HUMANITARIAN ASSISTANCE TO
INTERNALLY DISPLACED PERSONS
IN SOUTH AFRICA

LESSONS LEARNED
FOLLOWING ATTACKS ON
FOREIGN NATIONALS IN MAY 2008

JANUARY 2009

FORCED MIGRATION STUDIES PROGRAMME
University of the Witwatersrand
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Note on the authors:
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

TAMLYN MONSON is a Researcher with the Wits Forced Migration Studies Programme. Tamlynmonson@gmail.com

TARA POLZER is a Senior Researcher with the Wits Forced Migration Studies Programme and has conducted research on emergency preparedness and response in several countries. Tara.polzer@wits.ac.za

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# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABBREVIATIONS</td>
<td>5</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>6</td>
</tr>
<tr>
<td>CHAPTER 1: INTRODUCTION</td>
<td>14</td>
</tr>
<tr>
<td>CHAPTER 2: CONTEXT</td>
<td>17</td>
</tr>
<tr>
<td>Migration to South Africa</td>
<td>17</td>
</tr>
<tr>
<td>Disaster Management Legal and Institutional Framework</td>
<td>18</td>
</tr>
<tr>
<td>Government</td>
<td>18</td>
</tr>
<tr>
<td>Civil Society</td>
<td>19</td>
</tr>
<tr>
<td>The Nature of the May 2008 Violence and Displacement</td>
<td>19</td>
</tr>
<tr>
<td>CHAPTER 3: DESCRIPTION OF THE HUMANITARIAN RESPONSE</td>
<td>21</td>
</tr>
<tr>
<td>The Humanitarian Response in Gauteng</td>
<td>22</td>
</tr>
<tr>
<td>The Humanitarian Response in the Western Cape</td>
<td>36</td>
</tr>
<tr>
<td>Expenditure on Humanitarian Aid</td>
<td>50</td>
</tr>
<tr>
<td>UN Agencies and INGOs</td>
<td>50</td>
</tr>
<tr>
<td>The National Government Response</td>
<td>52</td>
</tr>
<tr>
<td>CHAPTER 4: EVALUATION OF THE HUMANITARIAN RESPONSE</td>
<td>56</td>
</tr>
<tr>
<td>National Versus International Norms</td>
<td>57</td>
</tr>
<tr>
<td>Contingency Planning for Social Conflict</td>
<td>57</td>
</tr>
<tr>
<td>Norms and Standards for Humanitarian Response</td>
<td>56</td>
</tr>
<tr>
<td>Focus of the Evaluation</td>
<td>58</td>
</tr>
<tr>
<td>CHAPTER 5: EVALUATION – MATERIAL WELFARE</td>
<td>60</td>
</tr>
<tr>
<td>Site planning</td>
<td>60</td>
</tr>
<tr>
<td>Provisioning</td>
<td>65</td>
</tr>
<tr>
<td>CHAPTER 6: EVALUATION – PERSONAL WELFARE</td>
<td>71</td>
</tr>
<tr>
<td>Privacy</td>
<td>71</td>
</tr>
<tr>
<td>Health and Psychosocial Support</td>
<td>72</td>
</tr>
<tr>
<td>Child welfare</td>
<td>77</td>
</tr>
<tr>
<td>CHAPTER 7: EVALUATION - PROTECTION</td>
<td>82</td>
</tr>
<tr>
<td>Security</td>
<td>82</td>
</tr>
<tr>
<td>Livelihood Opportunities</td>
<td>86</td>
</tr>
<tr>
<td>CHAPTER 8: EVALUATION – ACCOUNTABILITY BETWEEN SERVICE PROVIDERS AND BENEFICIARIES</td>
<td>88</td>
</tr>
<tr>
<td>Communication</td>
<td>90</td>
</tr>
<tr>
<td>Consultation and Participation</td>
<td>98</td>
</tr>
<tr>
<td>Monitoring and Redress</td>
<td>106</td>
</tr>
<tr>
<td>CHAPTER 9: EVALUATION – COORDINATION AND COOPERATION AMONG SERVICE PROVIDERS</td>
<td>111</td>
</tr>
<tr>
<td>Government: Internal Coordination and Cooperation</td>
<td>111</td>
</tr>
<tr>
<td>Government and International Agencies: Coordination and Cooperation</td>
<td>119</td>
</tr>
<tr>
<td>Government and Civil Society: Coordination and Cooperation</td>
<td>120</td>
</tr>
<tr>
<td>Civil Society: Internal Coordination and Cooperation</td>
<td>123</td>
</tr>
<tr>
<td>International Agencies: Coordination and Cooperation</td>
<td>130</td>
</tr>
<tr>
<td>IDP Communities: Coordination and Cooperation</td>
<td>131</td>
</tr>
<tr>
<td>Conclusion: Coordination and Cooperation among Service Providers</td>
<td>133</td>
</tr>
<tr>
<td>CHAPTER 10: JUSTICE AND DURABLE SOLUTIONS</td>
<td>135</td>
</tr>
<tr>
<td>Deportation and “Voluntary” Repatriation</td>
<td>135</td>
</tr>
<tr>
<td>Justice</td>
<td>137</td>
</tr>
<tr>
<td>Documentation</td>
<td>139</td>
</tr>
<tr>
<td>Reintegration</td>
<td>144</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Name</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>ALP</td>
<td>Aids Law Project</td>
</tr>
<tr>
<td>ANC</td>
<td>African National Congress</td>
</tr>
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<td>ARASA</td>
<td>AIDS Rights Alliance Southern Africa</td>
</tr>
<tr>
<td>CDW</td>
<td>Community Development Workers</td>
</tr>
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<td>CGE</td>
<td>Commission for Gender Equity</td>
</tr>
<tr>
<td>CoRMSA</td>
<td>Consortium of Refugees and Migrants in South Africa</td>
</tr>
<tr>
<td>COSATU</td>
<td>Confederation of South African Trade Unions</td>
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<td>CoSS</td>
<td>Centre/s of Safe Shelter</td>
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<td>CTRC</td>
<td>Cape Town Refugee Centre</td>
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<td>CTWD</td>
<td>Catholic Welfare and Development</td>
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<td>DHA</td>
<td>Department of Home Affairs</td>
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<td>DMA</td>
<td>Disaster Management Act 2002</td>
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<td>DMC</td>
<td>Disaster Management Centre</td>
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<td>DMS</td>
<td>Disaster Management Services</td>
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<td>DOC</td>
<td>Disaster Operations Centre</td>
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<td>DM</td>
<td>Disaster Management</td>
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<td>DRMC/S</td>
<td>Disaster Risk Management Centre/Service</td>
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<tr>
<td>FBO</td>
<td>Faith-Based Organisation</td>
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<td>GBV</td>
<td>Gender-Based Violence</td>
</tr>
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<td>ICRC</td>
<td>International Committee of the Red Cross/Crescent</td>
</tr>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>IEC</td>
<td>Independent Electoral Commission</td>
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<td>IFRC</td>
<td>International Federation of Red Cross and Red Crescent Societies</td>
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<td>IOM</td>
<td>International Organisation for Migration</td>
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<td>INGO</td>
<td>International Non-Governmental Organisation</td>
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<td>JOC</td>
<td>Joint Operations Centre</td>
</tr>
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<td>JRLC</td>
<td>Joint Refugee Leadership Committee</td>
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<td>LHR</td>
<td>Lawyers for Human Rights</td>
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<td>MSF</td>
<td>Médecins sans Frontières (Doctors without Borders)</td>
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<td>NAAMSA</td>
<td>National Association of Automobile Manufacturers of South Africa</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>NFI</td>
<td>Non-Food Item</td>
</tr>
<tr>
<td>NIA</td>
<td>National Intelligence Agency</td>
</tr>
<tr>
<td>NUMSA</td>
<td>National Union of Mineworkers of South Africa</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>OCHA</td>
<td>Office for the Coordination of Human Affairs</td>
</tr>
<tr>
<td>PDMC</td>
<td>Provincial Disaster Management Committee</td>
</tr>
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<td>PGWC</td>
<td>Provincial Government of the Western Cape</td>
</tr>
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<td>PHM</td>
<td>Peoples’ Health Movement</td>
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<td>PWG</td>
<td>Protection Working Group</td>
</tr>
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<td>SACC</td>
<td>South African Council of Churches</td>
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<td>SAHRC</td>
<td>South African Human Rights Commission</td>
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<td>SANZAF</td>
<td>South African National Zakāh Fund</td>
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<td>SAPS</td>
<td>South African Police Service</td>
</tr>
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<td>SARCS</td>
<td>South African Red Cross Society</td>
</tr>
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<td>SATAWU</td>
<td>South African Transport and Allied Workers’ Union</td>
</tr>
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<td>SHAWCO</td>
<td>Students’ Health &amp; Welfare Centres Organisation</td>
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<td>TAC</td>
<td>Treatment Action Campaign</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
</tr>
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<td>VOC</td>
<td>Venue Operation Centre</td>
</tr>
</tbody>
</table>
This report documents civil society’s and government’s humanitarian responses to the displacement of thousands of people in South Africa as a result of widespread attacks against foreigners in May 2008. This was the first such internal displacement crisis since South Africa’s transition to democracy in 1994, and both governmental and civil society structures were ill-prepared to provide appropriate humanitarian assistance. The aim of evaluating these responses is to learn lessons for future disaster management and increase the effectiveness of future emergency responses.

