

# GOVERNING MOBILITY AND DIFFERENCE IN AFRICA'S URBAN ESTUARIES

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## Introduction

Across Africa and much of the “Global South,” new immigrants and the recently urbanized population increasingly co-occupy estuarial zones loosely structured by state social policy and hegemonic cultural norms.<sup>1</sup> Building on 15 years of research in Kenya, Mozambique, South Africa, and the Democratic Republic of Congo, this article reveals cracks in the conceptual foundations on which discussions of local government and migrant integration debates are normally premised, including presumed distinctions between locals and foreigners based on nationality. In the kind of convergence zones discussed here, it is often unclear how to define the local when almost everyone is from elsewhere. Moreover, it may be citizens —not refugees or other immigrants— who are the most economically marginalized.<sup>2</sup> Those of us concerned with migrant rights and urban governance must also question the mechanisms and desirability of claiming political rights and the centrality of state laws and institutions in providing or protecting them.

Despite this fluidity and fragmentation, these are not ungoverned or ungovernable spaces. Yet municipal authorities often lack the ability to read their demographics and political dynamics, let alone to engage progressively

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<sup>1</sup> See United Nations Human Settlements Programme (UN Habitat). 2008. *State of the World's Cities 2010/2011: Bridging the Urban Divide*. Nairobi: UN Habitat.

<sup>2</sup> See L. B. Landau and M. Duponchel, “Laws, Policies, or Social Position? Capabilities and the Determinants of Effective Protection in Four African Cities,” *Journal of Refugee Studies* 24(1) (2011): 1-22; S. Madhavan and L. B. Landau, “Bridges to Nowhere: Hosts, Migrants, and the Chimera of Social Capital in Three African Cities,” *Population and Development Review* 37(3) (2011): 473-497.

with them. Part of this is due to general challenges of measuring mobility and informality. Yet, it is often tied to broader conceptual and political concerns: a general disinterest in engaging with the mobile and marginalized and unwillingness to accept that these spaces may well be governed by locally legitimate actors unaccountable to the state or constitution.<sup>3</sup>

Emerging estuaries present novel governance and integration challenges while exacerbating others. This demands that scholars and activists adapt. The lessons are perhaps most stark for those concerned with the rights and welfare of immigrants: a need to engage beyond immigration policies and to judiciously mobilize the language of rights. Instead, we must appeal to the interests of more politically potent groups and officials, groups that rarely include migrants or those on urban margins. Wherever possible, enhanced technocratic expertise and stealth advocacy bolstered by more holistic understandings of the actors and activities within the estuary can help immigrants and other migrants claim the kinds of rights and resources they strive for.

## Reframing Integration

This article focuses specifically on the socio-political formations and strategies emerging in a context of rapid demographic growth, continued mobility, and relatively weak formal regulatory infrastructure.<sup>4</sup> Across Africa and elsewhere in the “Global South,” the elite and well-connected have evacuated inner-city neighborhoods in favor of new peri-urban estates and gated communities.<sup>5</sup> In their place, rural migrants, international migrants, and the “upwardly mobile” urban poor converge. In many places, peri-urban areas that were recently scarcely populated are becoming stations and destinations for people moving from cities and those first coming to them.

Unlike urbanizations of years past, contemporary mobility into, within, and through cities often occurs without industrialization or the expansion

<sup>3</sup> See L. B. Landau and A. Segatti with J. P. Misago, “Planning and Participation in Cities that Move: Identifying Obstacles to Municipal Mobility Management,” *Public Administration and Development* 33(2)(2013): 113-124.

<sup>4</sup> See D. Saunders, *Arrival City: The Final Migration and Our Next World*. New York: Knopf, 2011.

<sup>5</sup> See United Nations Human Settlements Programme (UN Habitat), 2011. *State of the World's Cities 2010/2011: Bridging the Urban Divide*. Nairobi: UN Habitat, 2011. Also J. Briggs and D. Mwamfuye, “Peri-urban Development in an Era of Structural Adjustment in Africa: The City of Dar es Salaam, Tanzania”, *Urban Studies* 37(4)(2000): 797-809.

of public service provision, state institutions, or centralized political authority.<sup>6</sup> This results in extensive growth on urban “edges” beyond the regulatory reach of city planners and state institutions. Typically characterized by limited social capital and zones of dense impoverishment,<sup>7</sup> contemporary cities are readily read as violent and atomized dystopias.<sup>8</sup> Yet the absence of social, economic, or political hegemonies also opens up possibilities for emerging forms of solidarity and life courses: these sites are grand experiments in social dynamics, domination, and resilience.

