

Xenophobic Violence in South Africa in May 2008

The Humanitarian Response
in Gauteng and the Western Cape
(a narrative account)

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Vicki Igglesden



University of the Witwatersrand
Forced Migration Studies Programme

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Note on the author:

VICKI IGGLESDEN is a social anthropologist who has been doing research and advocacy work with foreign national communities in the Western Cape since 2002.

v.igglesden@polka.co.za

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Abbreviations

| | |
|-----------|--|
| ALP | Aids Law Project |
| ANC | African National Congress |
| ARASA | AIDS Rights Alliance Southern Africa |
| CGE | Commission for Gender Equity |
| COSATU | Confederation of South African Trade Unions |
| CoRMSA | Consortium of Refugees and Migrants in South Africa |
| CoSS | Centre of Safe Shelter |
| CT DRMC/S | Cape Town Disaster Risk Management Centre/Service |
| CTRC | Cape Town Refugee Centre |
| CSVR | Centre for the Study of Violence and Reconciliation |
| CWD | Catholic Welfare and Development |
| DBSA | Development Bank of South Africa |
| DHA | Department of Home Affairs |
| DM | Disaster Management |
| DMA | Disaster Management Act 2002 |
| DMS | Disaster Management Services |
| DOC | Disaster Operations Centre |
| DRC | Democratic Republic of Congo |
| FBO | Faith Based Organisations |
| GBV | Gender Based Violence |
| GPG | Gauteng Provincial Government |
| IDP | Internally Displaced Person |
| IEC | Independent Electoral Commission |
| IFRC | International Federation of Red Cross and Red Crescent Societies |
| IOM | International Organisation for Migration |
| INGO | International Non-Governmental Organisation |
| JOC | Joint Operations Centre |

| | |
|--------|--|
| JRLC | Joint Refugee Leadership Committee |
| LHR | Lawyers for Human Rights |
| LRC | Legal Resources Centre |
| MEC | Member of Executive Committee [Provincial Government] |
| MJC | Muslim Judicial Council |
| MSF | Medecins sans Frontieres (Doctors without Borders) |
| NAAMSA | National Association of Automobile Manufacturers of SA |
| NDMC | National Disaster Management Centre |
| NFI | Non-Food Item |
| NGO | Non-Governmental Organisation |
| NIA | National Intelligence Agency |
| NUMSA | National Union of Mineworkers of South Africa |
| OHCHR | Office of the High Commissioner for Human Rights |
| OCHA | Office of the Co-ordination of Human Affairs |
| PASSOP | People Against Suffering, Suppression, Opression and Poverty |
| PDMC | Provincial Disaster Management Committee |
| PGWC | Provincial Government of the Western Cape |
| PHM | Peoples Health Movement |
| PWG | Protection Working Group |
| SACC | South African Council of Churches |
| SAHRC | South African Human Rights Commission |
| SANDF | South African National Defence Force |
| SAPS | South African Police Service |
| SARCS | South African Red Cross Society |
| SATAWU | South African Transport and Allied Workers Union |
| SHAWCO | Student & Health & Welfare Centers Organisations |
| SSLSJ | Student Society for Law and Social Justice |
| TAC | Treatment Action Campaign |
| UNDP | United Nations Development Programme |
| UNHCR | The United Nations High Commissioner for Refugees |
| UNICEF | United Nations Childrens Fund |
| UNFPA | United Nations Population Fund |
| WFP | World Food Programme |
| WHO | World Health Organisation |

Introduction

We, as Civil Society, have taken an active role in helping government with the current humanitarian crisis following xenophobic attacks on foreigners. ...South Africa will be judged by its dealing with this issue, and it would be scandalous if the suffering of the displaced people were to be perpetuated.

Open letter to Government: 5th June 2008
Signatories: Various FBOs and NGOs

This paper narrates the main forms of humanitarian assistance provided to people who were displaced by violence, mainly targeted at foreign nationals, in May 2008. In common with many other disasters, the wide-scale displacement in May 2008 was met with an initially chaotic response. During the emergency response, most organisations were operating under extreme time and resource pressure and therefore did not have the time or opportunity to gain an overview of the various responses, nor even to document their own responses. This paper aims to provide such an overview in retrospect and to ensure that personal and institutional knowledge is not lost.

Whilst internal displacement of limited numbers of people was experienced in pockets in several provinces, the majority of people who were displaced had been resident in communities in Gauteng and the Western Cape. The monitoring and evaluation exercise that this account is based on was therefore confined to events in these two provinces. Although this does not give a complete picture of the national response, it provides a useful exercise in highlighting how two largely separate sets of agents resembled and differed in terms of their strategies and outcomes. Field research was conducted from 1 June until 31 September.

This account of the humanitarian response is curtailed by a number of practical constraints. In addition to the incomplete geographical coverage, field research ceased prior to the closure of several sites still housing IDPs. Allied to this, a number of government officials whose input would have been useful were unavailable for interview. On the one hand they were still fully occupied in day-to-day coordination and management of the relief effort and on the other, particularly in the case of some government officials, they felt it inappropriate to discuss their assessments with a third party without prior consultation with their colleagues (and, sometimes, seniors) which would normally take place during post-event debriefing. It should also be noted that it has not been possible to interview all of the myriad small local organisations, religious groups and individual volunteers who contributed resources and time, especially in the initial phase of the emergency response. Furthermore, it was not possible, within the scope of this project, to verify that all the response initiatives described to us in the course of our research actually took place as they were reported. The intention of listing specific activities by various organisations is not to suggest that these were the only organisations active on the ground, nor to evaluate the effectiveness or relative contributions of individual organisations. The intention is rather to provide an overview of the debates and developments in the provision of humanitarian assistance, show the variety of organisations involved in each phase, and to provide indications of where knowledge and learning may lie for future disaster management planning. Finally, resources and timing of completion did not support a comprehensive coverage of the coordination of delivery of services to assist reintegration in originating communities or relocation to alternative communities.

The Nature of Violence and Displacement

A chain of events, that have variously been termed a ‘disaster’, a ‘crisis’, a ‘national shame’ and an ‘emergency’, commenced with violent attacks on foreign nationals in Gauteng in Alexandra, Johannesburg, on 11th May 2008. This initial outbreak of violence was rapidly followed by others within northern Johannesburg, spreading to settlements in Ekurhuleni (eastern Gauteng), then to central Johannesburg, and on to western Johannesburg and Randfontein (western Gauteng).

Attacks on foreigners spread to Durban, KwaZulu-Natal, on 17th May, resulting in the displacement of some 2,000 foreign nationals. As the violence in Gauteng and KwaZulu Natal subsided, attacks against foreigners commenced in the Western Cape at DuNoon, Cape Town, on 22nd May 2008. Violence (or threats thereof) caused foreign nationals to flee from various communities in Cape Town and further afield in the province (including from townships of Knysna, Mossel Bai, Somerset West, Strand, Hermanus and Paarl). On 26th May the Safety and Security Minister, Charles Nqakula, declared that xenophobic violence had been brought under control.

The key characteristics of the May violence were the attack or threat of attack on non-nationals living in townships and informal settlements in the main urban settlements of Gauteng and the Western Cape. In some instances South African citizens who were perceived to be foreigners or the South African spouses of foreign nationals were attacked. Widespread robbery and looting of foreign-owned businesses and the personal property of foreign nationals took place, either from premises still occupied by foreigners or from those premises left temporarily vacant as their foreign national residents had fled to seek safety. In Gauteng, in particular, attacks were particularly violent. IFRC reported that the attacks ‘have been extremely violent, with mobs burning the shacks of non-South Africans, and beating and chasing the foreigners, who flee to the nearby police stations or community halls for shelter’.¹ Attacks occurred mostly at night. Among the victims were people from Bangladesh, Burundi, DRC, Kenya, Malawi, Mozambique, Nigeria, Pakistan, Somalia, and Zimbabwe as well as XiTsonga and TshiVenda speaking South Africans.

The motivating force for displacement varied between Gauteng and the Western Cape. Attacks in Gauteng were noteworthy for high levels of violence. 62 deaths were reported, of which one-third were South African citizens. In Cape Town there were no officially acknowledged deaths resulting directly from attack, although reports have variously claimed that 2 or 4 people died as a result of violence during the height of the crisis. Displacement in the Western Cape was predominantly of a pre-emptive nature as foreign nationals sought protection in anticipation of violence. In many instances, they were directly threatened and told to leave the communities in which they were living. In some cases it was reported that letters, some purporting to be from community organisations, instructed the foreign nationals to leave. They were fearful for their safety (having seen graphic images on television of events in Gauteng) and doubtful of the capacity of the state to protect them within their communities. This led to what one senior province official problematically described as ‘voluntary evacuation’, or, in the terms of a CT DMRC official ‘voluntary displacement’.

¹ Nooshin Erfani. *South Africa: Red Cross mobilises more provincial and branch offices in response to continued urban violence throughout the country*. IFRC, Johannesburg. 26 May 2008.
<http://ifrc.printhis.clickability.com/pt/cpt?action=cpt&title=Red+Cross+Red+Cresce>

South African community representatives gave various justification for the attacks. They included allegations that foreign nationals had unwarranted access to government provided housing, that foreign nationals were responsible for criminal acts in the communities, or that foreign nationals were 'illegal' immigrants and were responsible for taking jobs and consuming services that should rightfully be reserved for South African citizens.

In the initial phases of displacement, foreign nationals sought safety in police stations, churches, mosques and other private and faith-based facilities. As these facilities became hopelessly overcrowded, government authorities made available community halls, unused school buildings, and other public buildings. On 28th May, as the scale of displacement became clear, government announced that Centres of Safe Shelter (CoSS) would be established. In response, camps of various sizes and conformation were established by local and provincial governments in affected areas.

Estimations of the total number of people displaced range between 80,000 and 200,000 people were displaced. However, this speculative figure is approximate as there is no record of the numbers of people who voluntarily left South Africa for their home countries, or of those who moved in with friends and family or found alternative private accommodation, nor of those who returned to their places of residence in the first two weeks of the disaster. At their peak, numbers identified as staying in shelters reached 24,00 in Gauteng and 20,000 in the Western Cape. For those who did not stay in shelters, it is estimated, for example, that as many as 30,000 people left Cape Town in the first few days of the violence. Mozambican authorities estimated that 40,000 of their nationals returned to Mozambique as a result of the violence.

