departments of Home Affairs (DHA) and Refugee Affairs—who are responsible for issuing such documents in South Africa and Kenya respectively—remains strong, studies in Johannesburg, Cairo and Nairobi show that

¹ www.cormsa.org.za

documentation does not improve the condition of migrants or refugees. (Jacobsen, 2006). Despite the lack of service delivery for migrants and hosts, the state remains an important player in migrant affairs. At a national level, immigration policy determines the type of documentation a migrant can obtain and the level of services it can receive from the state. Consistent and clear migration policy is needed at the national level to manage migration better and ensure that migrants' rights as outlined in the Constitution and international treaties are protected.

However, it is at a local level that migrants, the state and other actors interact within and outside policy to obtain such documentation and claim other social and economic rights. In South Africa, local level relations between the state, civil society and migrants are key in any discourse on migrant rights. Although the national DHA regulates migration, municipalities exercise power over the everyday lives of migrants. The strategies which migrants adopt in negotiating with these gatekeepers of power are important in understanding how rights are claimed. The local power dynamics, levels of knowledge about rights and degree of protection that migrants feel in local communities affect their ability to claim rights from local level institutions and structures. Evidence from Tanzania shows that Burundian refugees drew on their common ethnic identity to identify and integrate with their Tanzanian hosts (Malkki, 1995). Mozambiquans who settled in Shona-speaking South Africa similarly used their common ethnic and language identity to settle, integrate and eventually claim some sort of protection (Polzer, 2008). Drawing on kinship, ethnic or religious ties can thus be a means to negotiate access to spaces where rights can be claimed.

Local power dynamics influence how migrants access services (Polzer, 2008). In her paper promoting local integration of refugees, Polzer argues that refugees claim rights through a multitude of identities including ethnic, kinship and political ties and that those claims are rooted in a local context of power. It is at a local level where this is most profound and contested. Some assert that local level identities are more easily adopted by migrants than national ones (Koopman, 2004). Polzer (2008:9–12) identifies key local actors as those who have an active presence in the area and who can influence the local conditions in which refugees live (2008:10) which include the state and international organisations.

The relationship between state and migrant organisations rests on the presence of an active civil society sector to raise and promote the rights of excluded groups. This is particularly relevant in the context of xenophobic and ethnic violence which has plagued South Africa and Kenya recently. However, the level of autonomy, authority and legitimacy that civil society has and claims affects its ability to perform these tasks.

Another key player in the civil society sector is the donor. Access to adequate funding and negotiating the conditions which it imposes is critical in shaping the effect of civil society. In Sweden, the Chilean 'Victor Jara' Association and, to a lesser extent, the Iranian-Swedish Association are migrant-led but the direct funding provided by the state allows the government to influence the agendas of these associations. The role of donors and the relationships between donors and civil society needs more attention.

Conclusion

Migrant mobilisation is referred to as collective action to protect and promote a group's interest. Globally, migrants have mobilised along ethnic and national lines using social networks as a means to reach and organise more people. In South Africa, migrants have not mobilised

significantly to claim rights. The different levels and branches of state and donors shape the context within which migrants move.

Section 3: Discussion of Findings: Interviews with Migrants in Johannesburg

Introduction

This section is based on five group interviews with 20 migrants in Johannesburg (the interview guide appears in Appendix A), an analysis of the African Cities Survey data set—which surveyed 867 migrants and locals in Johannesburg in 2006—and an analysis of the Vulnerability Study. It is important to note that all interviews were held at a specific institution, referred to in the report as the ‘Centre’ which biased the findings to an extent as there are more opportunities for interaction with service providers given the high levels of activity at the Centre. Nevertheless, the perceptions of mobilising and reflections on the relationships with organisations provide interesting material.

Composition and demographics of respondents: Johannesburg²

• Gender	
• Men	• Women
• 12	• 8

Table 1: Gender distribution of respondents

• Country of Origin		
• Zimbabwe	• Zambia	• Kenya
• 18	• 1	• 1

Table 2: Country of origin

• Type of Documentation		
• Asylum	• Undocumented	• Passport
• 14	• 5	• 1

Table 3: Legal status of respondents

• Employment Status	
• Employed	• Unemployed
• 10	• 9

Table 4: Employment status

• Age Group		
• 18 – 19	• 20 – 29	• 30 – 39
• 3	• 11	• 6

Table 5: Age distribution

• Length of Stay in South Africa	
• 0 – 1 years	• 1 – 2 years
• 14	• 5

Table 6: Length of stay

² Note that not all respondents chose to answer these questions, so there are tables in which the numbers do not add up to 20 (the number of participants).

Target of mobilisation

Interviews show that migrants define mobilisation in two ways. On the one hand, mobilisation can be seen as unifying migrants and providing channels of support for each other, in which case it is viewed favorably. One respondent described the benefits of mobilisation as such:

“...if they [migrants who have mobilised] get problems, they quickly help each other or they quickly not fight each other...because you have an organisation. [If] I get in trouble, I know that I can quickly phone to somebody so that that group can come and help me.”

On the other hand, mobilisation can also be seen as an aggressive or political act, in which case it is viewed unfavorably. As one respondent explained, migrants are seeking peace, not conflict, in South Africa:

“...the idea of coming to South Africa is not for war but for refugee [sic].”

In other words, migrants recognise that peaceful organisation can benefit them in South Africa, while aggressive mobilisation might make a precarious situation even more so.

Despite favorable attitudes towards mobilisation, migrants have not initiated or engaged in acts of mobilisation. According to interviews, there are three main challenges to migrant mobilisation. The first challenge is time; migrants are forced to prioritise employment over mobilisation. As one respondent noted,

“...people don't spend their time searching for help, they spend their time searching for jobs, searching for money instead. So there could be some help outside there, but unfortunately people, they don't have that time to look for that help.”

Another challenge is that undocumented migrants face the risk of deportation. One respondent explained that the fear of deportation leads some to accept, rather than protest, rights infringements:

“So because of that fear, we tend to just keep quiet and say like, okay I can just let this pass.”

This finding supports Amisi and Ballard's (2005) argument that refugees tend to not mobilise for fear of deportation. The third challenge to mobilisation is that many migrants believe that:

“The only way to solve problems is to go home.”

Considering that very few migrants have mobilised, this defeatist attitude does not seem to stem from negative experiences with mobilisation as a problem-solving tool. Instead, it seems to be an ingrained attitude that is in direct contrast to—and a direct challenge to—the positive view most respondents have of mobilisation. This might be seen as a “discourse of self-exclusion” professed by urban migrants (Landau and Monson, 2008).