In common with many other disasters, the initial humanitarian response was chaotic. There was consensus among agencies that the quality and speed of response must be improved should similar humanitarian disasters occur in the future. Without exception, agencies involved in the response identified lack of preparedness, coordination and communication as key determinants of the quality of humanitarian assistance provided.

It is likely that large-scale displacement, whether man-made or caused by natural disaster, will occur in South Africa again. It is therefore crucial that lessons are learned from this experience. Towards this aim, the Wits Forced Migration Studies Programme monitored humanitarian responses by government and civil society in Gauteng and the Western Cape – the provinces where the magnitude of displacement was the greatest – and this report evaluates these responses in relation to international best practice guidelines.

Some of the characteristics of the May 2008 disaster response are specific because most of the internally displaced persons (IDPs) were foreign nationals. However, many of the technical and organisational lessons apply to all humanitarian emergencies regardless of the population affected. Hence this report and its recommendations are written with the prospect in mind that South African citizens might well predominate amongst beneficiaries in future complex humanitarian disaster scenarios.

Given the likelihood of future displacement, it is concerning that much of the momentum and experience gained in the months following May already seems to have dissipated. It is encouraging that many institutions in government, civil society and the UN system have carried out evaluations of their own responses, some of which have been made public, and there have been some cross-sectoral ‘lessons learned’ exercises. However, many civil society organisations dropped out of the disaster response even before the displacement shelters were closed due to exhaustion and lack of funds, and many municipal and provincial governmental actors were similarly keen to ‘get back to their real work’ and leave the emergency mode behind. More importantly, the fledgling coordination structures which had developed within civil society and between government and civil society – including regular forums and information sharing websites – have collapsed, returning the sector to a similar state of fragmentation as before the disaster. In addition, rather than building mutual knowledge and trust, the often ad hoc interactions between disaster response actors in many ways led to an increase in frustration and suspicion between government and civil society, between civil society and the UN, within civil society, and within government (for example, between municipal, provincial and national actors). This lack of trust and communication needs to be overcome through regular structured interactions if future disaster responses are to be more effective.