The Nature and History of the Humanitarian Response

Saturday [24th May] was a chaotic blur: none of us had experience in what had to be done. Dozens of people were doing hundreds of tasks, some answered the endlessly ringing phones and recorded details of new refugee centres springing up all over the city, some put out calls anywhere and everywhere to get food, blankets and other donations delivered to our offices, others raised money. I have a vague recollection of barking orders, shouting, ranting, losing my temper non-stop for 19 hours. ...The City's Disaster Management provided a little help but was clearly not prepared for such a large disaster.

Cape Town aid worker

Broadly speaking, the humanitarian response to events that followed the May 2008 attacks can be divided into three phases:

| PHASE 1: EMERGENCY ASSISTANCE | |
|--|-------------------------------|
| Gauteng | May 11 - May 30 |
| Western Cape | May 22 - May 26 |
| <p>The initial ad hoc and scattered shelter, large scale return to home countries, and chaotic provision of basic welfare needs to IDPs. In this phase civil society was engaged in setting up systems and coordination forums, seeking information on who the beneficiaries were and what their needs and preferences were. Government was activating structures provided for in the Disaster Management Act (DMA).</p> <p><i>Main welfare actor: civil society</i></p> | |
| PHASE 2: CAMPS AND 'NORMS AND STANDARDS' | |
| Gauteng | June 1 – July 31 |
| Western Cape | May 27 – July 14 |
| <p>Consolidation of IDPs into more centralised government shelters (CoSS). The issue of norms and standards for humanitarian assistance and a series of processes of registration, documentation and assessment of IDPs dominate this phase. Whilst many victims of the violence return to their communities unaided, or leave South Africa for their home countries, those remaining in sites are vociferous in their demands for assistance with reintegration, repatriation or resettlement to a third country.</p> <p><i>Main welfare actor: government assumes bulk of welfare provision; civil society complements and monitors provision.</i></p> | |
| PHASE 3: PUSH FOR 'REINTEGRATION' AND CAMP CLOSURE | |
| Gauteng | Aug 1 – Sept 30 |
| Western Cape | July 15 – ongoing at end Sept |
| <p>Civil society, UN agencies and government engage in allocation of responsibilities for support for reintegration. Government pushes for closure of the camps. Remaining IDPs represent the most vulnerable of the foreign nationals, having typically experienced great loss and multiple displacement.</p> <p><i>Welfare actor: de facto welfare responsibility returns to civil society.</i></p> | |

The following account of the humanitarian response in Gauteng and the Western Cape addresses developments in, broadly speaking, chronological order, reflecting the above phases.

The response is framed within the relevant South African legislation—namely the Disaster Management Act 2002 (DMA). In terms of the DMA, Disaster Management Centres (DMCs) must be established and maintained at national, provincial and district levels (albeit that currently interim structures still exist in some areas). A DMC is activated in accordance with

defined procedures that depend upon the severity and extent of the event and its aftermath. Once a DMC is activated, a decision may be taken to establish a Joint Operations Centre (JOC) within the DMC, depending upon a review of the complexity of services required from that sphere of government. Representatives of departments relevant to meeting the needs of the particular disaster response will be members of the JOC and will be present at the JOC, located within the DMC, on a 24-hour rotational basis. Other organisations may be represented at JOC meetings—the frequency of which depend on the extent of assistance needed. The overall coordinating role for the response rests with the head of the DMC of the district (or municipal) authority until such time as a formal disaster is declared, in which case it is transferred to provincial or national DMC, dependent on the extent of the disaster. While this formal Disaster Management framework provides a good basis for preparedness and response in some ways, the experience described in this paper highlights several gaps, not least the lack of clarity concerning the role of civil society organisations within the DMCs and the JOCs.

The Humanitarian Response in Gauteng

Phase 1

In Gauteng the initial humanitarian response was carried by the South African Police Service (SAPS) to the extent that foreign nationals took shelter in police stations and, with some notable exceptions, were given a measure of protection and assistance by SAPS officials. Large numbers of people were sheltering at police stations that were totally unprepared and unsuitable for the task.

The distribution of food and clothing to the IDPs at Alexandra Police station started the day following the first displacements on 11th May. By Tuesday, 13th May, various NGOs and churches, the City of Johannesburg, the SA Council of Churches (SACC), the South African Human Rights Commission (SAHRC), the Commission for Gender Equity (CGE) and government departments were either providing support to IDPs or had pledged it. Gift of the Givers provided tents, blankets, bulk food or food parcels and baby goods to IDPs at police stations (including Primrose Park, Germiston, Thembisa, Rabiridge, Boksburg and Cleveland) and churches and community halls.

Churches and faith based organisations also responded from the early hours of the crisis. They prepared and distributed food and distributed clothes to displaced people. The SACC was reported to be providing assistance at six sites within the first week, including provision of food, blankets and volunteers to assist with coordination of aid. Many churches opened up their premises to provide shelter to IDPs. Churches also provided psychosocial support at some of the sites. Volunteers, both through churches and independently, provided vast amounts of material and practical support.

Humanitarian assistance organisations, such as the South African Red Cross Society (SARCS), Oxfam and MSF provided food parcels, blankets, sanitary packs, clothing, first aid and psychosocial support. A week into the events in Gauteng, it was announced that Oxfam, in cooperation with Red Cross, Jesuit Refugee Services and municipal disaster management teams, was providing humanitarian assistance to more than 8,000 displaced people.

Blankets and sleeping mats were supplied by UNHCR, UNICEF, SACC and MSF; hygiene kits by UNICEF, WHO, MSF and SARCS. Provisions for infants (including nappies, infant formula, baby cereals, infant feeding cups) were supplied by UNICEF and SARCS. Non-food items (NFI), including kitchen kits, were supplied by IOM, OXFAM and SARCS. Gel stoves and tarpaulins for makeshift shelters were provided by SARCS. The South African Revenue Service transferred confiscated illegal clothing imports to SARCS for distribution. SARCS reported assisting IDPs at 12 sites, Oxfam at 12 sites and the SACC at six sites in Gauteng. SARCS conducted initial registration of IDPs sheltering at some of the police stations.

Immediately following the eruption of violence in Johannesburg, MSF provided emergency medical assistance and medical supplies to treat IDPs at police stations, clinics, hospitals and churches. In the following weeks, MSF mobile teams established a regular presence in 15 sites and provided plastic sheeting for tent construction to the sites where the needs were most dire. On the 18th May they conducted health assessments at the police stations.

Local Joint Operation Centres (JOCs) were established in the locations where displaced people were taking shelter. However, the National Disaster Management Centre (NDMC) acknowledged that the capacity to staff all the local JOCs did not exist and, in reality, few of them functioned effectively. In the early stages of the crisis overall management of the ad hoc shelters (largely police stations, community halls and church premises) was the responsibility of municipal DMCs. At some of the shelters there were effective local JOCs – notably at Jeppe police station—coordinating the various stakeholders in the provision of humanitarian assistance to IDPs staying in station precincts. At other sites the JOCs barely functioned. On the 16th May the City of Johannesburg announced that it had set up a Joint Operations Centre (JOC) in Midrand to coordinate the activities of the actors from various spheres of government and NGOs providing humanitarian aid. On the 19th a JOC was set up in Bedfordview to coordinate humanitarian interventions responding to violence on the East Rand.

Concerning the coordination of civil society activities, on 19th May the SAHRC convened a meeting of Chapter 9 Institutions, SACC and civil society organisations to map out a response to the violence. Four task teams were proposed: Legal Assistance, Humanitarian Aid and Government Liaison and Community Liaison.

Legal Assistance organisations, to be led by LHR, were to

- support due process in respect of the prosecution of perpetrators of violence and the support of victims thereof and to investigate allegations of police abuses and continued deportations of victims of violence;
- assist with planning for repatriation and resettlement of victims;
- seek alternatives to holding facilities and refugee camps; and
- better coordinate existing legal assistance provision in the context of new needs.

Humanitarian Aid, to be coordinated by CSV, aimed coordinate the response of civil society organisations, in terms of the need to

- achieve more effective coordination and reduction of duplication of humanitarian activities, including those of psychosocial and medical support agencies, through initiatives that included dissemination of information on contributing stakeholders and identification of sources of accurate and reliable information on numbers and needs of IDPs;
- identify and establish links with the officials of Midrand DMC, volunteers, the business community, print and electronic media, organisations representing non-nationals and

- officials of embassies of affected national groups to facilitate their involvement in the coordination of humanitarian assistance;
- formulate strategies to address possible retaliation attacks from non-nationals, to overcome abuse of aid by those not really in need, and to reintegrate IDPs;
 - advocate for more and better quality shelter facilities.

Government and Media Liaison, led by SAHRC, was tasked to seek an urgent meeting with senior government officials and to lobby for clarity around issues of deportation and for the deployment of the army to assist with crisis management.

Community Liaison, led by the Umthombo Community Development (Soweto), had the mandate to mobilise affected South African communities and develop conflict resolution mechanisms. This task team was widely considered not very effective beyond the existing area of operations of the lead agency, because no additional resources were provided to a small organisation.

CSVR found that the attempt to coordinate civil society humanitarian assistance was an ineffectual exercise with limited resources and lack of comprehensive information from the sites regarding the gaps in provision. On 28th May they announced that, together with the Tshwaranang Legal Advocacy Centre, they would focus on coordination of information from each of the sites to assist with the coordination of aid distribution to each of the sites 'in a meaningful and effective way'. Eleven Site Coordination Teams were established to make site visits every 48 hours to obtain 'regular and accurate information on what is happening on the ground'. It was anticipated that such information would assist with the 'monitoring and identification of gaps and the main areas of need'. Monitoring forms were based on templates from UN OCHA.