When asked what they would hypothetically mobilise around, respondents listed issues like police harassment and lack of knowledge of the laws/rights, suggesting that access to protection and basic services are the key issues facing migrants in South Africa today.

Means to achieve objectives

Migrants interviewed tend to access rights through organisations that either have an established presence at or make regular visits to the Centre where they stay. For example, respondents have access to free shelter, primary education provided by the local school and health care provided by a mobile clinic run by an International NGO. Furthermore, respondents noted that there are organisations that come to the Centre and distribute items like blankets, food, toiletries and clothing. It is important to note, however, that access to services is not equivalent to satisfactory receipt of services. Many respondents cited the overcrowded and unsanitary conditions at the Centre, the inability to pay for school uniforms and discrimination faced when referred by an International NGO to larger hospitals, based on nationality and documentation status.

Organisations that respondents mentioned are listed below in alphabetical order. It is important to note that the majority of respondents were unable to recall the names of organisations that they had received help from. Several mentioned that in addition to the organisations listed below, help had also come from churches, a soup kitchen and locals who owned shops nearby.

- Coalition Against Xenophobia
- First National Bank
- International Organization for Migration
- Jesuit Refugee Services
- Medicines Sans Frontieres
- Methodist Church
- Refugee Fellowship
- Sangoco
- Sawema
- Solidarity Peace Trust
- United Nations
- United Nations Childrens Fund

Respondents identified five main disadvantages to their methods of accessing rights. First, money is a large factor in accessing rights such as housing outside of the Centre and schooling. For example, although children can attend school for free, respondents explained that they still need items like uniforms:

“...they could go to school without uniforms but then you will feel like a fish out of water if you don't have uniforms.”

Second, documentation is necessary for housing, schooling, opening a bank account, employment, medicine and more. But even with documentation, it is easy to be harassed. One respondent explained,

“... even if you do have papers, you can still be arrested. Whereas if you have 200 rand, you won’t be arrested. So papers help sometimes and don’t help other times.”

A third disadvantage is that response time is very long. According to respondents, five or six months can pass before an organisation provides aid to an applicant. This also affects employment; many migrants end up taking jobs which they are overqualified for because it takes the government a long time to assess qualifications. A fourth disadvantage is discrimination based on documentation status and nationality, especially in hospitals. For example, many respondents explained that if they called for an ambulance in English or gave the Centre’s location, then the ambulance would take three or four hours to arrive. Thus, some migrants have taken to calling for an ambulance on a different street or enlisting a Zulu-speaker to call for them. Finally, respondents said that a lack of awareness of rights is a large challenge to accessing rights. As one respondent explains,

“Three quarters of the people, they don’t know their rights, they don’t know where to run when they have problems. So all of us, in fact, three-quarters of the people, they tend to accept each and every thing that comes towards their way....”

It is interesting that respondents identified issues outside of their control as disadvantages to their methods of accessing rights. From an outside perspective, one of the most dangerous shortcomings is overdependence on the Centre, its Head and the organisations that actively seek out migrants. Many respondents stated that the Head and the Centre were their first and last lines of defense against rights infringement:

“[My protection] is him only. If I have some big problem, if whatever, I go to the [Head].”

Furthermore, respondents seem to have accepted that their contact with organisations is in the form of organisations visiting the Centre; migrants do not seem to initiate contact with organisations that exist outside of the Centre. As one respondent says,

“Myself, I haven’t received any enlightenment as to who I should approach if I need help.”

Furthermore, few respondents could name the organisations that visited the Centre and provided items, as mentioned above. This implies that a lasting relationship between such organisations and the migrants at the Centre has not been created.

Collaboration and mobilisation

According to respondents, collaboration in the migrant sector does not exist, whether between migrants and South Africans or between migrants and other migrants. The majority of respondents attributed the lack of collaboration to a lack of trust, based on both economic and safety reasons. Some respondents claimed that South Africans took advantage of migrant workers, while others said that the police beat migrants for no reason. Citing the 2008 xenophobic attacks, one respondent said,

“We trusted them, they betrayed our trust.”

Others believe that South Africans are not inclined to collaborate with migrants because other South Africans will be angered if it seems like migrants are receiving more assistance than South Africans. It is also important to note that some migrants refused to make a blanket statement about whether or not they trusted South Africans. One respondent cited the humanitarian response from some South Africans during the 2008 xenophobic attacks:

“Not all South Africans are bad. Other ones they are nice, other ones they are not nice. Because if you see like that time of xenophobia, other people they bring us food here and clothes, so I—what can I say, it’s only half-half.”

As for other migrants and other Zimbabweans, the lack of trust seems to be based solely on a competition for money. One respondent describes the attitude among migrants as,

“...I’m here to look for money for my family, leave me alone.”

As another respondent explains,

“It’s getting to be so difficult to trust anybody. From what I’ve seen happening to—to other guys and, like I was saying, I have seen Zimbabweans robbing other Zimbabweans, Zimbabweans stealing [from] other Zimbabweans, and I’ve seen some encounters between South Africans and Zimbabweans. So it’s just not easy to trust anybody so far.”

Some migrants felt that organisations are not able or interested in helping with long term solutions; they view these organisations as resources for assisting with immediate problems.

“There are a lot [of organisations], they come, and they give their help, they go. When they see that they need to come, they come and they give their help and they go.”

However, the distrustful attitude towards both other migrants and South Africans seems to disappear in a different context. As one Zimbabwean respondent says,

“Myself, I’d always trust South Africans when I was at home.”

Thus, it seems that the economic desperation of migrants, combined with the scarcity of jobs in the city, is the reason for a lack of trust, and thus lack of collaboration, among migrants in Johannesburg.

Conclusion

The respondents to this study are not mobilising due to issues of trust and fear of deportation. Due to the specific context in which they live, there is an overreliance on established organisations to provide basic services. There does not appear to be any significant desire to self mobilise or seek out other avenues to meet their needs. Language barriers, lack of trust and documentation were listed as key issues for migrant survival, integration and mobilisation.

ACD—Johannesburg

Statistics from the African Cities Database show that migrants in Johannesburg neither approach, support nor receive significant help from organisations designed to aid migrants, refugees and inner city residents.