This report, therefore, has three main aims:

- To provide a **comprehensive record**, as far as possible, of the disaster response by government and civil society actors, linking the experiences of many disparate organisations and integrating these experiences from the perspective of an overall disaster response ‘sector’, thereby identifying complimentary and clashing institutional roles, provision gaps, and coordination and communication needs;

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• To act as a reference work, in tandem with existing humanitarian standards documents such as the *Sphere Handbook*,\(^2\) for South African disaster management practitioners on common problems to be avoided and factors to take into account in relation to material welfare provision, personal welfare provision, and protection as well as accountability, coordination and communication structures;

• To provide a basis for continued discussion among disaster response actors in government and civil society towards the development of robust communication and coordination processes and structures for disaster preparedness and response in South Africa.

With regard to all three aims, we hope therefore that this report will be used and engaged with as an active document by the following readers:

• Government officials from all spheres of the South African government,
• South African NGOs, CBOs, FBOs and individuals involved in the disaster response,
• INGOs working in South Africa,
• Private sector disaster management practitioners, and
• The media.

The Study and the Structure of the Report

The research for this report was commissioned by the South African office of Oxfam Great Britain and conducted by the Forced Migration Studies Programme in the University of the Witwatersrand. The findings of the study arise from field work conducted between June and October 2008. This included reviewing meeting minutes and reports compiled by various organisations, attending meetings, visiting Safety Sites and interviewing key actors in civil society, government and international organisations (see Annex B for more detail concerning the research methodology and the list of interviews conducted). The research was confined to events in Gauteng and the Western Cape Provinces, where the majority of displacement occurred.

Six aspects of the response were evaluated:

1. **Material Welfare**: including site planning and provisioning,
2. **Personal Welfare**: including privacy, health and psychosocial support, and child welfare,
3. **Protection**: including security and livelihood opportunities,
4. **Accountability**: including communication, consultation and participation, and monitoring and redress among service providers and beneficiaries,
5. **Co-ordination and cooperation** within and between among service providers, and
6. **Justice** and humanitarian assistance for **durable solutions**, such as repatriation and reintegration.

The report has the following structure:

• For readers not familiar with the South African context and the May 2008 outbreaks of violence, the report commences with a brief Chapter (2) on the context of migration and disaster management in South Africa, including the legal and institutional frameworks for governmental and civil society disaster response. The violent events of May 2008 leading to the displacement of tens of thousands of people are described.

• Chapters 4 to 10 evaluate key aspects of the humanitarian response and the coordination of its delivery during the disaster, arranged by assistance theme (e.g. material welfare, protection, coordination, etc.). Recommendations are made in each sub-section of the evaluation chapters.

• Chapter 11 consolidates all the recommendations made throughout the report.

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\(^2\) The Sphere Project’s *Humanitarian Charter and Minimum standards in Disaster Protection* (the Sphere Handbook)  
The report ends with several Annexes providing more information on terminology, methodology, humanitarian standards, law, food provisioning and a selective bibliography.

Key Findings

The humanitarian response to the displacement caused by the May 2008 violence against foreign nationals can be divided into three phases: an initial phase of emergency assistance, a core phase of providing structured shelter and welfare assistance to the displaced, and a closing-down phase aimed at ‘reintegrating’ the displaced.

In many ways, South Africa’s human response to the crisis was laudable. Especially in the initial emergency phase, the police, churches, and individuals provided shelter and NGOs, FBOs, and individuals provided large amounts of donated food, clothes and other goods to the displaced. The role of civil society organisations in reacting quickly and flexibly to the humanitarian need and providing a wide range of crucial services must be recognised. There were also many government employees who invested time, energy and care beyond their formal duties.

Nonetheless, from an organisational point of view, the initial humanitarian response was characterised by ‘chaos’. Throughout all response phases and in both affected provinces, it is clear that issues of coordination and communication were both the most important and the least effectively managed. This includes coordination and communication within government and within civil society, as well as between the sectors.

While a lack of immediate coherence is normal to some extent in disaster situations, there were several reasons for the high levels of initial disorganisation:

- **Lack of experience and established systems**

  South Africa’s Disaster Management Act (2002) and Disaster Management Framework (2004) are relatively new and they were untested for such a case of large-scale displacement. There was also no significant operational presence of international humanitarian actors in the country, with UN agencies and international NGOs predominantly focussed on regional work or domestic developmental (rather than emergency) programming. The experience of Cape Town city’s disaster management structures in dealing with annual flood and storm-related displacement proved useful to some extent, especially through the ability to quickly activate existing relationships with some civil society organisations. However, there are several key ways in which the existing disaster management structures and experiences failed as a guide for the May 2008 disaster response:

  - The current Disaster Management Act and Framework focus on displacement caused by natural disasters and technology-related disasters (nuclear stations, aviation, etc.) but do not specifically include planning for displacement and humanitarian needs caused by civic disturbances and violence. The kinds of responses required for violent displacement are different and so should be planned for explicitly.
  
  - The Disaster Management system enables local municipalities and provinces to declare and act upon localised disasters, but there was no effective **national coordination** of responses from government, leading to a lack of coordination between Gauteng and the Western Cape in this case. This led to differences of response standards, waste of time and resources due to the duplication of structures and processes, and confusion concerning the rights of the displaced.
  
  - Civil society actors were not included in a regular **consultative capacity** in governmental disaster management structures, either at national, provincial or municipal level (although a very small number of organisations had local relationships as contractors). This had several consequences, including that civil society and government could not exchange information for early warning; that neither governmental nor civil society organisations had good information about each other’s
mandates and modes of operation; and that relationships and modes of communication and cooperation had to be constructed during the emergency rather than existing in advance.