CSVR monitoring information was fed back through OCHA, who were working closely with the PDMC who had requested information management support to develop co-ordination tools and provide guidance to provincial and municipal disaster personnel on international standards for humanitarian emergencies. CSVR monitors commenced site visits on 27th May, covering some 39 sites in Johannesburg and Ekurhuleni, of which 20 were police stations, five were churches and the remaining were community halls. Conditions in relation to health, food, security, hygiene and psychosocial needs were monitored, and the findings were compiled into reports which were made available to stakeholders by email. OCHA issued weekly situation reports and, from July to mid-August, a series of reports on site needs and gaps in provision. Whilst Western Cape sites were listed, data updates were largely limited to the Gauteng sites. These were posted on www.ochaonline.un.org/AttacksonForeignersSA/. SAHRC also had monitors visit sites, but did not make their reports publicly available. On 27th May the Development Bank of South Africa (DBSA) announced that it would give financial and technical support to the coordination structure to be established by the SAHRC and CGE. This initiative did not, however, develop beyond the discussion stage.

The Provincial Minister for Local Government announced on 20th May that the Gauteng Provincial DMC (PDMC) would be assisting foreign nationals to relocate and would be providing them with food. The relocation plan was reiterated on 28th May, with reference to international emergency relief standards concerning the provision of adequate shelter. To facilitate the transfer of responsibility for the management of the disaster response from municipal government to province, Gauteng government issued a 'declaration of disaster', under the terms of the National Disaster Management Act, on 30th May. Henceforth,

government's coordinating responsibility for management of the disaster in Gauteng became the responsibility of provincial government.

The new sites, officially termed 'Centres of Safe Shelter' (CoSS), were established in great haste. UN and provincial officials conducted a joint assessment on 19th May to identify sites for relocation. UN agencies reported giving technical guidance to local officials and contractors on international humanitarian assistance standards. In view of concern about the undue speed with which relocation was being conducted, UN, SAHRC, IFRC & Oxfam officials met with senior government officials (including the Minister in the Presidency) to register concerns over the speed with which people were to be relocated, particularly in view of the lack of adequate site preparation, and the lack of consultation with IDPs and with communities adjacent to the sites. It was reported that government acknowledged the concerns, but decided to proceed with their plan.

Phase 2

Starting with Jeppe, Cleveland, Bramley, Alexandra, Primrose Park and Rabie Ridge police stations and Germiston City Hall, the PDMC commenced their relocation of IDPs to the CoSS on 1st June. On 2nd June government announced that 2500 IDPs had been moved. On 3rd June it was announced that the Province planned to house 10,000 people in 1,000 tents in 10 camps, referred to as 'transit sites'. By 5th June Gauteng Department of Local Government reported having successfully relocated 13,000 IDPs to temporary shelters. By the 7th June all IDPs, except those in Tshwane, had been moved to six consolidation sites—DBSA, River Road and Rifle Range in the City of Johannesburg; and Rand Airport, Wadeville and Wit Road in Ekurhuleni. For some, the process of relocation was a tense process as clear plans were not available. A report from Jeppe station said that relocation was supposed to have taken place on the Sunday 1st June, and again on Tuesday 3rd—neither of which had happened by Thursday 5th.

Civil society organisations expressed their concerns at the lack of adequate plans for the process of relocation to the CoSS and requested that the moves be delayed. MSF stated their concerns at the lack of protection of foreign nationals and highlighted that the 'relocation process exacerbates trauma of displaced people'. They noted that 'after living in unacceptable conditions for up to 3 weeks [in crowded police stations], the people displaced are now being relocated by the South African government, without proper access to information about their rights and options, to sites that are unprepared and insecure.' Oxfam stated that adequate water, sanitation and security were not in place in some of the new CoSS prior to the relocation. OCHA reported that, due to the lack of prior information, 'many of the displaced expressed fear that they were to be deported and thus resisted relocation from some police stations.'

In addition to the camps being ill-prepared, surrounding communities complained they had not been consulted prior to the establishment of the sites. The MEC for Local Government, Aedani Mahlangu, apologised for the state's failure to inform neighbouring communities. Protesters jeered at buses bringing IDPs to some of the new locations and local councillors warned of fuelling xenophobic violence.

There were two cases where insufficient preparation led to the relocation of selected sites. A CoSS planned for an empty lot on Vickers Road was located directly next to a mining

hostel. When contractors preparing the site were shot at from the hostel, Lawyers for Human Rights requested and received an urgent court interdict for the relocation of the site. Another CoSS in Wadeville was established on land which turned out to be a former toxic waste dump. IDPs had already been moved to this site but had to be moved again once soil samples established the health dangers of the location.

Klerksoord, later known as 'Akasia', in the City of Tshwane was not recognised by government as one of the official sites as residents were not deemed victims of the violence. Approximately 500 foreign nationals had gathered at UNHCR in Pretoria on 26th May to ask for assistance. Police and Disaster Management officials intervened and relocated them to Akasia shooting range, where they were reportedly provided with 2 tents, 5 toilets, 2 water points, 100 cans of food, 15 blankets, and no bedding. Thereafter, humanitarian assistance was provided by civil society—particularly FBOs. Subsequently 56 army tents were supplied and the site was expanded in early June to accommodate IDPs from two other ad hoc centers in the municipality. 2000 IDPs were registered at the site. As with Rifle Range COSS, frictions developed between different nationalities at Akasia, with protests and sporadic violence. The Mayor of Tswane reported on 4th June that vehicles and people on the site were being searched, resulting in 12 vehicles being impounded and weapons being confiscated.

The closure of the NDMC JOC and the Gauteng provincial JOC were reported on 6th and 9th June respectively. PDMC elected to contract out the management of the CoSS to the private company Disaster Management Services (DMS), using funds provided by Development Bank of South Africa (DBSA).

Civil society's monitoring work continued in June and July. As an adjunct to monitoring, a website, (www.saemergency.info) was created in early June by volunteers from NGOs, media and online publishing companies, in consultation with CSVR. The aim was to provide a platform for organisations to interact, to access information and to communicate so as to improve their capacity to coordinate efforts to respond to the crisis. The intention was that organisations should be able to share information, access regular reports from sites, receive updates by email and SMS, and be able to contact other organisations involved in the provision of humanitarian relief services. CSVR monitoring reports were posted, as were some reports from other organisations. Invitations were sent through the email-based 'ctviolence' network for postings from the Western Cape, but there was little response. Following CSVR's withdrawal from monitoring on 1st July and the failure to find funding to maintain the site, a message was posted on the *saemergency* website on 22nd July advising that it would no longer be updated.

By early June a Protection Working Group (PWG), which was led by UNHCR with the support of SAHRC and the Consortium of Refugees and Migrants in South Africa (CoRMSA), was established to address the coordination of monitoring. It observed that current monitoring initiatives tended to be ad hoc and to focus on 'general monitoring rather than specific protection issues'. The range of monitoring needs identified by the PWG included those relating to shelter access control, documentation, child protection, and gender-based violence (GBV); procedures for admissions of new arrivals and for promoting participation and consultative processes; common messaging by those visiting sites; disparities of assistance (in-camp and in relation to those living in the immediate vicinity); emphasis on self-reliance in camps; and time deadlines for reintegration and camp closure. In addition, CSVR highlighted concerns about inadequate nutrition (especially for women and children);

the quality of information and communication with or from Government; and the need for psycho-social support.

Monitors, it was decided, would play a supporting role to DMS site managers, attempting to capacitate them to run the camps to an acceptable standard. UNHCR undertook to provide assistance to camp managers regarding procedural enquiries and to raise civil society concerns with them, as well as being the focus point for protection monitoring. Camp managers were to be provided with easily accessible materials regarding protection. OCHA reported in early June that co-ordination at the new sites was improving following the appointment of PDMC shelter managers at each location, although there remained concerns about levels of protection of site residents.

The PWG, a forum dominated by INGOs (IOM, Oxfam, MSF) and UN institutions (UNHCR, OHCHR, UNICEF, OCHA and UNFPA), acknowledged in June the need to increase participation in the group of locally based organisations having a primary emphasis on protection. Terms of Reference and a Protection Strategy were drafted by UNHCR but were not subsequently adopted. A series of 1-page protection overviews for key sectors was developed (drawing on those developed by an inter-agency group in Iraq) to support the protection capacity of camp managers and other stakeholders in government and civil society.

In mid June a 'protection-working-group' email group was established by OCHA, with the stated aim of sharing information and meeting notes among humanitarian actors and enhancing coordination around protection issues in South Africa. Membership was by invitation only and was password protected 'to ensure a certain basic degree of confidentiality for the information being shared'. In the event, its use did not extend beyond the PWG membership and, reportedly, was rarely used by the PWG members themselves.

At the end of June, CSVN withdrew from humanitarian coordination and monitoring, opting instead to focus on their core areas of expertise. Henceforth they were involved in the provision of psychosocial support to residents of the CoSS, the prevention and treatment of GBV and in integration support. Given that one of the earliest responses of CSVN was to visit Alexandra and Bramley police stations to offer emergency psychosocial interventions, they were returning to their original role in the crisis. This change of focus was symptomatic of the situation in which a number of NGOs found themselves some six weeks into the crisis. Having in the initial days taken on extra emergency work outside their established mandate and beyond their capacities, they were starting to pull out or return to their principal spheres of operation.

With the establishment of the CoSS, SARCS developed a system of registration of beneficiaries for relief distribution. By means of a beneficiary register and a ration card system, assessment of the numbers and needs of IDPs in the sites was a continuous process throughout June, July and August at sites where SARCS was providing assistance—particularly for food parcels and NFIs. Volunteers were given training on using the system and on information capturing.

After the Department of Home Affairs (DHA) announced on 2 July that IDPs would be issued with temporary identity documents valid until November 30, the process of temporarily legalising undocumented IDPs began. Whereas it appears that the DHA in the Western Cape announced on 10 July that IDPs with existing valid documentation need not register for temporary ID cards, this was not the case in Gauteng – all IDPs were required to register for

the temporary cards. Registration commenced at the Rand Airport site on 6 July and was completed at the DBSA CoSS on 8 July.