Among the new urban formations are “urban estuaries,” formed as people move into, out of, and through cities in search of profit, protection, and passage elsewhere.<sup>9</sup> Much like natural estuaries where interactions between tides and rivers create unique and dynamic ecosystems, these urban gateways are fashioned by the multiple human movements taking place within them. In these zones, cultural and linguistic heterogeneity are often the empirical norm, not the exception, as, too, is ongoing mobility of people and resources.

These spaces’ demography and dynamics challenge ready distinctions between guests and hosts and between domestic migrants and those who have travelled internationally. In many cases, it is difficult to know what being a local might even mean. Given the novelty of these spaces and their ongoing fluidity, it is also difficult to know what “incorporation” or integration might look like. When almost everyone is an arriviste or en route, who is the host? What is the community? Formal citizenship or legal status often map poorly on rights or welfare. In some instances, foreigners may do better economically and be more welcome than citizens from ethnic minorities. Elsewhere, emergent migrant enclaves may set the terms of engagement and exclusion.

<sup>6</sup> J. Beall, “Globalization and Social Exclusion in Cities: Framing the Debate with Lessons from Africa and Asia,” *Environment and Urbanization* 14(1)(2000): 41-51. See also C. W. Kihato and S. Muyemba, “The Challenges and Prospects of African Urbanisation: Forging Africa’s Economic Growth through Sustainable Urban Policies,” Report for the African Centre for Cities, University of Cape Town, 2015.

<sup>7</sup> See S. Madhavan and L. B. Landau, “Bridges to Nowhere...”, *op. cit.*

<sup>8</sup> See R. D. Kaplan, “The Coming Anarchy: How Scarcity, Crime, Overpopulation, Tribalism and Disease Are Rapidly Destroying the Social Fabric of Our Planet,” *The Atlantic Monthly* 273(1994): 44-76.

<sup>9</sup> See A. Simone, *City Life from Jakarta to Dakar: Movements at the Crossroads*. New York/London: Routledge, 2009; P. Jenkins, “In Search of the Urban-Rural Frontline in Post War Mozambique and Angola,” *Environment and Urbanization* 12(1)(2003): 137-152; M. Piel and K. A. Opoku, “The Development and Practice of Religion in an Accra Suburb,” *Journal of Religion in Africa* 24(3)(1994):198-227.

Beyond rethinking the host-guest dichotomy, we need to ask two further questions: a) Do migrants living in the estuaries or other gateway zones want to claim the kind of rights and representation that come from membership in a stable, place-bound urban community? and b) What role do immigration policies and documents have in fostering inclusion? Individual and family migration projects often work at cross purposes to place-bound political communities. For many, urban spaces serve more as way-stations in ongoing journeys than as final destinations where the goal is to extract resources to subsidize a “real” life they have or imagine in “multiple elsewhere.”<sup>10</sup> This ongoing orientation to multiple peoples and places help generate a kind of permanent temporariness in which they actively resist incorporation.<sup>11</sup> These factors, combined with the insecurity of land tenure, the possibility of violence as well as the lack of industrial development, permanent employment, or other forms of economic security mean urban dwellers often maintain their feet in multiple sites without firmly rooting themselves in any one.<sup>12</sup>

Consequently, rather than recognition as full political or social beings, people often work toward usufruct rights: not the opportunity to own, but to extract the resources needed to further their ambitions.<sup>13</sup> Moreover, what rights are claimed are gotten through “horizontal” or social means beyond or in spite of the laws and state institutions. In so doing, they implicitly move beyond discussion of immigrant integration by calling into question the fundamental meaning of legitimacy and political community and the centrality of formal state institutions. Indeed, for reasons that cannot be detailed here, the state’s position as the center of policy formation, protest, and service delivery is far from assured in Africa’s cities and elsewhere in the Global South. Consequently, many urban residents effectively live in the “brown areas” beyond

<sup>10</sup> A. Mbembe and S. Nuttall, “Writing the World from an African Metropolis.” *Public Culture* 16(3)(2004): 347-372.

<sup>11</sup> C. W. Kihato, *Migrant Women of Johannesburg: Everyday Life in an In-Between City*. London: Palgrave (2013); L. B. Landau, “Transplants and Transients: Idioms of Belonging and Dislocation in Inner-city Johannesburg,” *African Studies Review* 49(2)(2006): 125-145; P. Kankonde, “Transnational Family Ties, Remittance Motives, and Social Death among Congolese Migrants: A Socio-Anthropological Analysis,” *Journal of Comparative Family Studies* 41(2)(2010): 225-244.