- In practice, there were no generally accepted norms and standards for humanitarian service provision. There was no document outlining South Africa’s own levels of service provision standards, nor were widely accepted international standards, such as the Sphere Handbook, known or used. Even most permanent disaster management staff lacked knowledge of international standards, and there had been no regular training or even emergency training of other governmental officials or civil society actors in common standards. The lack of common standards led to: inadequate levels of basic service provision and protection of the displaced in some places; different levels of service provision in different locations; difficulties in effectively monitoring and coordination service provision; and difficulties in communicating and justifying levels of service provision for the displaced to the general population. Some UN agencies and INGOs conducted training on standards in the wake of the May disaster response.

- **Lack of government leadership**

  One of the most important barriers to effective disaster response in May was the lack of government leadership. This was due both to a lack of clarity in the Disaster Management Framework and to problems of political leadership. As noted above, the Disaster Management Framework is not clear on how to respond to violent displacement and which government department is the lead agency in such a case. The fact that most of the displaced were foreign nationals complicated the adoption of overall responsibility and political dedication in this case, as discussed further below. The lack of a clear and pro-active governmental lead agency hindered effective coordination between:

  - Municipal, provincial and national levels of government;
  - Different operational government departments (e.g. Health, Social Development, SAPS, DHA);
  - Governmental and civil society actors.

- **Fragmentation of civil society**

  Since there have not been similar disasters in the country before (at least since democratisation in 1994), South African civil society does not have professional disaster response experience or capacity. In contrast to the governmental Disaster Management Act and Framework, there is no institutionalised basis for the coordination of civil society for disaster response. Civil society organisations from a wide range of sectors contributed to the disaster response, dedicating staff time and resources, usually without specific funding for such work, in high volumes and over long periods of time. The organisations involved came from a variety of backgrounds, including faith-based groups, social movements, migrant rights legal organisations, health and trauma organisations, and individual volunteers. Most of these organisations had never done emergency welfare work or monitoring before and most had never worked together, having different structures, mandates and approaches. The lack of existing disaster response capacity in civil society and its fragmentation as a sector had several consequences:

  - Various coordination and information sharing mechanisms were established by civil society during the disaster response, including regular meetings, working groups, and email and web-based forums. While these mechanisms were valuable for exchanging information and to some extent planning a division of labour, they did not result in (and were not intended to result in) a unified civil society position, the appointment of overall civil society spokespersons and representatives, or mechanisms for evaluating and holding civil society actors accountable for their emergency work. Various governmental actors, as well as some international agencies, repeatedly called for a single ‘civil society representative’ to act as spokesperson or contact person, and expressed frustration with the multiple voices from civil society. This call, however, misunderstood the nature of civil society with regard to disaster response (a largely ad hoc collection of diverse bodies volunteering their time and resources) and the nature of existing coordination structures (equally ad hoc).
- Levels of coordination and leadership in civil society were significantly different in the Western Cape and in Gauteng. In the Western Cape there was a strong single organisation – the Treatment Action Campaign – which took on the leadership and coordination role, while in Gauteng such a civil society lead agency was absent (although the South African Human Rights Commission tried to some extent to take on this role). While stronger leadership in the Western Cape led to more effective civil society coordination than in Gauteng, it also in some ways contributed to a more confrontational relationship with governmental actors.

- Civil society actors took on a range of roles and strategies in relation to the government’s disaster response, including direct welfare provision and monitoring roles. While the welfare provision roles were largely carried out in tandem with government welfare provision (often filling gaps), the monitoring roles often increased suspicion and distance from government. This was especially the case in the last phase of the response (the ‘reintegration’ phase) when civil society in both Gauteng and the Western Cape turned to litigation or threatened litigation regarding levels of provision to and the planned closure of the ‘safety sites’.

- Confusion regarding the rights of (foreign) displaced

  The disaster response was in many ways affected by the fact that most of the displaced persons were not South African citizens. In a strict humanitarian sense, the nationality of the affected persons, and indeed their legal status, should be irrelevant, since humanitarianism is based on the concepts of human rights and non-discrimination. International guidelines concerning internally displaced persons also proscribe discrimination by nationality or legal status, as does South Africa’s Constitution when it comes to basic rights to life, dignity, food, etc. Nonetheless, the foreignness of most of the displaced impacted on the response in several ways:

  - Apart from the general lack of clarity concerning a governmental lead agency, as noted above, there was confusion about the roles of the Department of Home Affairs (DHA) and the United Nations Office of the High Commissioner for Refugees (UNHCR) in the disaster response. DHA is often assumed to be responsible for all aspects of life regarding foreign nationals, while DHA itself has no welfare provision capacity to generally restricts itself to interventions relating to documentation.

  - There were sensitivities about public perceptions of the response. Government (and some civil society) actors argued that it might fuel further resentment or violence against foreign national if they were seen to be receiving more assistance from government than citizens. In addition, various government actors, not least the police and elected municipal and provincial officials were concerned about their own legitimacy with voters if they were seen to be championing the rights of foreign nationals and spending resources on providing assistance to them.

  - Government and civil society are not separate from the general population and so xenophobic attitudes existed among some governmental (and civil society) actors. While civil society actors who were unwilling to assist the displaced simply stayed away, governmental officials were required to provide services which they may not have personally agreed with.

  - The continuation of ‘immigration control’ approaches during the initial phases of the emergency led to breakdowns in protection. This included the arrest and deportation of some displaced persons who did not have documentation. Even the ‘voluntary’ return of victims of the attacks to their home countries represented a breakdown in protection and compromised the implementation of justice against perpetrators.

  - Solutions for ending the emergency situation and response were especially affected by questions of legal status for the displaced. The most significant and at times violent conflicts between government agencies and the displaced concerned questions of documentation, including anxieties by IDPs who had existing refugee or asylum seeker documentation that temporary documents would reduce their rights, and vulnerability by previously undocumented IDPs concerning the quality and time-period of protection they would receive from temporary documents once they left the camps and ‘reintegrated’.
Consultation and participation of the displaced in planning, implementing and monitoring the humanitarian responses were woefully inadequate, both by government and by civil society, although IDPs were more effectively included in civil society structures in the Western Cape than elsewhere. Such consultation and participation is very important in any intervention and is often overlooked, even where the affected persons are citizens. However, such consultation was complicated by the diversity and fragmentation of the displaced in terms of nationality, language and legal status. There was no ready-made representative IDP ‘leadership’ to consult with.