IDPs at Rifle Rang and Akasia resisted the DHA registration. At Rifle Range, the vast majority of residents refused to register, ostensibly due to uncertainty about why a 6-month document would be needed in addition to existing valid documentation. This led to DHA issuing a deadline of 21 July for registrations at the camp. It was reported that despite a UNHCR visit to try to explain the situation and convince IDPs to register, only 900 of the 2,000 residents had registered by the deadline. Those who refused to register were transported to Lindela repatriation centre for deportation. Many of those moved to Lindela were found to have legal documentation and could not be deported. This resulted in bona fide asylum seekers and refugees being released from Lindela and remaining stranded on the road outside the centre. 300 of these stranded IDPs were subsequently charged for traffic violations. Lawyers for Human Rights represented the Rifle Range residents who had been taken to Lindela and then stranded, and secured their release from both deportation and traffic offences.

Continuing NGO support of the IDPs in the CoSS was provided by a range of organisations. Gift of the Givers supplied food to two sites for three weeks and, responding to DMS's identification of unmet needs, donated food parcels, blankets, mattresses, baby goods, clothes and sanitary goods. SARCS reported ongoing provision of food parcels, blankets, hygiene packs, baby kits and basic utensils.

In an effort to meet the continuing demands in both Gauteng and the Western Cape from IDPs and some NGOs for site visits from UNHCR officials, an undated letter—*UNHCR Message to Refugees and Asylum Seekers in South Africa*—was released at the end of June. In it, refugees were offered assistance with voluntary repatriation to their countries of origin, limited to those who could return in safety. Resettlement, it advised, was 'not a realistic response in situations of large-scale displacement as the one currently experienced in South Africa where the immediate needs are safety and material well-being'. Accordingly UNHCR would 'not entertain or process any application for resettlement for refugees and asylum-seekers currently being registered at the temporary safe sites while they are there'. The letter advised refugees and asylum-seekers that the UNHCR supported government's promotion of reintegration into South African communities and that UNHCR would be assessing requests for material assistance to that end.

Phase 3

The threatened closure of the CoSS in Gauteng was a source of uncertainty and contestation, and became a dominant theme in the management of humanitarian assistance for the Gauteng IDPs from mid-July onwards. When the CoSS were established at the beginning of June it was stated by provincial government that IDPs would have up to two months of temporary accommodation at the shelters. On 28th July some site managers communicated their concern following notification that the contracts for security and catering to their sites were due to expire in four days time. The provincial government, however, maintained that no decision had been taken over the future of the camps and the cancellation of specific contracts did not necessarily mean the closure of the sites.

By 31st July the provincial government announced that it planned to close the six large shelters accommodating IDPs on 15th August, at which point water and electricity supplies to

these locations would be cut. The MEC for Social Development stated that ‘the good progress made on the integration process’ led the government to be confident that the remaining 3000 IDPs would use the remaining two weeks to ‘either return to their homes or find alternative accommodation’.² However, as early as 13th August there were claims that Rifle Range CoSS was being dismantled. On 15th August, a Metro Police presence blocking the entrance to the Midrand CoSS suggested closure was imminent.

A state of extreme uncertainty characterised the days preceding the anticipated closure. This uncertainty extended into the legal sphere, with reports that IDPs at Germiston police station were told by DHA officials on 14th August that they should now hand in their 6-month ID cards and go to apply for asylum at Crown Mines. With the threat of camp closure by Gauteng government on 15th August, the PWG sent representatives to sites to observe the conduct of the authorities driving the process. Both MSF and Parliament’s Multi-Party Task Team charged to review the violence publicly expressed their concerns about the decision to close the camps and stated that they considered it premature.

Early in July CoRMSA and partner organisations had established a Reintegration Working Group. Together with organisations specialising in conflict resolution and peace building, a reintegration strategy was developed. On 11th July the Group wrote to the Gauteng MEC for Local Government requesting joint consultation on reintegration and offering assistance to government. Unable to get a response from the Minister, Wits Law Clinic and CoRMSA made an application to the Pretoria High Court for an urgent interdict to stop the camp closures. The application was dismissed on 12th August and the presiding Judge indicated that the government was under no obligation to produce a reintegration plan. An appeal to the Constitutional Court on 13th August led to a short-term stay of closures until 18th August, after which the Court reserved judgement, effectively preventing closure of the CoSS until a further interim judgement could be issued. Two days later, in contravention of the Constitutional Court judgment, the province stated that the CoSS would be closed on 30th September and the remaining IDPs would be obliged to vacate the premises, with no alternative arrangements being made for those who refused to leave.

A number of civil society organisations were involved in providing assistance for IDPs to leave the camps to return to their previous communities or to establish themselves in new communities. JRS, as UNHCR implementing partner, began providing R750 to IDPs who were expected to be evicted on 15th August. However, the camps did not close and it appears that many of the funded IDPs stayed on. UNHCR provided funds to all recognised refugees, asylum seekers in need and Zimbabweans (whether documented or undocumented). UNICEF made money available to IDPs who did not fit into these categories.

At the end of August it was rumoured that the provincial government was planning to evict anyone who had received a ‘reintegration package.’ The uncertainty continued into September, when the Gauteng Provincial Government complained on 9 September that IDPs who had been given ‘reintegration packages’ by the UNHCR had failed to vacate Rifle Range CoSS. IDPs cited in the media complained that the funds they had been given – reported to be between R500 and R2500, depending on whether the individual was single or part of a family – were not enough to help them reintegrate.

² Shelters for Refugees to be Closed. Sapa. *Published on the Web by IOL on 2008-07-31*

At the beginning of August the Somali Association of South Africa (Sasa) was given R712,000 in food vouchers, donated by the Saudi Arabian government and International Islamic Relief, for distribution to victims of the attacks in Gauteng to support the reintegration process.

An undated Information Pamphlet was issued by Gauteng Provincial Government's Department of Local Government in August to residents of Rand Airport and Boksburg 'settlements'. Stating that 'Every effort has been made to reintegrate the residents of these settlements into the areas where they previously lived' and that 'a large group is still without accommodation', the pamphlet advised on 'important points' of the Constitutional Court ruling regarding the closure of the camps.

The notice emphasised that 'people who are legal in the country' may be separated from 'those that are illegal' and that the latter will be taken to 'the Deportation/Repatriation Centre' whilst the former will be reintegrated. Shelters will cease to exist by the end of September, but 'settlements' may be combined into one 'for administrative reasons'. It was emphasised that 'those that receive financial assistance in respect of alternative accommodation are requested to leave the camps within 48 hours upon receipt of such money.' Finally, the pamphlet urged remaining residents 'to reintegrate yourself into a community of your own choice', to leave the settlement 'no later than the end of September 2008' and to 'present yourself for assistance with more information to the Site Manager'. Pursuant upon this, on 28th August, UNICEF reported having received information from camps in Gauteng that government would evict all people who had received money from JRS out of the sites and would arrest and deport all undocumented people at the sites.

In the first two weeks of August, DHA conducted a 'rapid' refugee status determination process in CoSS around Gauteng for those IDPs who wished to apply for asylum. As reported by Amnesty International, there was a 98% rejection rate of applications taken through this rapid process and IDPs were largely denied access to mechanisms for appealing rejections.³

On 28th and 29th August the DHA visited Rifle Range, River Road, Wit Road and DBSA to determine the actual numbers of individuals on each site. On the night of 1st September two sites were closed and the residents relocated to Rifle Range. This, according to civil society actors, was against an undertaking given by PDM to consult with civil society prior to undertaking any consolidation of the remaining sites.

The Court had specified that camps could not be closed and that displacees could not be forced to leave until the interim order was issued. Furthermore, the court order encouraged the parties to engage with each other with a view to closing the CoSS by 30 September. The MEC for Local Government and the City of Johannesburg were compelled by the court to work with civil society stakeholders to design and implement a viable reintegration plan. The Reintegration Working Group and partner organisations developed a proposal for civil society support of government in the process of camp closure, reintegration and ongoing support of communities. However, by the 11th September it was reported that there had been no meaningful engagement with Gauteng MEC for Local Government, although there had been meaningful engagement with representatives of the City of Johannesburg on the matter of reintegration of the remaining IDPs. It was further reported by CoRMSA that, to the extent that there had been communication, provincial government and its representatives maintained their view that the court order did not require any modification of their mode of engagement with the various stakeholders.

³ Amnesty International, 2008, 'Talk for us please': *Limited options facing people displaced by xenophobic violence*. September

Meanwhile, there were concerns that conditions in camps were deteriorating. As early as 1 June, Oxfam had noted that conditions in the camps did not meet humanitarian standards, and issues including children's exclusion from school, and sanitary and transport conditions at the CoSS were cause for civil society concern. Camp conditions were among the reasons for threatened litigation against GPG. An assessment conducted on 3rd September of six sites reported that conditions varied between good (at Boksborg) to abysmal (at Akasia and Malas). Concerns were raised in terms of the provision of food, standards of sanitation, environmental health threats, the deteriorating health of IDPs at some sites, unsatisfactory security for IDPs and service providers, and inadequate supplies of NFIs. It was recommended that services that had been withdrawn from some of the sites—particularly food and water—should be reinstated.

After the Constitutional Court application prolonged the existence of the Gauteng CoSS, it appeared that there was a concerted effort on the part of provincial government to reduce the standards of provision to residents of the CoSS. Civil society monitors reported reduction in services and food distribution in the camps. On 24 September, MSF claimed that government was trying to make conditions at the CoSS unbearable in order to force IDPs to leave voluntarily. This was close in the wake of the unannounced dismantling of tents at Akasia camp, ostensibly because the Defence Force required them back, which left 600 to 800 IDPs without shade or shelter until the UNHCR intervened, providing replacement tents. Around 28 August, concerns were raised about the fact that the government had issued instructions to camp management to provide only the minimum services to IDPs in order to create a push factor. On this day, it was reported that food provision had significantly decreased in the last few days, and that the Red Cross had been denied access to Rifle Range CoSS. Save the Children was also prevented from setting up a child-friendly space at one of the camps.