- 100% of migrants surveyed report that they do not receive food, aid or other forms of support from international organisations, churches, locals or other sources
- 98% of migrants do not support police or security committees
- 98% of migrants do not support organisations run by migrants, refugees and/or inner city residents
- 97% of migrants do not support organisations that work with migrants, refugees and/or inner city residents; it is interesting that twice as many South Africans support these organisations (though still a low number)
- 98% of migrants have not visited UNCHR offices
- 92% of migrants do not support cultural organisations
- 77% of migrants have not been to an NGO or church group that works with migrants

In light of these numbers, it is interesting that a higher percentage of migrants support religious organisations, rotating credit associations/stokvels and sports clubs. The number of migrants who support rotating credit associations/stokvels and sports clubs is small, but it is still higher than the percentage of migrants who support migrant-oriented organisations.

- 50% of migrants support a religious organisation; there is an interesting variation between national groups; only 10% of Somalis support a church or mosque group, compared to 59% of Mozambiquans and 70% of Congolese
- 15% of migrants give money to rotating credit associations/stokvels
- 11% of migrants give money to sports clubs

A significant percentage of migrants feel that they have no place to turn when they are in need, while a smaller percentage of migrants rely on social networks, such as family and friends, as well as privately funded help, such as lawyers. Less than 5% of respondents indicated that they would approach either a domestic or international NGO or aid organisation, religious organisation or organisation run by migrants from their home country for help.

- To borrow R500:
 - 36% of migrants would approach a friend
 - 55% of migrants either feel that there is no place to find help or do not know where to find help
- To borrow R5000:
 - 17% of migrants would approach a friend
 - 75% of migrants either feel that there is no place to find help or do not know where to find help
- For legal advice:
 - 42% of migrants would approach a private lawyer
 - 29% of migrants either feel that there is no place to find help or do not know where to find help
- If there was trouble with the police:
 - 36% of migrants would approach a private lawyer
 - 45% of migrants either feel that there is no place to find help or do not know where to find help
- For accommodation:

- 42% of migrants would approach a friend
- 36% of migrants either feel that there is no place to find help or do not know where to find help

Migrant networks are small and do not effectively address migrants' needs once they are settled in Johannesburg. Most migrants access social networks before and during their move to the city, and some will approach friends for small loans or help with accommodation after they are settled. However, few receive help finding employment, which is the main impetus for migration to Johannesburg.

- 15% of migrants work for a migrant of the same country of origin
- 18% of migrants received help with employment when they first arrived
- 24% of migrants received help buying tickets or with travel arrangements to Johannesburg
- 24% of migrants provide loans to others in South Africa, which is over twice the number of South Africans who loan money to others (there is also a significant breakdown among national lines; 52% of Mozambiquans provide loans, compared with an average of 25% of other migrants)
- 35% of migrants received help with transportation money to Johannesburg
- 57% of migrants received help with accommodation when they first arrived in Johannesburg
- 61% of migrants received general information about Johannesburg

Conclusion

From the ACS, it appears that migrants are not seeking help from organisations or social networks upon arrival in Johannesburg. The overwhelming feeling amongst migrants is that there are no institutions to turn when they need help.

Section 4: Discussion of Findings: South African Organisations

Introduction

This section is based on organisational interviews with 24 South African based organisations that are working on migration related issues. A table of organisations that consented to being identified in this study appears in Appendix B and the questionnaire in Appendix C were structured around five parts; a history of the organisation, its organisational structure and capacity, main activities, collaboration and perception and experiences of mobilising.

Who are the main organisations working in the migrant field?

The civil society sector that is working on refugee and migrant issues in South Africa is relatively small. Broadly, they can be divided into four groups with the exception of one government office; 1) international donors and NGO's, 2) national NGO's formed and run by South Africans who have migration or refugee issues as one of their programmes, 3) migrant formed and led CBO's or smaller NGO's which are less established and formalised than Group 2, 4) FBO's, some of which also have NPO status, and one local government office. The distinct levels at which these organisations work have created structural limitations for collaboration.

The activities, structure, focus and resources of these differ. Discussion will follow based on these groupings.

A total of 24 organisational interviews were conducted with a range of organisations in South Africa.

Group	Type of organisation	Number of organisations
1	International donor, organisation ³	3
2	National NGO	7
3	Migrant- led CBO/NGO ⁴	8
4	FBO	7
	Local Government	1
	Total	26

Table 7: Composition of respondents South Africa (organisational)

Group 1: International donors and organisations

History of organisation

Organisation	Number of years in operation in SA
1	1980
2	1997
3	Not known

³ Two of these organisations failed to respond to numerous requests for interviews therefore information is based on desktop research only.

⁴ Six of these organisations were interviewed by colleagues from FMSP for another project.

Table 8: Group 1: number of years in operation

Of the three organisations, two are international agencies and the other is an FBO. All have offices in most continents, and two of the three have operated in South Africa for more than a decade.

Organisational structure and capacity

The structure of the agencies differs; generally, international offices are either regional or country offices with different levels of authority and budgets. The number of staff and level of skill varies from 50–75 and includes administrative, financial professional and support staff.

Main activities, target group, geographical location

All organisations are working nationally and based in Gauteng. Two of the three work through local implementing partners and provide technical assistance to the national government. The main activities are centred on emergency relief, research, voluntary repatriation and integration and access to services. The FBO has a specific mandate to work with the poor and vulnerable and provides emergency and material relief for up to two months to those in need. It has a community-oriented approach, whereas the international agencies work more at a national level. Two of the organisations work only with refugees, the other with migrants and refugees.

Collaboration and mobilisation

None of the organisations appear to have close relationships with FBO's, local NGO's and CBO's. There is a sense that national level collaboration between themselves and government is good, but this has not translated into close working relationships on the ground. One organisation feels that the discrimination and the daily fight for survival amongst migrants on the one hand and scarce resources amongst organisations on the other has pushed large scale mobilisation into the background. The external agenda setting of these organisations coupled with senior staff who are often do not have extensive experience in the South African context, has impeded the legitimacy and impact of these organisations and isolated them from many local NGO's, FBO's and CBO's .

Group 2: South African-run NGO's

History of organisation

The vision and founding rationale of these organisations is rooted in particular areas of social and political justice which also form their core focus. These areas include anti-apartheid struggles, gender violence and access to legal protection. Most of these organisations have been established for more than 20 years although they have only begun working in the migrant and refugee area since 1998. All have formal NGO status.