**Lessons Learned**

The evaluation of the humanitarian response highlights six key areas of focus for future interventions.

1. **Communication**

   The majority of conflicts between government, UN agencies, civil society and IDPs, and within each of these sectors, could have been avoided through more open and effective communication. Communication from government to IDPs, from government to civil society and from UNHCR to IDPs was especially problematic, but there was also a lack of communication between different levels of government and between different government departments. Problems included the timeliness and consistency of information concerning government policy and interventions, especially relating to the movement of IDPs into ‘safety sites’, levels of basic service provision, documentation options and reintegration options.

   Communication is a basic element of accountability. The effects of a lack of effective communication included serious delays in basic service provision in many instances, and almost all the litigation by civil society against government could have been avoided through better government communication of its plans. The impact of a lack of communication on IDPs was increased trauma and an inability to plan for the future as well as frustration and in some cases aggression against government actors.

2. **Consultation and Participation**

   There was inadequate cross-sectoral consultation and participation: consultation of civil society by government, and consultation of IDPs by both government and civil society actors. Government structures often rejected consultation with and participation of IDPs and civil society actors by arguing that particular individuals or organisations were not ‘representative’ of the wider IDP or civil society constituency. While issues of representativity and accountability are real concerns and difficulties, it is important to develop flexible and supportive inclusive structures. The consequences of a lack of consultation and participation included inappropriate shelter site selection; inappropriate food provision; and preventable tensions and conflicts between IDPs, shelter management and government, among others.

   Communication and consultation failures were both the result and the cause of distrust between the various sectors involved in the emergency response.
3. **Coordination**

   For any complex and multi-sectoral intervention such as a humanitarian responses, effective coordination mechanisms are the backbone. Without coordination, there are inevitably service gaps and duplications, as well as wastage of resources. The absence of effective communication and information-sharing noted above were central factors in hampering the coordination of humanitarian relief. In addition, modes of engagement, dictated by differences of style and ethos and by historical relations between government and civil society actors as well as among different civil society actors, had a profound effect on the extent to which coordination took place. The lack of a clear overall lead agency in government, and the lack of a recognised basis for civil society organisations to claim a coordination mandate, also undermined the establishment of generally recognised coordination mechanisms.

   Given government’s disaster management mandate and its response capacity, a primary coordination hub for any disaster response should be located in government, with a clear lead agency which maintains overall authority even when implementation responsibility passes from one level of government to another (such as from municipal to provincial). This hub should be inclusive of civil society and IDP representatives. Civil society should also develop its own coordination hub to feed into government structures and to coordinate civil society’s specific monitoring roles.

4. **Information Collection and Management**

   The functions of coordination and communication depend on the effective collection and dissemination of information concerning the needs of the displaced, the mandates and capacities of responding organisations, and the ongoing levels of service provision. A key problem during the disaster response was the lack of standardised information collection and the lack of clear and broad information sharing and dissemination processes and mechanisms. While some INGOs and UN agencies assisted government and civil society organisations by providing information collection models, and while web-based information sharing portals were established, these need to be generally agreed upon and maintained in advance of the next emergency.

5. **Emergency preparedness & contingency planning**

   All of the above functions need to be developed through an effective and inclusive emergency preparedness and contingency planning process. This process should apply to all kinds of disasters, but explicitly include planning for civil conflict. Such planning would provide the opportunity to develop relationships among a range of government and civil society actors to overcome the lack of knowledge and suspicion currently undermining effective communication, consultation and coordination. It would build technical capacity in government and civil society and would lead to shared norms and standards, protocols, databases of stakeholders, data collection formats, etc. all of which would greatly increase the speed and effectiveness of future disaster responses.

6. **Evaluation and learning**

   There have already been several ‘lessons learned’ exercises with civil society (of which this report is one) and by UN and government actors. It is important that these exercises result in concrete changes within institutions and in the development of effective structures to connect the diverse institutions involved in disaster response and management. Civil society and government actors should openly share their internal evaluations and incorporate criticism as a constructive effort to improve service in the disaster response sector overall.
KEY RECOMMENDATIONS

TO GOVERNMENT

- Conduct an evaluation of the governmental disaster response to the May 2008 violence. This evaluation should include the actions of all levels of government (municipal, provincial and national) and especially the interactions between them. The findings of this evaluation should be made public and discussed with civil society.
- Review the National Disaster Management Framework in relation to its applicability to civic disturbances and displacement due to violence. In particular, a clear lead department should be defined for such cases.
- Include civil society representation on governmental DM structures both prior to and during disasters and develop clear protocols for information exchange and coordination with civil society.

TO CIVIL SOCIETY

- Establish a standing disaster management structure or network dedicated to early warning, capacity building, information sharing and – in the case of an ongoing disaster – coordination, communication and monitoring. This structure should also act as the mechanism through which civil society representatives on governmental DM structures are identified and/or held accountable.
- Engage constructively with governmental DM structures towards the development of clear protocols for information exchange and coordination both prior to and during disasters.
- Find ways of building an operational domestic disaster response capacity within civil society, especially expertise and experience in the provision of material and personal welfare. Such capacity can either be built through new programmes within existing civil society organisations, or else through the establishment of new institutions.

TO INGOs AND UN AGENCIES

- Assist government and civil society to build DM capacity by offering ongoing and ideally joint training in international humanitarian standards, and by facilitating practical learning experiences in other parts of the region and continent.