On 29th September, the province issued a notice telling IDPs the camps would be closed on the following day, with funding to assist reintegration provided to those who had applied for it, conditional upon their leaving the shelters. Camps were closed, beginning on 30 September, in contravention of the Constitutional Court order. Ultimately, the remaining IDPs were effectively forcibly 'reintegrated.' The exception was the Akasia CoSS, where UNHCR tents remained until 6 October, and toilets until 8 October. Thereafter, the remaining IDPs at Akasia remained in the open veld.

Throughout this period, provincial and municipal government interaction with civil society was inconsistent and often defensive. Attendance of disaster management officials at civil society forums was minimal, increasingly so as the disaster response progressed. Civil society actors report that it was difficult to get either acknowledgement or response to formal communications from government actors.

At the time of writing this report, summaries of expenditure on the disaster response were not available from either the City of Johannesburg nor the Province of Gauteng. However, an official from Gauteng Province indicated in mid-September that the expenditure incurred by Provincial Disaster Management was likely to be of the order of R30 million, exclusive of expenditure of other departments (such as Education and Health) and of items that could not be quantified, such as the time of staff seconded to work on the disaster response.

The Humanitarian Response in the Western Cape

The extent of violence in Gauteng had given institutional actors in the Western Cape some time to prepare for the eventuality of the violence spreading to the Western Cape. On Monday, 19th May—a week after the initial outbreak of violence in Alexander—the SAPS and Metro Police drew up a risk management plan, identified potential flashpoints (including Phillipi, Gugulethu and Khayelitsha), and put police units on standby. On the 21st, at a meeting called by Provincial Police Commissioner, a Safety Forum was established, comprising representatives from civil society, law enforcement, the Province, the City of Cape Town Disaster Risk Management and the faith based sector. 24-hour helplines were set up for each police station.

In Cape Town, the mayoral committee declared that the City had planned to prevent incidents of a similar scale to Gauteng and residents of the Western Cape were called upon to discourage intolerance and violence and to immediately report any incidents to the police.

On 22nd and 23rd May the Premier's Office held a conference, scheduled prior to the commencement of violence in Gauteng, on '*Challenges and Opportunities of International Migration*'. Participants from civil society and government discussed aspects of international migration and the causes of conflict between South Africans and non-national communities. Dr. Zonke Majodina, the Deputy Chair of the SAHRC, shared with delegates the SAHRC's experience of the recent violence in Johannesburg. She recommended that a task team at provincial level should coordinate all the on-the-ground activities, including the need for emergency assistance and shelter, and for documents and legal assistance.

Phase 1

Conference proceedings were brought to a premature end on the 23rd May to allow delegates to return to their communities as reports of violence and displacement started to escalate. Attacks had broken out in Knysna the previous day and there were reports of anti-foreigner activity in Cape Town townships. On the evening of the 23rd violence broke out in DuNoon. Given the preparedness of security services, evacuation of victims to Killarney Race track was achieved efficiently, although IDPs reported a shortage of food and blankets. Both the Mayor of Cape Town and the Premier of the Western Cape were reported to have visited the area during the evacuation.

Foreign nationals proceeded to flee their homes and businesses due to violence or threats thereof in a range of communities in both metropolitan Cape Town and further afield in the province. By the 24th generalised fear had spread through communities of foreign nationals in metropolitan Cape Town, and people started to flee from diverse township communities to take refuge in police stations, community halls and church and mosque premises. Further unrest erupted outside Metropolitan Cape Town on the 26th May, resulting in 250 people being temporarily housed at Zwelihle community hall & a mosque in Mt Pleasant, Hermanus.

The Safety Forum met regularly—initially daily—to exchange information on security and safety concerns, on the progress of investigations of xenophobia-related crimes, and on the occurrence of new incidents. As the response moved into the second phase, Forum meetings ceased.

Despite the fact that government authorities and civil society institutions had had forewarning (in terms of the preceding events in Gauteng) the first 48 hours of the response to violence and displacement in the Western Cape was largely driven by civil society actors. Aside from SAPS, the most publicly visible coordination of the humanitarian response came from the offices of the Treatment Action Campaign (TAC). Gift of the Givers reportedly sent supplies to the DMC and local community organisations when the violence spread to Cape Town.

Similarly, a huge response was mobilised through the efforts of a range of faith based organisations delivering relief to IDPs at locations dispersed through the city. FBOs quickly provided premises, volunteers, food and blankets to assist people who sought shelter. The Methodist Synod was in session on 23rd May and issued an instruction to all Methodist churches to make their premises available. The warehouse facility of the Anglican Church assisted with coordination of the collection and distribution of donations of food and goods and the SHADE facility of the Methodist Church used their electronic database to start a database of the shelters and numbers of people staying at them. Jewish groups also provided shelter and welfare assistance in this early phase, as did Islamic Relief, the Muslim Judicial Council (MJC) and many of the individual mosques and churches of all denominations.

As with Gauteng, 'ordinary' members of the public in the Western Cape mobilised in huge numbers to provide material goods, financial donations and practical assistance. Food, toiletries, mattresses, bedding, clothing, and flooring, as well as emergency accommodation and transport (for goods and people) were donated. CT Disaster Risk Management Centre acknowledged that the 'public's response was overwhelming'.

Equally, members of the business community came forward with material and practical assistance, including with transport and storage of goods, provision of mobile toilets and other equipment. Much of this assistance reflected the fact that government responses were limited in the first few days of the disaster in the Western Cape.

There were two principal coordinating forums lead by civil society. The SAHRC called a meeting of all civil society stakeholders on 20th May and thereafter hosted the Western Cape Civil Society Task Team that emerged from this meeting. Membership included human and health rights organisations, SAHRC, FBOs and trade unions. Initially meetings were held several times a week, but the frequency declined in June, only to increase again as the humanitarian situation in camps deteriorated. Representatives from the Premier's office, the Mayor's office, UNHCR, OCHA and WFP were encouraged to attend the meetings. Meetings were structured so that government and international agency officials would arrive one hour into the meeting to present briefings on prearranged issues. The group engaged in planning, lobbying and advocacy of government and UN agencies as well as liaison and information sharing with other civil society actors. A Terms of Reference for the group was discussed at various junctures but was never finalised.

From its first meeting on 31 May, TAC held a weekly 'Civil Society Forum Meeting on the Xenophobia Crisis' throughout the crisis. This forum was established to respond to and deal with the threats of and actual violent attacks against foreign nationals, as well as the humanitarian crisis. A number of civil society organisations attended the weekly TAC meetings. An important feature of these meetings was that IDP representatives attended. Although their attendance was initially somewhat ad hoc, with the formalisation of the Joint Refugee Leadership Committee, transport (or transport money) was provided to support attendance of IDP representatives from most of the major sites. From the second week of

June, TAC employed a liaison officer from the refugee community to assist with communication, community building and mediation, both within the IDP leadership structures and between the leadership structures and TAC.

TAC received funding from Oxfam to employ a team of monitors and to establish a database to document conditions and needs in the various sites, with a view to supporting more effective coordination of assistance from both government and civil society. The Methodist Church's electronic database on the SHADE website (www.igiveada.mn) was adapted to accept data from designated TAC monitors who then regularly updated the database according to a pre-agreed set of parameters they were required to monitor.

The data was publicly available, but a password was required in order to update information. Data related to conditions and needs of IDPs at the different sites in terms of their material welfare (food and NFI), health, and education and to any maintenance concerns related to site structures and facilities. UN representatives encouraged the JOC to use the data compiled by TAC as it was by far the most comprehensive data available—particularly so for the first six weeks of the crisis. Government, however, remained sceptical of the accuracy of the TAC database. Nonetheless, for the first week of the crisis a representative from TAC worked at the Cape Town JOC to assist with the flow of information from sites to the JOC.

Aside from the monitors from TAC, the SAHRC also employed a team of monitors. Their activities resulted in the publication of a series of reports on conditions in the larger sites. These served as a basis to lobby for improved conditions in the sites and for adherence to acceptable standards of humanitarian assistance. SAHRC reports were circulated on the 'ctviolence' email network. SAHRC monitors, along with others from legal NGOs, assisted in monitoring the conduct of various documentation and assessment processes at the CoSS, including DHA's Rapid Assessment exercise.

Cape Town's Disaster Risk Management Centre activated their Disaster Operations Centre (DOC) on 22nd May and commenced their delivery of services by establishing a mobile JOC at Killarney Race Track to attend to people fleeing from Du Noon on the 23rd. As a civil society representative who attended a meeting of the CT DRMC on 23rd May reported, officials clearly felt that there were not enough community halls to accommodate the number of potential displaced. Very rapidly, the City prepared six CoSS—at Harmony Park, Soetwater, Silverstroom, Blue Waters, Strand and Youngsfield Military Base. On Sunday 25th May, the City was already moving IDPs from police stations to the CoSS. By the 26th May CT DRMC reported it was sending out mediators and translators to persuade IDPs to move from police stations and other ad hoc sites to official shelters, where they would provide assistance and protection.

By Monday 26th May it was estimated that approximately 20,000 IDPs were being accommodated in the Western Cape in over 80 locations. CT DRMC announced that it was providing food, blankets, mattresses and tents for the 10,000 people it was accommodating at specially prepared 'safe sites' which included beach camps and a military camp. The rest were being given refuge in community halls, churches, mosques, shelters and private accommodation across the city. It was reported that there were about 2,700 displaced being accommodated in community halls in Khayelitsha alone. Sites of refuge included the naval base at Simon's Town, where 600 people had been given refuge on Sunday 25th May, and Youngsfield Military Base in Wynberg, to which some 700 people were transported in trucks from police stations on 25th May.

The City's social relief effort entailed a feeding programme for IDPs in the registered shelters, along with the provision of blankets, mattresses and 'basic necessities' such as disposable nappies, soap, and hygiene products. Given the obligation, under the DMA, for the City to coordinate the management of the crisis in collaboration with the Province, the apparent lack of response from the Province prompted the City to ask Province to intervene more directly in the care of IDPs on 26th May.