Organisation	Year of establishment	Year began working on migrant issues
4	1989	1998
5	2006	2007

6	1955	2005
7	1921	Not known
8	1979	Not known
9	1979	Not known
10	1998	1998

Table 9: Group 2: number of years in operation

Organisational structure and capacity

Generally, organisations falling in this sector are better funded and resourced than migrant-led organisations. Five of the seven organisations have international funders whilst the other two rely on private donations and smaller grants. The organisations have functioning boards, clear structures, defined programmes, more staff with higher skills and less of a reliance on volunteers. They also have stronger linkages into existing government and NGO forums than migrant-led organisations.

Main activities, target group, geographical location

The main activities of these organisations include working toward the eradication of gender violence, trauma counselling, disaster management, home based care for HIV, advocacy and lobbying, capacity building of service providers and legal assistance and litigation. None of these organisations work exclusively on migration issues; rather migrants and refugees are mainstreamed into the organisations' overall programme and target groups.

Most of the organisations work at a national level with field offices across the major cities in South Africa. They work with South Africans and non-nationals. Two of the seven work only with refugees and asylum seekers due to donor conditions.

Collaboration and mobilisation

Most organisations work actively with local and national government departments and local FBO's and NGO's in their area of locality to refer clients for support and services. Most find such relationships useful as it allows them to stretch resources and reach more people. In most cases, collaboration has not extended beyond the referral system.

Some of the challenges identified for mobilising in the migrant sector include insufficient resources and funding; lack of national coordination amongst organisations; high levels of distrust amongst migrants, organisations and government; language barriers; the difficulty of working with large and diverse groups of people; the relatively short time that migration issues have been on the national agenda and therefore a lack of awareness or knowledge on how to deal with it and a lack of strategic partnerships with media and churches.

Migrant mobilisation is understood in different ways; some organisations see it as a government supported initiative whilst others feel civil society or even migrants themselves need to take the lead. However, most agree that the target of mobilisation includes a clear and consistent national policy on migration, easier access to documentation and fostering awareness and understanding on the rights of migrants.

Key national actor

This organisation was established in 1998 in response to an identified gap in national level coordinating and advocacy-oriented functions for the migrant and refugee sector. The organisation has three full time staff—one of the key challenges to operating—and is tasked with coordinating the sector and informing policy. There are two programmes; protection and access to services. The organisation is funded by international donors and other NGO's.

It has good relations with government and most other service providers and creates a platform for harnessing a joint response to migration issues. However, due to the diversity of the sector, it is often difficult to agree on one response, and divisions within the membership has hampered impact. There is insufficient collaboration with the faith based sector, which represents many migrants, and can therefore be a potential area for mobilising. As it works at a national level there is inadequate engagement with migrants and migrant led organisations. As the organisation is based in one locality and has a small number of staff activities in other areas of the country, its impact is limited.

Competition for funding and the lack of institutionalised working relationships in the sector has resulted in many organisations working against each other or duplicating services.

Group 3: Migrant-led organisations

History of organisation

All the organisations interviewed were started by migrants to respond to socio, economic and political inequalities facing them in South Africa. Many were spearheaded by one or two individuals who did not find assistance from NGO's or the state and felt a need to establish a body which would represent their interests. All, with the exception of one—which was started earlier—were established between 2005–2009. Six of the eight organisations were formed on national and ethnic lines. The other six have a broader Pan-African base. Six of the organisations are registered as non profit organisations (NPO's)⁵. The status of the other two is not known.

Organisational structure and capacity

Most of these organisations have a weak organisational structure and weak and limited capacity. All have less than 15 staff, many of whom have multiple roles, and often the founder acts as chairperson or director. All claim to have boards, but their function is not well articulated. Seven of the eight organisations do not have stable or long term funding from recognised donors. Most rely on membership fees to sustain their activities and have short term partnerships with other NGO's or government to implement specific projects. One organisation has an international funder.

Main activities, target group, geographical location

The range of activities is diverse and includes the following:

- Skills training for entry into business and employment

⁵ NPO's exist to serve some public interest and do not operate to make a profit. NGO's are non governmental bodies that include NPO's.

- English classes
- Peace building and integration by integrating migrants and locals in community groups
- Emergency and material relief
- Marches, learning-sharing dialogues, advise South African government on Zimbabwean issues
- Protesting against the xenophobic attacks
- Mobilise all migrant organisations
- Work toward a non-xenophobic South Africa by promoting African culture, education and cultural exchanges
- Promoting the interests of the Somali community in South Africa in relation to protection and documentation
- To work toward development in the DRC

Broadly, the range of activities can be summarised into three themes; contributing to national interests in the home country, facilitating access to services and protection in South Africa and working toward integration in host communities.

Most organisations are based in Johannesburg; some have satellite offices and/or representatives in other cities in South Africa. Most claim to be reaching thousands of migrants either through direct membership or via church activities, internet groups and community forums.

Collaboration and mobilisation

Most organisations have had negative experiences in working with government and civil society in South Africa, citing issues of legitimacy and distrust as the major stumbling blocks in establishing working relations. Some are outwardly hostile toward the United Nations High Commissioner for Refugees (UNHCR):

“For them [UNHCR] a refugee is an imbecile.”

“Many international organisations employ people who have no knowledge of the context on the ground and many have hidden agendas.”

“UNHCR is a corrupt body which benefits its ‘cronies’ only.”

Others sense a feeling of being taken advantage of by government to satisfy public opinion:

“Yesterday, a member walked into Luthuli House [ANC Headquarters in Johannesburg] and told people he represented the Malawian community in SA. They treated him like a big man and gave him ANC posters to distribute. He just went in to see what would happen.”

It is evident from the interviews that relations between the government, civil society and migrant communities are strained. Although there are cases of collaboration, these are at local levels and are mostly isolated and not formalised. What is encouraging, though, is the greater degree of collaboration within and amongst migrant communities, particularly following the May 2008 attacks.

Most concede that collective mobilisation has not occurred in South Africa on the scale that it should, due to insufficient collaboration due to competition for resources and status amongst stakeholders, lack of funding, inconsistent policies and bureaucratic and uncommitted and practices from government. Some of the key challenges to mobilising migrants include language barriers, distrust in the communities and lack of resources.

Some of the successes in mobilising have occurred through strategic partnerships with the media. This has led to increased publicity and credibility, access to funding and other crucial resources such as office space and access to telephones and internet.