TO GOVERNMENT, CIVIL SOCIETY and INTERNATIONAL ACTORS

- Conduct a joint evaluation of the post-emergency reintegration process and mechanisms.
CHAPTER 1: INTRODUCTION

...South Africa will be judged by its dealing with this issue [the humanitarian crisis], and it would be scandalous if the suffering of the displaced people were to be perpetuated. Open letter to Government by various FBOs and NGOs: 5th June 2008

This report documents civil society’s and government’s humanitarian responses to the displacement of thousands of people in South Africa during widespread attacks against foreigners in May 2008. This was the first such displacement crisis since South Africa’s transition to democracy in 1994, and both governmental and civil society structures were ill-prepared to provide appropriate humanitarian assistance. The aim of evaluating these responses is to learn lessons for future disaster management and increase the effectiveness of future emergency responses.

Towards this aim, actual responses from government and civil society were monitored and evaluated in terms of best practice guidelines, leading to recommendations based on factors that hindered or supported responses aligned with humanitarian principles.

In common with many other disasters, the initial humanitarian response was chaotic. Without exception, agencies involved in the response identified lack of preparedness, coordination and communication as key determinants of the quality of humanitarian assistance provided. There was consensus among agencies that the quality and speed of response must be improved should similar humanitarian disasters occur in the future.

It is likely that large-scale displacement, whether man-made or caused by natural disaster, will occur in South Africa again. It is therefore crucial that lessons are learned from this experience. Some of the characteristics of the May 2008 disaster response are specific because most of the displaced were foreign nationals. However, many of the technical and organisational lessons apply to all humanitarian emergencies regardless of the population affected. Hence this report and its recommendations are written with the prospect in mind that South African citizens might well predominate amongst beneficiaries in future complex humanitarian disaster scenarios.

Given the likelihood of future displacement, it is concerning that much of the momentum and experience gained in the months following May already seems to have dissipated. It is encouraging that many institutions in government, civil society and the UN system have carried out internal evaluations of their own responses, some of which have been made public, and there have been some cross-sectoral ‘lessons learned’ exercises.3 This report is not intended to replace these very important processes, but rather to support them by providing a framework for comparison and contextualisation. The recommendations are open to ongoing refinement and adaptation by actors throughout South Africa’s emergency response sector.

However, many civil society organisations dropped out of the disaster response even before the displacement shelters were closed due to exhaustion and lack of funds, and many municipal and provincial governmental actors were similarly keen to ‘get back to their real work’ and leave the emergency mode behind. More importantly, the fledgling coordination structures which had developed within civil society

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3 Recommendations stemming from Lessons Observed Response to Internal Displacement Resulting from Xenophobic Attacks in South Africa May-December 2008, UN OCHA Regional Office for Southern Africa.
and between government and civil society – including regular forums and information sharing websites – have collapsed, returning the sector to a similar state of fragmentation as before the disaster. In addition, rather than building mutual knowledge and trust, the often ad hoc interactions between disaster response actors in many ways led to an increase in frustration and suspicion between government and civil society, between civil society and the UN, within civil society, and within government (for example, between municipal, provincial and national actors). This lack of trust and communication needs to be overcome through regular structured interactions if future disaster responses are to be more effective.

This report, therefore, has three main aims:

- To provide a comprehensive record, as far as possible, of the disaster response by government and civil society actors, linking the experiences of many disparate organisations and integrating these experiences from the perspective of an overall disaster response ‘sector’, thereby identifying complimentary and clashing institutional roles, provision gaps, and coordination and communication needs;
- To act as a reference work, in tandem with existing humanitarian standards documents such as the Sphere Handbook, for South African disaster management practitioners on common problems to be avoided and factors to take into account in relation to material welfare provision, personal welfare provision, and protection as well as accountability, coordination and communication structures;
- To provide a basis for continued discussion among disaster response actors in government and civil society towards the development of robust communication and coordination processes and structures for disaster preparedness and response in South Africa.

With regard to all three aims, we hope therefore that this report will be used and engaged with as an active document by the following readers:

- Government officials from all spheres of the South African government,
- South African NGOs, CBOs, FBOs and individuals involved in the disaster response,
- INGOs working in South Africa,
- Private sector disaster management practitioners, and
- The media.

The research for this report was commissioned by the South African office of Oxfam Great Britain and conducted by the Forced Migration Studies Programme in the University of the Witwatersrand. The findings of the study arise from field work conducted between June and October 2008. This included reviewing meeting minutes and reports compiled by various organisations, attending meetings, visiting Safety Sites and interviewing key actors in civil society, government and international organisations (see Annex B for more detail concerning the research methodology and the list of interviews conducted). The research was confined to events in Gauteng and the Western Cape Provinces, where the majority of displacement occurred. By comparing the responses in these two provinces, the report shows how two largely separate sets of actors differed in terms of strategies and outcomes, thereby highlighting some key lessons for future disaster responses.

There are limitations to this report, some due to the chosen focus and some due to research logistics. While the report attempts to be as comprehensive as possible regarding the disaster response, it does not focus on:

- Reasons for the attacks;

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4 The Sphere Project’s Humanitarian Charter and Minimum standards in Disaster Protection (the Sphere Handbook) http://www.sphereproject.org/index.php?option=content&task=view&id=27&Itemid=84

5 Time allocated to the project meant that we were unable to include the province of KwaZulu Natal in the exercise. However, the emergency response to some 2000 displaced people is noteworthy for the fact humanitarian assistance was provided almost entirely by civil society actors.