Phase 2

There was considerable disagreement over the establishment of the five 'mega-sites' which were isolated from the communities of origin of the IDPs, and (with the exception of Youngsfield) isolated from transport, services and opportunities. There was disagreement between different levels of government, as well as between government and civil society. The Mayor insisted that the community halls were needed for standby accommodation in case of winter floods⁴ or fires and for 'community functions' and that it was more effective to provide services to a few large sites rather than the large number of small sites. She refuted accusations that the City was unwilling to open community halls in the middle class suburbs of the city, and claimed that the halls already made available were in diverse areas across the City. Referring to the diverse purposes community halls served in communities, she said her refusal to make more community halls available would 'help avoid creating tensions in communities around the use of halls'.

From the Province's perspective, Premier Rasool argued that the large camps were inhumane, people staying in them were far from work and schools and the large size of their populations made them both difficult to manage logistically and prone to tensions. Most particularly, Province argued that reintegration is more difficult to achieve when people are located far from their original communities. Vocal elements of civil society and human rights advocates were against the creation of large camps that resembled the worst aspects of refugee camps elsewhere. UN, MSF and other agencies with experience of refugee camps were sceptical about the wisdom of setting up camps, not least because South Africa did not have experience of running such entities, they have a risk of becoming long-term, and containing health epidemics in camps is difficult.

On 27th May civil society representatives had a meeting with the Mayor of Cape Town to discuss concerns about alleged threats of eviction of IDPs from community halls to the CoSS. It was reported that at this meeting the Mayor expressed her discontent with certain actors in civil society for specific interventions, with the Province for their failure to take a more active role in providing assistance, and with IDPs for being ungrateful (referring to an incident in which site residents rejected donated food that was past expiry date). She expressed distrust of the Provincial Commissioner for SAPS and for the SAHRC. The coordination of the crisis, she said, was to be done through the JOC and she denied that the government and city were not communicating with each other.

A '*Crisis Summit on Dialogue and Mediation around the Crisis of Displaced People in the Province*' was hosted by the Department of the Premier on 29th May. At this Premier Rasool outlined the Province's three pronged strategy of safety and security for nationals and foreign nationals, humanitarian relief for IDPs, and mediation for integration. The

⁴ In the event the City had to accommodate 3000 people from informal settlements in community halls in early July due to flooding.

humanitarian relief, he said, would be 'driven by the social development institutions of government, the disaster management centres, the NGOs, the Red Cross, the welfare organisations, [and] ordinary citizens and it involves accommodation, food, health, sanitation, [and] toilets'. The Premier spoke of concerns about 'the potential to deepen the enmity between foreign nationals and South Africans' if foreign nationals were seen to be receiving benefits that were not available to South African citizens. In particular, he referred to the provision of accommodation and food, where good intentions might have unintended consequences. The target for reintegration had been set at two months. He announced that the reintegration process would be assisted by the recruitment of 2000 expanded public works programme personnel.

The Premier declared the Western Cape a disaster area on 4th June 2008, thus upgrading what had heretofore been responded to as a 'crisis' to a 'disaster'. Following this, the Province assumed overall responsibility for the management and coordination of the response to the disaster, including dealing with repatriation, reintegration and relocation, while the City played a supporting role by continuing the day-to-day management of the five CoSS and 14 community halls sheltering IDPs. The Premier reminded the City that the declaration of the disaster did not relieve it of its role in providing food and shelter for IDPs.

On 20 June the City DOC was closed. Funding for the City's response had been made available from the Indigent Account, pending claims to other spheres of government for financial assistance. Costs incurred by the City up to 20th June were calculated to be R70.75 million. By the beginning of October this sum was reported to have escalated to just over R102 million.

On 9th June Province (with a supporting affidavit from TAC) requested an interdict from the Cape of Good Hope Provincial Division of the High Court to direct the City to close the CoSS and make available 18 named community halls under the control of the City to accommodate IDPs. The City responded with answering papers, advising that 15 of the 18 listed halls were already occupied by IDPs and suggested the Province should make available its own facilities (empty schools, hospitals, etc). Province retracted its application.

In the midst of this, a group of 170 IDPs, known as the Caledon Square Group, refused to accept accommodation in one of the mega-sites, demanding that they be accommodated in a shelter within the CBD. They indicated their refusal was based on their prior experience of refugee camps in their countries of origin and their yet-to-be-satisfied desire to meet with UNHCR officials to assist them with repatriation or resettlement to leave South Africa.

On the morning of 12th June a group of refugees (including the Caledon Square Group) and TAC supporters occupied the Cape Town Civic Centre, demanding that shelters be opened and camps closed; that UNHCR assist with reintegration, repatriation and resettlement; and that the City and the Province establish a joint task team to address these demands. City and Province met in the afternoon, as a result of which agreement was reached for the establishment of a Joint Task Team. It was announced that it included officials from the Province, the City, the Department of Home Affairs and SAPS, with advisory input from United Nations, and would develop a joint plan of action to address the crisis of displaced people in the Western Cape. The team had addressed concerns with regard to accommodation, health, safety and security, reintegration and repatriation.

Issues of inadequate leadership and continued lack of management and coordination of the disaster were again addressed with the Western Cape Provincial Government through a

Joint Memorandum from Civil Society, dated 25th June. According to the endorsees, relief to IDPs in the camps was not being sustained and requests to Provincial authorities were not being acted upon. A call was made for the PGWC to promote and preserve basic human rights for individuals living in the sites and for greater consistency in the collaboration between Province and City, including in the urgent need to develop a publicly available strategic plan for dealing with the disaster. The Memorandum was delivered to the Western Cape by a large group of IDPs and supporters organised by TAC.

This mode of communication continued into July, with a letter to Premier Rasool and Director-General Petersen of PGWC on 4th July calling for the Province to produce, by 7th July, proposed norms and standards for humanitarian assistance. These should, it was suggested, not be less than the international standards to cover accommodation, nutrition, hygiene, sanitation, health, and security, together with a reasonable timeframe for their implementation. To support this endeavor, TAC had produced and circulated a 47-page document of *'Minimum Norms and Standards'* derived from a range of international instruments. Further joint civil society press statements were released on 9 July regarding untenable conditions at sites, the denial of access of volunteers to sites, concerns about the process of registration being conducted by DHA, and the continued failure of the JOC to respond to requests for humanitarian assistance. Failure to provide a comprehensive norms and standards document meant that TAC and others made a court application against the Province and City. This was, however, withdrawn when on 13th August the Cabinet of the Provincial Government adopted *Western Cape Province: Guidelines for Emergencies, August 2008* detailing the Province's norms and standards for provision of humanitarian assistance to IDPs in the sites.

Further concern about evictions from community halls followed the posting of notices dated 1st August and signed by a Mayoral Committee member at some community halls advising the occupants that they should vacate the premises by 31st August. In a similar vein, confusion was generated by an article in the *Cape Times* of 1st August stating that the Head of Disaster Management for Province had indicated that the province's disaster support programme would cease on 3rd September.

At the end of August the Government's Joint Task Team undertook the relocation of IDPs to three camps in a consolidation exercise. This coincided with particularly severe storms. IDPs were moved to sites that were not ready and the tents, provided by UNHCR, were unable to withstand the weather conditions. Government stated that the UN supported and was monitoring the relocation process. On September 3rd a joint press statement was issued by TAC and other civil society endorsees in respect of the poor planning that surrounded the movement of IDPs in the site consolidation process. Requests were made for more appropriate accommodation for IDPs, for improved collaboration between UNHCR and government in resolving logistical problems, and for greater consultation by government with IDP leadership.

Phase 3

In July, officials of the Department of the Premier commenced dissemination of their reintegration plans. Starting in mid-July with the release of their schedule of community readiness indicators being used to assess readiness to accept IDPs into the community, provincial officials went on to make their presentation of *'The path to reintegration'* to a series of civil society and IDP forums. Recognising the existence of strong disincentives for some of the remaining IDPs to reintegrate, the province presented a reintegration

programme to be pursued by facilitation teams established under the auspices of the Department of Social Dialogue in the Office of the Premier.

The Provincial Safety Forum, initially established in Phase 1 of the emergency and then disbanded, was revived on an ad hoc basis as concerns about the Provincial reintegration plans became an issue at the end of July. IDPs requested representation on the forum to consult with the Commissioner on their concerns about reintegration plans and the necessity for planning to address ongoing security issues in communities.

Following the consolidation of the remaining sites, assessments of IDPs were conducted on a family by family basis, in recognition of their differing circumstances and needs. Whilst local integration was the stated ideal, an undertaking was given to uphold the principle of reintegration being a voluntary process and of the need for continuous engagement and open communication with all affected communities. The need to identify and 'exercise special care' for vulnerable groups was acknowledged, as was the intention to 'promote and protect the right to privacy, protection, dignity, safety and equality' in the conduct of the reintegration programme. Funding for assistance packages was provided by UNHCR (for refugees and asylum seekers) and UNICEF (for other migrants).

The process of assessment was conducted by CTRC, for UNHCR populations of interest, and by UNICEF, through community development workers whom they had trained. Assistance packages included assistance with rental and a food parcel. Although CTRC had been conducting assessments at their offices in Wynberg, and at the TAC offices in Khayelitsha for some time, they commenced assessments in the consolidated sites in September.

There was some confusion over the integration packages and complaints that the sum provided for rent (reportedly between R750 and R1500, depending on the size of the family unit) was insufficient. At Blue Waters Zimbabweans were, at one point, told they were not eligible for integration packages and then, subsequently, that they were eligible. Provincial officials observed that there was reduced take-up of the integration packages at Blue Waters and speculated that intimidation by IDP leadership was responsible for this state of affairs.

The TAC, as requested by the JRLC, requested that more comprehensive consultation be conducted by Province with the JRLC on plans for consolidation, referring to the Constitutional Court order of 21 August 2008 regarding the Gauteng camps. The JRLC did have regular meetings with officials from the Province in September, with some improvement in understanding of the challenges involved in both the final phases of consolidation and reintegration. It remained, however, that closure was scheduled for Harmony Park on 10th October, for Youngsfield on 17th October and for Blue Waters on 31st October. During discussions in September with government officials an undertaking was given that those who had not been able to reintegrate would be moved to one of the remaining camps on the closure of their camp.⁵

There was confusion over the fate of those who were awaiting the resolution of their repatriation applications through IOM and UNHCR. It was suggested that they should stay at the last site to be open, Blue Waters. Subsequently there was discussion of the possibility of finding some temporary accommodation for them as it seemed inappropriate to force them to reintegrate for a short period when they had already indicated their refusal to do so. Finally, in a reversal of original undertakings, they were advised to take reintegration

⁵ In the event, commitments to this effect were consistently not met, although there was more flexibility than had originally been intimated in the closure dates of the three camps.

packages to assist them find temporary accommodation in the communities while they awaited the finalisation of their repatriation applications.