Group 4: FBO's

History of organisation

Organisation	Number of years in operation	Number of staff	Status
11	2006	5 staff, 11 volunteers	NPO, FBO
12	1998	Not known	NPO, FBO
13	1996	7 staff, varying numbers of volunteers	NPO
14	Mid 1990's	13	Started as an FBO now NPO
15	1994	11	FBO now NPO
16	2002	5	NPO, FBO
17	More than 40 years	Not known	Church and NPO

Table 10: Group 3: history and organisational structure

All but one of the organisations was established after 1994 by various churches and other FBO's to respond to the needs of migrants and refugees who approached these institutions for assistance. All have NPO status and a further six identify themselves as FBO's as well. Most are Christian based, although one is interfaith.

Organisational structure and capacity

The size of each organisation is small with all having less than 15 staff. The typical structure includes a board or committee which has an oversight role, a director that is responsible for management and fundraising, an administrative and financial officer and programme staff which are comprised of social workers, auxiliary social workers, community workers and paralegals. Most state that they are under staffed and do not have sufficient professionals, particularly social workers.

Funding is a key challenge for all organisations; two of the seven are UNHCR implementing partners, and the remaining five are funded through a combination of private church donations, specific church funds and private donations. One has additional funding from the Department of Social Development. All cite lack of funding as the main obstacle to implementing their programme.

Main activities, target group, geographical location

The main activities and target groups of the organisations can be distinguished by the principal funder. The UNHCR implementing partners target only refugees and asylum seekers and focus their activities on:

- Weekly orientation sessions where information on the rights of refugees and access to services is given
- Limited material support based on need and availability of resources
- Psycho social assessments of all applicants and referrals to relevant service providers

The other five organisations target all non nationals regardless of status (one focuses exclusively on migrant women and children) and most offer one or more of the following services:

- English language classes
- Direct intervention with service providers and state institutions to facilitate access to services such as documentation, child support grants, education, health, etc.
- Direct service provision, mainly in the form of shelter, primary school education and material relief
- Specialised services such as trauma counselling
- Assistance with job placement

In addition to the above, one organisation has a specific focus on integration; its activities include children and youth groups and community workshops which target non nationals and locals.

Despite limited funding and insufficient staff, organisations seem to have a wide reach and most would like to expand their activities to reach more people given additional resources.

Organisation	Average number of people receiving direct services monthly ⁶	Geographic location
11	230	Johannesburg and Pretoria
12	Estimates 1000	Cape Town
13	Shelter to 40 women	Cape Town
14	700	Durban
15	800	Cape Town
16	500	Durban
17	More than 3500	Johannesburg

Table 11: Group 3: main activities and target group

Collaboration and mobilisation

Most organisations seem to enjoy credibility amongst migrants and sound working relations with local government and other local NGO's. Many work closely with each other at a local level and other NGO's through informal referral systems in order to stretch resources. At a national level, collaboration is weaker. Many do not work with national NGO's or government departments. The non-UNHCR funded organisations do not have a positive view of it with many stating that

⁶ Based on organisations' reported statistics; refers to the same group of people who are seen monthly.

they are uncertain of UNHCR's exact role. CoRMSA is seen to have an information function only with no substantive organising role. Several organisations discussed how repeated funding proposals to the Department of Social Development have been unsuccessful, and a general feeling of bureaucracy exists in dealing with national government departments such as DHA and Department of Labour.

All organisations, with the exception of one, feel that there is insufficient collaboration amongst stakeholders on migration issues. Most organisations have found it difficult to mobilise migrants due to language barriers, ethnic and national divisions, insufficient knowledge and skills and funding to mobilise and the lack of a common factor to mobilise behind. All agree that the key challenges facing migrants in South Africa are documentation and access to basic services such as housing shelter and work.

Generally, there appear to be more challenges than opportunities to mobilising with practical and structural problems been identified as key obstacles.

Key state actor

A local government organisation was established in 2007 by the Municipality in response to a need to address migration issues within the City's Integrated Development Plan⁷. There are currently seven offices spread across the city which have a total staff complement of eight full time personnel and five interns; full time staff are either social workers or have qualifications in management. A mayoral migration sub-committee provides oversight. The office has two main functions; firstly to provide direct services to walk-in clients and secondly community outreach activities and workshops to sensitise people on migrant issues. Approximately 100 and 1000 people are reached through each function per month respectively.

As a government office, there is reluctance among migrants to approach the office for fear of being reported. There is also a perception that it can provide material assistance which it is not in a position to do. Because of this role, however, the office is strategically placed to inform government on how to respond to migration issues. The challenges here, though, are the bureaucracies within government and the lack of communication between national-provincial-local governments.

Collaboration and mobilisation

The perception from the office is that there is insufficient collaboration and amongst migrants and that each migrant led organisation works for its own interests. There is a better relationship with the more established NGO's and the FBO's although collaboration is limited to workshops and joint public awareness events. The litigation against the City initiated by some NGO's has broken trust between local government and civil society to an extent.

It is felt that migrants and refugees have caused fragmentation amongst themselves by competing for resources. They need to unite and mobilise themselves, and there is also a strong feeling that migrants wish to remain isolated and can manipulate the state system for their own interests.

⁷ A municipal level planning document that all municipalities should develop and implement to achieve their developmental objectives.

Conclusion

The organisations interviewed for this study fall in four broad groups. Firstly, the international donors and development organisations that have global agendas, bigger budgets and more resources. Their main activities differ, from international relief to resettlement and establishing partnerships with government agencies. The second group are the more established South Africa based and run NGO's, many of which work on a range of developmental and human rights issues of which migrant and refugees interest is one. Some of the challenges that they face include lack of adequate funding and scarce skills. Their main focus is on access to rights and service provision and includes raising awareness of and facilitating access to specific rights such as health or education, and providing specialised and in-depth services such as legal assistance and trauma counselling. In most instances, services are available to all residents of the geographic area in which they operate including locals and all categories of non nationals. The third group consists of migrant led organisations. These have been established mostly in the past ten years and are marked by weak institutional capacity and limited, unstable funding. Some work with specific national groups whilst others work more broadly. Most have a local focus and have not had good relations with key state and national players. The final group consists of FBO's that have more of a relief and material assistance approach to their work. They work with all categories of migrants and seem to have credibility and a wide reach.

Section 5: Discussion of Findings: Nairobi

Introduction

This section is based on an analysis of the African Cities Dataset, which surveyed 755 migrants and Kenyans in Nairobi in 2007, and organisational interviews and/or desktop research with six organisations working on migration issues in Nairobi.