• Prevention of future attacks;
• Experiences of the attacks or the assistance from the perspective of people who were displaced. The self-help systems and networks of non-citizens, which probably provided initial and long-term welfare to much larger numbers of people than the formal camps, while recognised as very important, are not discussed here. The report largely takes an institutional perspective, since the aim is to improve the functioning of formal governmental and civil society institutions;
• Evaluating the work of individual organisations in the quality of their disaster response. The focus of this report is on evaluating the overall system of disaster response, especially the interactions between organisations;
• Non-humanitarian responses, including reintegration and justice. In recognition of the centrality of these protection responses, they are addressed in outline at the end of the Evaluation Chapters of the report, but require additional monitoring and evaluation for a full assessment of their effectiveness;
• The broader structural and socio-economic aspects of discrimination against foreign nationals living in South Africa (see CoRMSA 2008 for a detailed discussion).

Logistical limitations included the following:
• The report does not include an assessment of the assistance provided by private individuals and small organisations, including individual churches, shelters, etc. After the initial emergency phase, the report focuses only on the assistance provided through the formal governmental ‘Centres of Safe Shelter’.
• Since interventions were to some extent ongoing or post-event debriefing had not yet been completed during the research for this report, certain key informants, especially in government, were unavailable for interview or reluctant to discuss the response;
• Most of the agencies involved in the emergency response did not keep structured records of their activities during the response, leading to hazy post-hoc recollections and unverifiable claims. Some of the records that were kept were not easily accessible to the researchers. We have been able to draw on many documents and reports produced by stakeholders in civil society. Unfortunately, we have had to contend with very little in terms of accounts from government, whether formal or informal, oral or documented. We have tried to corroborate all statements in the report or else to signal them as reported claims.

The report has the following structure:
• For readers not familiar with the South African context and the May 2008 outbreaks of violence, the report commences with a brief Chapter (2) on the context of migration and disaster management in South Africa, including the legal and institutional frameworks for governmental and civil society disaster response. The violent events of May 2008 leading to the displacement of tens of thousands of people are described.
• Chapter 3 documents the principal humanitarian assistance interventions and the parties to those interventions in chronological order for Gauteng and the Western Cape, identifying problems as they arose.
• Chapters 4 to 10 evaluate key aspects of the humanitarian response and the coordination of its delivery during the disaster, arranged by assistance theme (e.g. material welfare, protection, coordination, etc.). Recommendations are made in each sub-section of the evaluation chapters.
• Chapter 11 consolidates all the recommendations made throughout the report.
• The report ends with several Annexes providing more information on terminology, methodology, humanitarian standards, law, food provisioning and a selective bibliography.

While the structure of a chronological and an analytical section lead to some repetition, they allow the reader greater ease of access to the material (whether looking for what happened when, or looking for what happen in relation to a specific issue).

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7 See [http://www.migration.org.za/movingvoices](http://www.migration.org.za/movingvoices) for the perspective of people displaced by the violence.
CHAPTER 2: CONTEXT

Migration to South Africa

Since the attacks in May were mostly directed against foreign nationals, a brief background on migration to South Africa provides an important context for understanding certain elements of the response.

Foreign nationals from neighbouring countries have participated in the economy of South Africa for centuries as labour migrants. The discriminatory policies of the apartheid regime placed severe restrictions on the settlement of immigrants from Africa, and thus it was only after the democratic elections of 1994 that migrants from African countries began arriving and settling in South Africa in more significant numbers. In addition, assisted by new immigration policies and legislation, migrants who had experienced human rights abuses, war and civil unrest in their countries of origin began to seek asylum in South Africa.

It is difficult to establish the number of migrants currently residing in South Africa. Few of the numbers cited in the media, and sometimes from public platforms, have any reliable basis, and the methods by which they are generated are sometimes extremely flawed. For undocumented migrants, the numbers are especially difficult to establish. Records from the Department of Home Affairs (DHA) show that some 140,000 applications for refugee status have been recognised since 1994. There were 45,673 applications for asylum in 2007.

The Rights of Migrants

The post-1994 government opted to support the integration of refugees and asylum seekers into South African communities rather than confining them to refugee camps reminiscent of apartheid’s separate-areas practices. Under the provisions of the Constitution, specifically Chapter 2 (the Bill of Rights), foreign nationals in South Africa share most of the basic rights accorded citizens of the country, including the right to life, dignity, equality before the law, administrative justice, protection of person and property, freedom of movement, basic education and healthcare. Refugees and asylum seekers also have the right to work and study in South Africa.

Migrants as a Vulnerable Group

Xenophobic attitudes are widespread among South African communities and recent attitudinal surveys show a hardening of anti-foreigner sentiment amongst South African citizens. A recent study of the police showed that many such attitudes prevailed within the police service. It is well documented that migrants are often stopped and sometimes harassed by the police, and there are numerous reports of rogue police officers engaging in corrupt practices to exploit migrants’ vulnerabilities.

8 For example, estimates for the number of Zimbabweans in South Africa range from 1 to 9 million, but since there are only approximately 12 million Zimbabweans in total (2002 National Zimbabwean census) the higher numbers are unrealistic.
Discrimination – whether racism or xenophobia, or both – makes it particularly difficult for foreign migrants to access housing, employment, schooling, medical care, banking services and security. Research shows that violations of migrants rights to health services and schooling are very prevalent, and misinformation and xenophobic prejudice often lead to failures to provide what the law guarantees to this population.11

Inefficiencies in the Home Affairs bureaucracy have lead to prolonged waiting periods during which migrants have a very tenuous legal standing. For instance, of the 45,673 asylum applications in 2007, only 5,879 had been processed by the end of the year, and a longer backlog of 89,000 applications lay unprocessed at the end of that year. Obtaining documentation is extremely difficult, and yet undocumented migrants, including genuine asylum seekers, are often mislabelled illegal immigrants.

**History of Violence Against Foreigners**

The only unprecedented aspect of the May 2008 attacks was the scale of violence against foreign residents. Since the early 1990s there have been isolated attacks on foreigners, and these have increased in the past two years. These threats and violence against foreign nationals in South Africa have been well documented – many of them involving physical violence, rape, destruction of property and displacement strikingly similar to the May 2008 outbreak.12 One aspect of this has been the focus on Somali shop owners in informal settlements, who have been subject to persistent harassment, looting, robbery and murder.