The first documentation process at the newly constituted consolidation sites was registration for Access Cards, after which more stringent access control was enforced. However, this did not stop new residents appearing at some of the camps.

The Department of Home Affairs Rapid Determination Assessment Process to take and process asylum applications from IDPs in the camps commenced in mid-September. Mindful of reports of the highly unsatisfactory process that had been conducted in Gauteng, Western Cape civil society organisations met with DHA representatives on 18th September, prior to the commencement of the process. As a result of this DHA gave undertakings on an improved process. Monitors to observe the process were provided by SAHRC, UCT Law Clinic, TAC and SLSJ (Student Society for Law and Social Justice).

Although some of the conditions had been met, a number of unsatisfactory aspects of the rapid status determination process were reported. One monitor's report noted a key observation to be that *'People did not understand what was happening and were consequently going through the process out of fear that they would not get another chance or because they just didn't know what else to do'*.⁶ As in Gauteng, there was a very high rejection rate. UCT Law Clinic and Legal Resources Centre assisted rejected applicants with lodging appeals against their rejection. The return of determination decisions and replacement documents to IDPs at the sites by DHA was a drawn out and unsatisfactory process from the point of view of all parties. The ineptitude of this process held up efforts by government, civil society, the UNHCR and IDPs themselves to finalise viable solutions to leave the camps. Both UNHCR and Amnesty International were critical of the manner in which the Rapid Determination Assessment Process had been conducted.

Discussions commenced at the end of August with regard to setting up a Protection Working Group. A workshop, facilitated by OCHA and UNHCR, was held on 11th August at which the participants confirmed their interest in establishing a PWG and the SAHRC was asked to be the lead agency. At a subsequent meeting it was decided that there was not sufficient interest or capacity to sustain another civil society forum whilst civil society organisations were still engaged in providing assistance and support to IDPs remaining in the sites.

There was regular civil society representation on two government-led forums. In addition to the four representatives on the provincial Safety Forum, civil society representatives were able to attend one of the twice weekly meetings of the JOC. Their terms of engagement were somewhat limited, in so far as they were invited to give input on conditions in the sites and concerns of IDPs and civil society, but were not invited to take part in discussions amongst officials of the JOC. There were also negotiations to have IDP representatives attend the JOC meetings, but this only happened on one occasion.

Meanwhile, there was considerable fear amongst the remaining IDPs about the ongoing pressure to reintegrate. Mindful of the degree to which foreign nationals lacked basic security in many of the communities to which they were having to return, UNHCR officials termed the process 'relocation' rather than 'reintegration'. An example of the kind of ongoing challenges being faced by foreign nationals occurred in Khayelitsha where, in early September, Somali traders were handed a letter, claiming to be from a local business association, advising the Somalis to leave the area. Officials claiming to speak for the

⁶ *Report of Accelerated Status Determination Process – Blue Waters*. Monday 22 September 2008

organisation made overtly xenophobic threats to the media. The matter was taken up by the SAHRC, UNHCR, COSATU and other civil society organisations. In this instance the threatened attack was preempted through dialogue and explanation of the illegality of the proposed action. However, ad hoc lootings, attacks and robberies of foreigners, particularly of Somalis, continued. Some of the victims returned to the CoSS, having only recently attempted reintegrating themselves. In a few instances recently reintegrated individuals were murdered in targeted attacks.

The Western Cape Civil Society Task Team issued a joint *Compiled Report on the Current Status of the Refugee Crisis* on 18 September. Conditions at the remaining camps were reported to be deteriorating. Supplies of food (particularly for children), toiletries and NFIs, and electricity were inadequate. Reports were also received of inadequate accommodation, sanitation, and health care and lack of communication with camp officials and of information from government. Some facilities were overcrowded and in many the tents were inadequate. Various government officials had made off-the-record remarks about deliberate cut-backs in services to encourage IDPs to leave the sites. There were also reports that the City of Cape Town was suffering budgetary constraints as their claims to the relevant government structures for reimbursement of expenditure in respect of humanitarian assistance had not been paid. There had also been very little progress in satisfactorily resolving the unmet education needs for the remaining school-age children in the camps.

Throughout the crisis NGOs, FBOs, and volunteers working with them played an important role in delivering humanitarian assistance to victims of the disaster. This included advocacy and monitoring of camp conditions (principally SAHRC, PASSOP, TAC), the provision of legal services (LRC, UCT Law Clinic, ALP, SAHRC, Black Sash), medical assessment and assistance (SHAWCO, PHM, ARASA, MSF), psychosocial support (coordinated by the Trauma Centre), reintegration packages (CTRC and UNICEF and many FBOs) and material assistance (TAC, Red Cross, Scalabrini, CTRC, CWD, various FBOs and others). However, by the end of September, despite the fact that there were still some 2,200 IDPs in the remaining CoSS, attendance of civil society organisations at coordination meetings was declining drastically.

IDP representation and participation in the Western Cape was facilitated by the formation of the Joint Refugee Leadership Committee. This developed out of the experience of establishing the camp leadership structures at the largest camp (3500 residents at its peak) at Soetwater. Within days of the establishment of the camp, IDP representatives of national groups were appointed, as well as a women's representative, and a list was produced of the names and contact numbers of all IDP, volunteer and government liaison personnel working at the camp.

UNHCR had meetings with IDPs at the sites in the Western Cape, advising them of their rights and attempting mediation between IDP demands and government and UN capabilities. Much of this was in respect of the persistent demand by a large number of foreign nationals—notably Somalis and nationals of the DRC—for resettlement to a third country. Despite the attempts of UNHCR officials on the ground, IDP needs for consultation were far from satisfied. A Memorandum to the UNHCR from civil society organisations across South Africa, released to coincide with World Refugee Day on 20th June, requested that UNHCR fulfil its as yet unmet obligations to provide direct contact on the part of UNHCR officials with refugees and asylum seekers requesting assistance. UNHCR set up a temporary office in Cape Town at the end of August.

UNHCR, through their local implementing partners, Cape Town Refugee Centre and UCT Law Clinic, provided humanitarian aid (in the form of blankets, baby goods and toiletries, food

and other goods), legal assistance and assistance with repatriation. This latter programme eventually became part of the Province's assessment process in the three consolidated sites, with a view to finding solutions for the remaining IDPs. IOM provided repatriation assistance for foreign nationals falling outside the remit of UNHCR.

Humanitarian Response: UN agencies and INGOs

As with disasters in other parts of the world, UN agencies and INGOs played a significant role in responding to the disaster in South Africa. As a middle-income country, UN agencies do not, for the most part, have significant teams of ground staff in South Africa. Rather, they tend to have their regional headquarters based in the country, and operational teams are elsewhere in the region. International humanitarian assistance actors had, therefore, to obtain the necessary authorisation from national government before they were in a position to commence on-the-ground delivery of assistance. For the most part, UN agencies were confined to playing an advisory and training role. INGOs, on the other hand, were involved in both advisory and direct assistance roles.

Notwithstanding the advice against the creation of camps, UN agencies assisted with planning the facilities. UNHCR and OCHA advised government on several of the processes associated with the management of the camps and documentation of site residents, and on the processes of reintegration and voluntary repatriation of IDPs. UN agencies, including OCHA and UNICEF, provided training for government officials. OCHA ran a two day course on camp management and coordination and UNICEF provided training for the Community Development Workers who assisted with assessment for reintegration assistance.

In the Western Cape UNHCR and OCHA representatives attended some of the civil society forum meetings. In Gauteng UN agencies predominated on the Protection Working Group.

International humanitarian agencies provided training to government officials, including

- Health and hygiene in emergencies government training for health workers and volunteers in Cape Town and Johannesburg (WHO, UNICEF, OCHA, Oxfam, UNFPA and UNICEF in partnership with Western Cape Departments of Health and Social Development)
- Child protection and GBV (UNICEF and partners)
- A series of training and capacity building exercises for officials of provincial and municipal DM in the Western Cape on humanitarian principles and Sphere Standards (UN inter-agency team, NGOs and IFRC)
- At the request of PDMC in the Western Cape, technical guidance and training in
 - upgrading and maintenance of existing sites to minimum international humanitarian standards
 - movement of IDPs to new temporary shelters
 - reintegration of IDPs back into communities

Technical expertise was reported to have been shared with disaster management structures in terms of

- data collection at sites in Gauteng and KZN
- conducting health assessments, including measles immunisation coverage
- nutrition monitoring, particularly for infants and breast-feeding mothers (UNICEF)

- assistance to local NGOs in Gauteng for maintenance of access to, and utilisation of, HIV and AIDS services for IDPs (UNAIDS)
- budgetary advice for CoSS to NDMC
- physical site planning (UNHCR)
- international humanitarian standards (Oxfam, MSF, UNICEF, WHO & UNFPA)
- camp coordination and camp management, in Pretoria and Cape Town (UNHCR)
- site selection and planning, prior to relocation exercises and during the process of transfer (UNHCR, IFRC & OCHA)
- review of areas of support for early recovery with NDMC
- harmonisation of provincial and municipal DM reintegration process and service delivery in camps in Western Cape

Various UN agencies (assisted by NGOs and government personnel), completed multi-sectoral rapid assessment exercises at the request of DM structures:

- of 8 shelters in Gauteng at the end of May, conducted by UN, SARCS, and NGOs, results shared with NDMC
- of 26 sites in the Western Cape in early June (WHO, IOM, IFRC, UNICEF, OCHA and local government representatives)
- of 13 sites in Gauteng in mid-June, using instruments designed by UNFPA, to provide data for the planning and provision of necessary services
- of 6 sites in the Western Cape in mid-July (UN, SARCS and International NGOs)

UNICEF and UNFPA initiated a rapid assessment in Gauteng and the Western Cape at the beginning of July to identify the nature and scope of sexual violence, both during the attacks and within the IDP sites, and of ongoing vulnerability of women and girls.