What is known about individual mobilisation and collective action

Statistics from the Nairobi ACD show that migrants have slightly more contact with state institutions and NGO's than those surveyed in Johannesburg, but that most do not seek assistance, support or information from these.

The majority of migrants in the Nairobi survey—83%—have refugee status, which is higher than the 48% in the Johannesburg survey, yet only 57% have visited the local UNHCR office, and 88% have not been to the local Department of Refugee Affairs. Despite recognised legal status, migrants are reluctant to approach the institutions set up to assist them. Most would seek support for work, advice, shelter and money from religious organisations, friends and family or feel that they there no available options.

- 58% have not been to an NGO
- 99% do not support any NGO for migrants
- 97% do not support any NGO run by migrants
- 97% do not contribute to social or sport club
- 98% are not part of any police forum
- 95% are not part of any community forum

As was the situation with migrants in the Johannesburg survey, respondents are more likely to approach FBO's or religious institutions when in need.

- 37% would go to a religious group for legal advice
- 53% support a religious organisation
- 60% would ask a friend for assistance if they need accommodation, 16% to a religious organisation and 2% to a migrant run NGO

Social networks

98% of migrants have been encouraged by family or friends to come to Nairobi or supported either through the provision of accommodation, general information on Kenya, or giving money to purchase a ticket. Almost three quarters of those sampled used money from family and friends to pay for their trip. For most, family or kin were the first contact in Nairobi.

First contacts Nairobi	Freq.	Percent
Did not know/did not respond	4	0.57
Local Kenyans	151	21.42
Kin or family member already in Kenya	319	45.25
Members of pre-migration community	84	11.91
People from country of origin	62	8.79
Kenya aid workers/NGO	28	3.97
Kenyan government officials	3	0.43
Religious leaders	6	0.85
Chiefs/village heads from home country	1	0.14
Chiefs/village heads from Kenya	1	0.14
Employer	12	1.70
Education institution	2	0.28
Other	32	4.54
Total	705	100.00

Table 12: First contact for migrants in Nairobi; Source: ACD

Most migrants would go to a friend if they need to borrow a small amount of money such as R500 (81%). For a larger amount of R5000, 34% would go to a bank and only 11 % to a friend. 20% feel there is nowhere to go.

Work

72% of migrants did not work on arrival in Nairobi. This improved somewhat after time, but 67% were still unemployed at the time of the survey and a small number—17%—were self-employed. If they did not work, 59% of migrants used their savings to support themselves, suggesting that self-sufficiency was more of a resource that organisations or networks.

Identity

Ethnic, tribal and religious identity is strong amongst the respondents and most would fight to defend these:

- 96% are proud to identify with their ethnic group identity
- 95% would fight to defend their home country
- 91% would fight to defend their tribe or ethnic group
- 83% would defend their religion
- 51% would defend Kenya

Collective action

A total of six organisational interviews were conducted in Nairobi and supplemented by internet based research. A breakdown of these appears below. A complete list of consenting participating organisations appears in Appendix D. Due to the small number of respondents, findings will be summarised and analysed as a whole.

Type of Organisation	Number
International NGO or agency	2
NGO	1
FBO	2
Migrant run NGO	1
Total	6

Table 13: Composition of respondents – Nairobi (organisational)

History of organisation

With the exception of one organisation, the respondents have been working on refugee issues for less than 15 years. This is higher than the South African cases. Generally, the FBO's have less of a developmental or human rights perspective in their mission than the other organisations. This is reflected in their mandate and activities.

Organisation	Year established	Mandate	Legal status
1	1951	Foster positive migration management that benefits migrants and locals	International NGO
2	1999	Entertain and educate refugees through film and media	International NGO
3	1996	Provide trauma counselling to refugees	FBO
4	2004	Missionary	FBO
5	1998	Promote and protect rights of refugees	Migrant-led NGO
6	1973	Facilitate access to the legal system for the poor	NGO

Table 14: History, mandate and legal status – Nairobi

Organisational structure and capacity

With the exception of one of the international NGO's, all the respondents have between 5–20 staff and make use of a varying number of volunteers. The FBO's are the least resourced in terms of staff, capacity and funding. Both FBO's have a staff of five who are skilled in theology. Their main funding is from member contributions and other churches. In contrast, the NGO's have skilled staff of between 11–20, comprising of lawyers, advocates, paralegals, sociologists and communication specialists and draw funding from international donors such as the UNHCR, US Government and other development oriented donors.

Main activities, target group, geographical location

The main activities of the organisation can be grouped into three broad categories; material relief, personal intervention and public interest. All organisations work in the two main refugee camps in Nairobi; Daadab and Kakuma.

Material Relief

This includes the work of mainly the two FBO's and comprises of feeding schemes, visits to the sick, motivational talks and emergency aid packages.

Personal intervention

All the organisations have some component of this in their programmes. Activities range from legal advice, assistance to obtain documentation and scholarships for education to psycho social intervention including trauma counselling.

Public interest activities

All the organisations work at some level on public interest issues. These include increasing awareness amongst refugees on their rights, interfaith dialogues to foster understanding and tolerance, intervention with police on arrest and detention issues, training of police and judiciary on the rights of refugees, policy review, monitoring the implementation of the Refugee Act 2006 and public interest litigation.

The number of people reached each month ranges from 150–400. In a city with a population of 96 000 legal refugees, most recognise that this is insufficient. Most organisations cite lack of funds and language barriers as the main obstacles to increasing their reach.

Collaboration and mobilisation

Mobilisation is understood in different ways; for some organisations, mobilising migrants means educating or empowering them. For others, mobilisation is about joint coordination and collaboration in the sector. For the latter, this appears to occur mainly for events rather than for systematic long term change on migrant issues.

There appears to be some collaboration between the NGO's, relevant government departments and international agencies on facilitating access to documentation and services. There is very little collaboration between FBO's and other actors. They do not seem to share the same platforms or work from the same mandate.

All organisations felt that more funding is needed to mobilise properly and that language barriers and ethnic divisions amongst migrants prevent proper collaboration. Working in camps is also challenging as people have restricted spatial movement and are reluctant to seek solutions for themselves.

All organisations felt that lack of documentation, social support and security were the key issues affecting migrants in Kenya and called for state led self-settlement and integration schemes to improve conditions for migrants and locals.