<sup>12</sup> See I. Freemantle, “‘You Can Only Claim Your Yard and Not a Country’: Exploring Contexts, Discourse and Practices of Quotidian Cosmopolitanism amongst African Migrants in Johannesburg” (PhD dissertation, University of the Witwatersrand), 2010.

<sup>13</sup> L. B. Landau and I. Freemantle, “Beggaring Belonging in Africa’s No-Man’s Lands: Diversity, Usufruct and the Ethics of Accommodation,” *Journal for Ethnic and Migration Studies* 42(6) (2016): 933-951.

the state's direct influence.<sup>14</sup> These are not necessarily “non-state spaces.”<sup>15</sup> Rather, they are zones where state action has only indirect or partial sway, influence that is often evident by efforts to elude or hinder policy. There we find multiple levers of change with varied and variable effects. Moreover, one cannot always be sure of what will happen if one of them gets pulled.

## Engaging the Estuary

If processes of incorporation are to occur in the estuarial spaces described above, what then is the role of scholars and activists? Indeed, in cities across the world, development agencies, activists, and local authorities are increasingly tasked with working in messy political spaces with a range of actors who may have little interest in, knowledge of, or capacity to incorporate immigrants, migrants, or other marginalized groups. In many instances they have every interest not to do so. Building on the recognition of immigrants' limited political cache means moving beyond appeals to blunt principles of rights or incorporation. Indeed, marginalizing migrants may be more politically beneficial. Moreover, migrants of all stripes may actively avoid the kind of visibility and incorporation activists often pursue.

While some may be tempted to continue ignoring such sites or call for their incorporation into more formal and planned governance regimes, neither option is possible or palatable. Such spaces are simply too demographically dynamic to ignore over the long term. Moreover, crudely formalizing them ignores their functionality as gateways into, through, and out of cities and is likely to drive elsewhere the processes and people described here.

In contexts of widespread decentralization and deprivation, activists and scholars' explicit engagement with municipal authorities and urban populations demands a shift in both approach and language. Often the most effective form of engagement with local authorities comes when we recognize their interests and incentives and develop strategies to align them with our (or immigrants') concerns. This may take the form of direct calls for resources aimed at immigrants and refugees. More frequently, it will mean demonstrating how the presence of immigrants and the estuary more generally can be a

<sup>14</sup> G. O'Donnell, “Why the Rule of Law Matters,” *Journal of Democracy* 1(4)(2004): 32-46.

<sup>15</sup> J. Scott, *Seeing Like a State*. New Haven: Yale University Press, 1998.

political or financial asset by providing enhanced revenue through taxes, voters, or by attracting direct assistance from development or aid agencies. In almost all instances, we must find creative and flexible means of insinuating concerned individuals into existing programs and policies or enhancing existing programs in ways that are compatible with fluid, diverse spaces. Through this kind of stealth or “bureaucratic incorporation,”<sup>16</sup> we can avoid complex and contentious public battles over immigrant and migrant rights, but instead build solidarities with local marginalized constituencies.

Providing incentives in the form of resources, prestige, or opportunities for professional advancement are likely to promote progressive involvement. However, the specific language of one’s approach or appeals needs to be tailored: what works well to mobilize sympathy and support in one setting may prove ineffective or potentially harmful in another. Similarly, appeals to principles (rights, inclusivity, justice, efficiency, obligations) will generate divergent results among planners and politicians steeped in different traditions, priorities, and institutional or political incentives.<sup>17</sup> Moreover, international and national obligations to aid immigrants in contexts where local populations are themselves vulnerable and poor only breed resentment and hostilities from those local populations and political backlash from leaders with local voting constituencies.

Wherever possible, calls for localized interventions should be *smaller, smarter, and stealthier*. In highly fluid spaces where migrants of all stripes are seen as politically marginal or even threatening, efforts to promote progressive engagement means demonstrating the benefits to bureaucrats and politicians. Elsewhere it can be done through small-scale engagement to amend licensing or other regulations. Indeed, the most rapid change in welfare outcomes and incorporation can be achieved through highly localized, sectorally-specific advocacy. In politically hostile or contentious environments, a stealthy approach may be the way to go. Although it goes against the grain of those striving for legal recognition and protection (a characteristic of many international aid organizations), positive change in local regulations or by-

<sup>16</sup> H. B. Marrow, “Immigrant Bureaucratic Incorporation: The Dual Roles of Professional Missions and Government Policies,” *American Sociological Review* 74(5)(2009): 756-777.