For the practical support of improved provision of services, UN agencies provided:

- reproductive health kits for IDPs in shelters (UNFPA)
- early childhood kits containing development materials to meet educational and recreational needs of young children
- child friendly spaces at some of the CoSS (Save the Children)
- showers and grey water facilities (Oxfam, UNICEF, MSF)

The National Response

From incredulity to absolute horror—that best describes our reaction to the manner in which the government has so far handled the issue of displaced victims of xenophobia. ...We might well ask how the government's haughty attitude differs from the actions of the communities that forced these refugees out.

8th August 2008. Sowetan. Editorial

It is useful to place the preceding accounts of the responses of the provinces of Gauteng and the Western Cape in the context of relevant aspects of the national response.

National government was slow to take a leadership role in setting the tone for the response to violence directed at non-nationals. There was little recognition of the potential scale of the looming displacement. On 13th May the national Minister of Safety and Security denied that the attacks constituted a crisis. On the 15th May the Minister for Home Affairs declared that there was a plan to return all IDPs to their homes before the end of that week.

Calls for declaration of a state of emergency were made by several organisations, including the United Democratic Movement (UDM) and the Freedom Front Plus (19th May), and rejected by others, including Gauteng Premier Shilowa (20th May). Others (the Democratic Alliance and the UDM, 19th & 20th May) called for the army to be drafted in to assist SAPS.

Although public condemnation of the attacks came from Essop Pahad in the Office of the President (14th May), President Mbeki (19th May) and Premier Shilowa (20th May), it was not until 25th May (Africa Day) that President Mbeki made a 10 minute national address to publicly denounce the attacks. Apologies for the attacks were made to senior officials from other African nations—notably by President Mbeki to the visiting Nigerian President (3 June), by the Deputy President to the people of Nigeria during a visit to Nigeria (23 May) and by the President of the ANC to Mozambican nationals during a visit to Maputo (29 July). A national day of mourning was planned for 24th June and then postponed. Instead, at the beginning of July, President Mbeki led a national tribute with church organisations in Pretoria in remembrance of foreign nationals killed during the May violence. In his address at this event President Mbeki rejected the notion that the attacks had been caused by xenophobia.

Parliament appointed a Task Team of Members of Parliament Probing Violent Attacks on Foreign Nationals on 13th May. The results of their research were presented to parliament on 19th June. Noting the concentration of the attacks in poor communities, particularly in informal settlements, the Task Team acknowledged that xenophobia and discrimination against foreign nationals was a factor in attacks, as were criminal opportunism and socioeconomic inequality. There was a debate on xenophobia in the National Assembly on 16th May. An Interministerial Task Force was appointed by national government to monitor the situation in affected areas; to communicate with affected communities; and to ensure CoSS complied with international standards. On 12th June, on behalf of government, the Task Force confirmed that it would continue to work with international agencies and South African NGOs to ensure that international standards were upheld in the CoSS.

Crucial aspects of the discourse of the Government of South Africa around the presence of non-nationals in South Africa have been driven—both before and since 1994—by a securo-

centric discourse wherein foreign nationals are viewed primarily as a threat to stability and national well-being. The oppressive response that this stance tends to generate stands in stark contradiction to the human rights oriented discourses that have characterised both government—policy if not always its implementation—and civil society thinking since 1994.

It was therefore with great concern that human rights organisations viewed calls for the South African National Defense Force (SANDF) to be deployed in Johannesburg. For many, such a prospect bore worrying parallels with apartheid era policing of township unrest. For others, such as the IEC, the SANDF would be able to deploy their peacekeeping skills, developed elsewhere on the continent, to assist a clearly over-stretched police force. In the event, on 21st May President Mbeki approved a request from SAPS for SANDF involvement to assist in establishing control of violence-wracked areas of townships in Gauteng. South African troops immediately prepared to enter the townships to assist SAPS, despite the fact that the Minister of Defense warned that soldiers were not appropriate replacements for police in so far as they were trained to shoot to kill anyone pointing a gun at them, their weapons were inappropriate for the task, and they were not trained to arrest people. In the event, township violence abated as soon as the army was deployed, although it is not clear whether this was in response to the presence of the SANDF. One person was shot by the army in a cordon-and-search operation in Gauteng.

Cabinet met on 28th May to consider the establishment of ‘centres of safe shelter’. Beyond the first priority to ensure security on a national scale, government attention was devoted to the investigation of the causes of the outbreaks of violence as a prerequisite for the ultimate goal of reintegration. Reintegration was publicly declared the government priority on 5th June. With few exceptions, the shorter term priorities of providing acceptable levels of humanitarian assistance in accordance with internationally accepted standards for the care of IDPs was not part of the public discourse from national government.

There were a number of high profile political visits to affected communities in Gauteng. More broadly, the ANC encouraged its structures in communities to work with their communities in bringing an end to the attacks, isolating criminals involved in the violence and working with law enforcement agencies to ensure peace and justice.

The events of May 2008 were a great embarrassment to the South African government and to many of its citizens. The idea that the attacks had thrown a shameful shadow over the achievements of a democratic South Africa were prevalent. The Leader of the Inkatha Freedom Party, for example, expressed on 24th May his shame for the attacks on the foreign nationals following a visit to several of the Johannesburg communities most severely affected by the attacks. Perhaps the most high-profile carrier of this message was Nobel peace laureate Archbishop Emeritus Desmond Tutu, who declared: ‘The world is shocked, and is going to laugh at us and mock us. We are disgracing our struggle heroes. Our children will condemn us in the future’.⁷

In consonance with the concerns for security, key national government representatives turned their attention to the question of documentation and the status of the foreign nationals affected by the events of May. While Professor Kader Asmal (former Education Minister) urged government to consider granting amnesty to illegal immigrants living in the country (22 May), a series of conflicting messages emanated from the Department of Home Affairs on the possible stay of deportation of undocumented migrants.

⁷ *The Times*. Tutu pleads for a stop to violence. 21 May 2008.

Along with the expression of shame was a desire to identify the causes. Whilst many politicians and analysts put the attacks down to criminal opportunism working within the broader context of dissatisfaction and unrest at the lack of service delivery and ongoing poverty, others speculated on there being more sinister factors behind the attacks. The Gauteng MEC for Sport told the Gauteng legislature on 20th May that police had concrete evidence of 'third force' involvement, suggesting a politically-motivated and organised incitement of violence. This was a perspective upheld by some NIA officials, but ultimately it was not supported by reliable evidence. In some instances, the violence was blamed on hostel residents, reflecting the historical propensity for this sector to mobilise violently.

Aside from government, the national labour movements joined government and civil society in their condemnation of the attacks. COSATU was active in urging all spheres of government to do more to assist IDPs (in both Gauteng and the Western Cape). NUMSA and COSATU warned against making false claims about foreign nationals and criminalising them, and vowed to launch education campaigns with their memberships. NAAMSA and SATAWU called for solidarity against xenophobia and for the cessation of violence against and exploitation of foreigners living in South Africa.

Given its largely national audience, the media played a crucial role in informing the national response to the humanitarian crisis. Whilst violent attacks were under way in Gauteng, the media—particularly national television—provided repetitive coverage of extremely violent events and footage of panga-wielding youths issuing threats to foreigners.

The repetitive flighting of footage depicting actual or threatened violence against foreigners served to generate great fear amongst black foreign nationals living in South Africa. It also served to galvanise civil society organisations and private individuals to prepare to assist affected foreign nationals. Footage of the setting alight of a Mozambican man in Johannesburg became the touchstone of the horror that South African communities—foreigners and nationals—were living through. It was, according to a volunteer working at TAC, the motif around which that organisation galvanised their plan to support the anticipated flight of foreign nationals in Cape Town. As the disaster progressed, the media became both a tool for advocacy for improved conditions for IDPs and a conduit for government information releases. In some instances the media also fuelled confusion through circulation of inaccurate information.

Conclusion

The foregoing account of the humanitarian response to the crisis following attacks on foreign nationals in May 2008 gives a sense of the complex and fluid nature of the partnerships and cooperation mechanisms in both Gauteng and Western Cape of organisations that participated in the delivery of humanitarian assistance to internally displaced non-nationals. It also illustrates—particularly in the contrast between the responses of the Western Cape and Gauteng—the value of civil society coordination mechanisms, albeit that the ad hoc nature in which they were set up created some problems in itself.

The account clearly demonstrates the extent to which lack of communication impeded the effective delivery of humanitarian assistance to IDPs. However, it also highlights the fact that lack of prior planning frequently underlay the failure of communication. Confusion about responsibilities, lines of communication, norms and standards of provision and overall objectives whilst trying to plan and strategise mid-crisis the effective delivery of humanitarian assistance meant that officials often had neither channels, mandates nor appropriate information for communication. A further profound effect of the lack of communication was conflict and intransigence—most notably amongst IDPs (but not entirely limited thereto)—as frustration, alienation and, for some, further traumatisation increasingly took their toll.

From a broader perspective, the account of the humanitarian response—both its success and its failures—point to important aspects of government and civil society accountability and to the starting point of the crisis itself—the South African understanding of the legitimacy of foreign nationals in South Africa and our relationship with them as fellow human beings. Whereas the initial violence contained within it manifestations of popular street-level sentiment against foreign nationals of African origin, aspects of the response—and particularly those aspects that failed to meet required levels of humanitarian assistance—were indicative of failures in policy, policy implementation and/or planning to ensure that foreign nationals resident in South Africa are comprehensively incorporated into the South African communities in which they live. Crucially, this includes ensuring their equitable access to services and benefits provided by both government and civil society actors, as provided for in the various relevant regulatory instruments. Thoroughgoing education of all citizens and non-citizens on the rights and obligations of foreign migrants in South Africa, reinforced by comprehensive and clear participation in the full range of benefits and responsibilities which are legally defined, can only assist government and civil society actors in contributing to conditions that foster more peaceful and effective co-existence of foreign nationals and citizens in South African communities.

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