Section 6: Conclusions and Recommendations

Migrants have not mobilised significantly in South Africa or Nairobi at a collective or individual level.

Individual mobilisation

- Many migrants in South Africa fear deportation if they claim public spaces for protest, whilst others feel that addressing immediate needs like shelter and food are more of a priority.
- In Nairobi, living in refugee camps, with restricted movement and active service providers, hinders the opportunities for mobilisation and questions whether camps foster a dependency mindset. The interviews with migrants in Johannesburg who live in a closed “camp-like” context where agencies provide many free services also raised similar issues of a lack of agency on the part of migrants.
- In both countries, language barriers, documentation, lack of awareness of their rights, and lack of trust of state officials, donors, NGO’s and migrant-led organisations are listed as key barriers by migrants in claiming rights.
- Migrants in South Africa cite the long response time for organisations to assist them and discrimination as additional factors that impede their claims to rights in South Africa.
- Migrants in Nairobi and South Africa are accessing services through variety of sources, which include social networks and FBO’s. A limited number claim rights from NGO’s and the state. More information is needed on how migrants access these channels and what strategies they adopt to survive.
- Previous studies on migrant mobilisation show that migrants tend to organise along ethnic lines. However, the Zimbabweans who were interviewed in this study saw other Zimbabweans as either competitors for jobs or potential criminals. This "every man for himself" attitude overrides any sense of shared ethnic/national background. Most respondents shared the attitude that if they want to solve problems, they must go home.
- It appears that respondents are not mobilising because they do not have adequate resources (time), lack strong networks (trust within the ethnic/national group) and do not enjoy a political environment that is conducive to mobilisation. This relates to popular mobilisation theories which cite these three factors as important considerations in mobilising.

Collective mobilisation

- The absence of a common agenda to mobilise behind, limited funding and fragmentation in the sector has contributed to a weak and fragile civil society in South Africa.
- The migrant sector in SA—comprising of migrants, NGO's, donors, migrant-led organisations and government—is plagued by power dynamics, mistrust and politics which impede effective and comprehensive collaboration
- Collaboration amongst the different organisations working in the migrant sector in both countries appears to be ad hoc and largely contained to referrals, information sharing and participation in joint public events. There appears to be no clear strategy and target for collaboration in the sector. Collaboration across different levels and with different stakeholders is limited
- NGO's in both countries, whether migrant-led or not, are not reaching enough migrants. The capacity of organisations to meet the needs of migrants is inadequate. Services are not well coordinated, skilled staff and resources are scarce and collaboration is not formalised. Institutional relationships need to be built and personal relations strengthened in the sector.
- Migrant-led organisations are formed largely along ethnic and/or national lines, and their targets of mobilisation are social/economic/political inequalities. This has perhaps contributed to a lack of mobilising across migrant groups.
- Migrant led organisations have had some success in collective mobilisation when they have used the media as a strategy to mobilise. Identifying such local sources and having the knowledge, time and funds to access them is critical in realising the potential of this resource.
- In South Africa, migrant issues are addressed at four levels; international donors and agencies, South African led NGO's, migrant led NGO's and FBO's. Better collaboration amongst and between these levels and with government is needed.
- In Nairobi, the main activities of the organisation can be grouped into three broad categories; material relief, personal intervention and public interest. All organisations work in the two main refugee camps in Nairobi. Addressing migrant issues within a broader human rights and development agenda would increase opportunities for mobilisation and migrants' access to rights.
- National level NGO's appear to have significant potential in mobilising for migrants' rights in both countries. They have more resources, better institutional capacity and experience in advocacy and mobilising. Ensuring that migrant issues are integrated into national discourses of development is a key part of tapping into this potential.

Institutional analysis

- The absence of a clear and consistent national migration policy which provides for effective migration management systems and structures and ensures that the rights of migrants are protected and its implementation by various levels and branches of the state hampers local level efforts at improving services and relationships for and amongst migrants
- Migrant issues in South Africa are not integrated into the overall developmental agenda of civil society and government. Only a small number of South African NGO's have a migrant focus in their programmes. With their greater resources and organisational strength they are ideally situated to reach more migrants
- Awareness of and funding for migrant related programmes within government departments, national NGO's and migrant-led organisations is needed to integrate and prioritise migrant issues within the broader civil society agenda
- The level of mistrust in the sector in South Africa needs to be addressed. Competing political and personal agendas and confusion and suspicion over the role of the state and international donors needs to be discussed. Crucially, several common objectives for migrants' rights must be identified in order to create inclusivity and collaboration in the sector
- Mobilisation is understood in different ways amongst NGO's in both countries. Some see it as collaboration and others as empowerment or education of migrants. Most identify different *types* and *levels* of stakeholders as key players in any mobilisation efforts. A clear understanding of the meaning and target of mobilisation and the responsibilities of different stakeholders is needed before any successful coordination take place

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Appendices

Appendix A: Interview guide for individual interviews⁸

Introduction

I am a researcher/ research assistant/intern at the Forced Migration Studies Programme at Wits University and I would like to talk with you about your experiences as a migrant/refugee.

The interview will be between 60 – 90 minutes and can be conducted in English, French or Shona.

Introduce study:

This study, funded by Hivos and the Institute for Social Services, is looking at the structures and strategies in claiming rights for migrants, refugees and asylum seekers in South Africa and Nairobi. This questionnaire/interview structure is a tool developed by the Forced Migration Studies Programme to better understand the experiences of migrants, refugees and asylum seekers in accessing rights, protection and mobilising

Confidentiality and Consent—to be read out to each potential participant before the interview.

Participation in this study is voluntary and identifying details of the person responding to this interview will not be disclosed or revealed. There is no payment or stipend for participating in this interview. You may opt not to answer any question and you may withdraw at any stage. Do you understand this? Do you wish to proceed?

A: Background:

Country of origin

Sex

Age group

Status (documented, undocumented, awaiting status)

Economic group (working, self employed, unemployed, casual employment)

Length of stay in SA

B: Organisational affiliation:

Are you part of any club, group, NGO, FBO etc?

How did you join?

Why did you join? What did you hope to achieve?

What are your experiences of this?

⁸ The postgraduate student researcher who interviewed migrants included questions for their own research on crime and xenophobic violence in Johannesburg. Migrant responses from sections D and F were not used in this study.