<sup>17</sup> See J. Donnelly, *Universal Human Rights: In Theory & Practice* (2<sup>nd</sup> Edition). Ithaca: Cornell University Press, 2003; J. Elias, “Struggles over the Rights of Foreign Domestic Workers in Malaysia: The Possibility and Limitations of ‘Rights Talk,’” *Economy and Society* 37(2)(2008): 282-303.

laws can be achieved without making explicit reference to the inclusion of refugees or immigrants. Removing provisions that provide free access to public services only to “locals” enables everyone to *de facto* access the service. Moreover, it helps subtly erode incentives for mobilizing as locals and others.

Recognizing the fluid populations and the multiple social identities people adopt to make it amid contemporary forms of urban precarity, often the most effective forms of incorporation are also those that rely on legal and social “invisibility.” Understanding how people in the estuary access markets and services may ultimately lead to advocacy strategies premised on “benign neglect”: allowing people to negotiate their own way into markets and services. This falls short of guaranteeing universal access, but it may be quicker, cheaper, and more politically and economically sustainable than making such universal demands.

Where possible, extending or slightly tweaking existing mechanisms can also win popular political favor for populations that would otherwise be stigmatized or scapegoated. Rather than developing programs to integrate immigrants, it may be wise to offer vouchers or supplements to housing programs already established for the poor, or offer technical assistance to city planners so that their initiatives better serve long-term residents and people of concern. Such technocratic endeavors also open multiple spaces for engagement. Rather than relying on rights to “trickle down” from national policy pronouncements—although this may be required in highly centralized systems—a sectorally specific approach opens multiple spaces for commitment. Compromising with municipal or sub-municipal bureaucrats may do little to change national policy, but appeals to professional values can often do more and do it more quickly than high-level policy reform. Wherever possible, humanitarians should build on the possibilities for “bureaucratic incorporation.”

Engaging in the estuary does not mean abandoning traditional campaigns for documentation, legal status, or reform to refugee and immigration laws. Such campaigns remain important symbolically even if documentation and formal rights translate poorly into practical protection in loosely legalized estuarial spaces.<sup>18</sup> Instead the approach presented here suggests that in engaging with local authorities, we should look for new opportunities for solidarity and appeals to interest. To do this requires a new, spatial perspective,

<sup>18</sup> L. B. Landau and M. Duponchel, “Laws, Policies, or Social Position? Capabilities and the Determinants of Effective Protection in Four African Cities,” *Journal of Refugee Studies*.

for as Soysal notes, “All these trends imply that the nation state as a territorial entity is no longer the source of legitimacy for individual rights.”<sup>19</sup> Marrow’s work on bureaucratic incorporation of immigrants into the United States can provide one route. She speaks about how “bureaucrats’ responses to immigrants’ interests precede those of elected officials and are driven by strong professional norms.”<sup>20</sup> Elsewhere, appealing to more generalized interests, around housing, crime, or other concerns—that is, not rights—can help appeal to local political incentives in ways that do not draw lines or make references to discourses that are seen as foreign, threatening, or unwelcome. In all cases, the language must resonate locally, the interventions be locally legitimate, and the approach gradual and cautious.

No strategy is guaranteed to produce results. As such, seeking effective incorporation in the estuary demands diversified expertise and points of engagement. It also means pragmatism and humility; a willingness to accept a limited scope of action, and then, in many instances, people will actively avoid or evade even the best intentioned initiatives. Small shifts in by-laws, performance incentives, or small-scale alignment of interests can produce immediate, positive effects by opening spaces for people to make their own choices and access resources as they see fit. Such initiatives require considerable up-front effort and expertise, but they need not to demand extensive or sustained expenditures. In most cases, they demand that authorities and activists accept the churning fluid spaces of the estuary rather than trying to incorporate them fully into stable social and regulatory communities. Accepting that self-exclusion and deprivation may be part of people’s projects is not justification for negligence, but it requires us to engage in ways that will create patterns of urbanization and integration that may be uncomfortable for us, but ultimately empowering to others.

<sup>19</sup> Y. N. Soysal, “Changing Citizenship in Europe: Remarks on Postnational Membership and the National State.” In D. Cesarani, ed. *Citizenship, Nationality, and Migration in Europe*. London: Routledge: 1996, 21.

<sup>20</sup> H. B. Marrow, “Immigrant Bureaucratic Incorporation,” *American Sociological Review*, October 2009: 758.