Have you heard of any organisations working with migrants and refugees? (If prompted mention UNHCR/ Sonke/ Methodist Church/ CSV, Zimbabwe Solidarity, Congo Hearth of Africa/Migrant reception desk/ Jesuit Refugee Services, etc.)

What services you think they provide? Whose interests do you think they serve?

C: Accessing rights:

How do you access rights such as education, housing and health?

What do you see as the main challenges or barriers in accessing rights?

Who can you draw on for assistance?

What are the benefits and disadvantages of such strategies?

D: Accessing protection:

Do you feel safe from crime? Xenophobic violence? [What would have to change for you to feel safe?]

How do you protect yourself from crime and/or xenophobic violence?

What do you see as the main challenges or barriers to protecting yourself from crime and xenophobic violence?

Who can you draw on for assistance?

What are the benefits and disadvantages of such strategies?

E: Relationship with state:

Do you have any interaction with official bodies? Which ones?

What is the nature of such a relationship?

What are your experiences of it?

What do you think of SA's immigration policies and practices?

F: Protection and documentation:

Do you think the SA government should protect you from crime and xenophobic violence? (Are people aware of their legal rights?)

Do you think your home government should protect you from crime and xenophobic violence when you are in SA?

Do you think your documentation status affects whether or not you are protected? (When does documentation matter?)

Do you think your nationality affects whether or not you are protected? (When does nationality matter?)

G: On mobilising:

How do you understand mobilisation?

Do you think it is useful for migrants to mobilise? Why?

What would you like to mobilise for?

Who would you work with?

Do you trust South Africans? Why?

Do you trust other migrants in SA? Why?

Do you trust other migrants from your country? Why?

Do you think there is any collaboration between migrants in SA? Why do you think this is so?

Do you think there is any collaboration between South Africans and migrants? Why do you think this is so?

General

Is there anything else you would like to add?

Thank you for your time

Appendix B: Interview guide for organisations

Date:

Organisation:

Name and Position of person:

Contact number and email address:

This study, funded by Hivos and the Institute for Social Services is looking at the structures and strategies in claiming rights for migrants, refugees and asylum seekers in South Africa and Nairobi. This questionnaire/interview structure is a tool developed by the Forced Migration Studies Programme to better understand the work on behalf of or with migrants, refugees and asylum seekers being done by the various NGO's in Durban, Johannesburg and Cape Town.

Information will remain confidential and identifying details of the person and organisation responding to this questionnaire will not be disclosed at the request of the respondent.

- Please tick here if you DO NOT CONSENT to disclosing such details**

A copy of the final report will be made available to all participating organisations.

- Please tick here if you DO NOT wish to receive the report**

Responding to this questionnaire/interview is voluntary and you may withdraw at any stage.

Thank you for your time

A: History of organisation

1. When was it established and why?
2. NPO Status?

B: Organisational structure

3. How many staff and volunteers?
4. What is the level of skill of staff?
5. Does the organisation have a board?
6. What role does it play in the organisation?
7. What is the total organisational budget?

8. What are the main sources of funding?
9. Approximately how many people do you reach? In what sectors? In what geographic area?
10. Do you think this is enough?
 - 10.1. If not, why do you think people are reluctant to come to you for services?
 - 10.2. How can you avoid this?

C: Activities and programme

11. What are the main activities of your organisation?
12. What do you see as the strength of the organisation?
13. What value do you add to the community?
14. What challenges do you face in terms of operation?
15. Do you have any relationships with other NGO's?
 - 15.1 If so which ones?
 - 15.2. What is the nature of such a relationship?
 - 15.3 What is your experience of this relationship?
16. Do you have any relationships with any FBO?
 - 16.1. If so which ones?
 - 16.2. What is the nature of such a relationship?
 - 16.3. What is your experience of this relationship?
17. Do you have any relationships with state actors?
 - 17.1. If so which ones?
 - 17.2. What is the nature of such a relationship?
 - 17.3 What is your experience of this relationship?
18. Do you believe that there is sufficient collaboration in the refugee and asylum seeker sector?
19. Please comment on what you think the main challenges facing refugees and asylum seekers in SA today are.
20. What strategies can you propose to deal with these?
21. Please comment on your experiences in working with refugees and asylum seekers.
22. Do you think you have a strong profile in the community? Are you visible?
 - 22.1. If not why do you think this is so?

D: Accessing rights

23. How do you assist refugees and asylum seekers in accessing rights?
24. Are your activities mainly geared toward: (more than one answer is possible)
 - a) Awareness of rights
 - b) Information on how to access rights
 - c) Collective and or individual action in accessing rights
 - d) Campaign to secure more rights for refugees/asylum seekers
 - e) Campaign to ensure implementation of constitutional rights and protection as guaranteed in international law and treaties
 - f) Other – please specify

25. What would you say are some of the problems refugees and asylum seekers face in accessing their rights in South Africa?

E: Mobilisation

26. Have you initiated or been a part of any mobilisation campaigns for refugees and asylum seekers?

26.1. Which ones?

26.2. What was your experience of this?

27. What are your perceptions of mobilising refugees and asylum seekers? For example is it easy to get them together? What are the challenges?

28. If you were to mobilise, what or who would be your target, how would you do this and who would you work with?

F: General

29. Is there anything else you wish to add? Thank you for your time.

Appendix C: List of organisations which participated in this study and agreed to be identified: South Africa

Organisation	Geographical location
Black Sash	Johannesburg, works nationally
Bonne Esperance	Cape Town
Cape Town Refugee Centre	Cape Town
Central Methodist Church	Johannesburg
Centre for Study of Violence and Reconciliation	Johannesburg, works nationally
Legal Resources Centre	Johannesburg, works nationally
Refugee Pastoral Care	Durban
Refugee Social Services	Durban
Scalabrini Refugee Services	Cape Town
Sonke Gender Justice Network	Johannesburg, works nationally
South African Red Cross Society	Johannesburg, works nationally
Xaveri Movement	Johannesburg
Zimbabwe Solidarity Forum	Johannesburg

Appendix D: List of organisations which participated in this study and agreed to be identified: Nairobi

Organisation	Geographical location
Africa Refugee Programme-Great Lakes	Nairobi
Deeper Life Restoration of East Africa	Nairobi
Filmaid International	Nairobi
Kituo Cha Sheria (Urban Refugee Program)	Nairobi
Norwegian Refugee Council	Nairobi
Legal Resources Foundation	Nairobi
Refugee Council of Kenya	Nairobi
UNHCR	Nairobi