**Disaster Management Legal and Institutional Framework**

The next section considers the legal and institutional disaster management context within which South Africa responded to the May 2008 disaster. It also discusses the level of preparedness and experience government and civil society were able to bring to the situation.

**Government**

The **domestic institutional capacity** for the **management of disasters** of the order experienced in May 2008 is limited. There was no recent experience of managing large-scale internal displacement in South Africa prior to May 2008. In the Western Cape, there was some experience at the provincial level in responding to displacement in respect of localised natural disasters (predominantly fires and floods). However, there was very little corresponding experience in Gauteng.

The legal and institutional framework for disaster response in South Africa is contained in recent legislation: the Disaster Management Act (DMA) 2002 and the National Disaster Management Framework (NDMF) of 2005.13 In terms of the latter, all tiers of government are obliged to prepare a disaster management plan for their jurisdiction. This is a complicated task which has not been achieved universally. Of the plans in place, most have not been comprehensively tested through experience.

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13 National priority disaster risks identified in the NDMF are classified according to potential magnitude, frequency and geographical spread. Specific risks identified include extreme weather processes, veld and human settlement fires, storms, communicable disease outbreaks (human and livestock), nuclear accidents, earthquakes, and major transport or maritime disasters. It is only in the matter of disaster risks that affect neighbouring countries and that have consequences for South Africa, including unplanned cross-border movements, is the mention made of ‘those events that require humanitarian or other relief assistance’ (NDMF p.91).
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 the relevant sphere of government. Representatives of departments providing services relevant to the particular disaster response will be members of the JOC and present at the JOC 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.

**Civil Society**

There is very limited local disaster-response capacity in South African civil society, although there are some private organisations specialising in disaster management. International disaster-response NGOs had some presence in South Africa prior to May 2008, but this was mainly in the form of regional coordination offices, with operations teams in neighbouring countries.

In addition to the limited domestic non-governmental operational capacity, there were no established relationships between the disaster-management entities of government and the human rights and other civil society organisations experienced in working with non-nationals.

This context shows the extent to which the response to the displacements of May 2008 had to be invented as the crisis unfolded. While the governmental disaster management framework provided a limited operational structure, especially in the Western Cape, many of the processes and relationships required for a coherent response had to be developed from scratch.

**The Nature of the May 2008 Violence and Displacement**

- The violence commenced in Gauteng with violent attacks on foreign nationals in Alexandra, Johannesburg, on May 11, 2008, 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).
- On May 17, attacks spread to Durban, KwaZulu-Natal.
- In quick succession on May 20, 21 and 22, incidents were reported in Free State, North West and Limpopo provinces.
- On May 22, as the violence in Gauteng and KwaZulu-Natal was beginning to subside, attacks against foreigners commenced in the Western Cape at Du Noon, Cape Town. Over the ensuing four days, threatened and actual violence caused foreign nationals to flee from various communities in Cape Town and further afield in the province (including from townships of Knysna, Mossel Bay, Somerset West, Strand, Hermanus and Paarl).
- On May 26, the Safety and Security Minister, Charles Nqakula, declared that xenophobic violence had been brought under control, although isolated attacks continued into the subsequent months.

**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 theft of the personal property of foreign nationals took place, either from premises still occupied by foreigners or
from those premises left temporarily vacant as their residents sought safety at police stations and elsewhere.

Attacks occurred mostly at night. Among the victims were people from Bangladesh, Burundi, DRC, Kenya, Malawi, Mozambique, Nigeria, Pakistan, Somali, and Zimbabwe as well as South Africans from minority language groups. 14 62 deaths were reported, mostly in Gauteng, of which a third were South African citizens. In Cape Town there were no officially acknowledged deaths resulting directly from attacks, although reports have variously claimed that 2 or 4 people died as a result of violence during the height of the crisis. In addition to the loss of human life, a total of 342 shops were reported to have been looted, and 213 burnt down. There is no generally acknowledged count of the number of shacks and residences looted and burnt down.

Estimations of the total number of people displaced range between 80,000 and 200,000. The range of estimates is due to limited records of the numbers of people who left South Africa for their home countries, of those who moved in with friends and family or found alternative private accommodation, or of those who returned to their communities in the first two weeks of the disaster. At their peak, numbers identified as staying in shelters reached 24,000 in Gauteng and 20,000 in the Western Cape. For those who did not stay in shelters, it is estimated 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 forces motivating foreigners to flee their areas of residence varied** between Gauteng and the Western Cape. Attacks in Gauteng were noteworthy for high levels of violence, and victims often fled to escape imminent danger as it unfolded. On the other hand, 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. Having seen graphic images on television of events in Gauteng and doubtful of the capacity of the state to protect them within their communities, non-nationals fled. While senior officials described this flight as “voluntary displacement” (Cape Town DMRC official) or “voluntary evacuation” (Western Cape province official) it was neither voluntary nor an organised evacuation.

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 overcrowded, government authorities made available community halls, disused school buildings, and other public buildings. On May 28, the South African government announced that centralised Centres of Safe Shelter (CoSS) would be established by local and provincial government.

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14 The vast majority of persons displaced were of African origin. There were only isolated cases where migrants of Asian origin were attacked, although some Asian-owned shops were looted.
Saturday [May 24] 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:

<table>
<thead>
<tr>
<th>PHASE 1: EMERGENCY ASSISTANCE</th>
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<tbody>
<tr>
<td>Gauteng</td>
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<tr>
<td>May 11 - May 30</td>
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<tr>
<td>- Initial ad-hoc and scattered shelter provided.</td>
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<tr>
<td>- Large-scale return to countries of origin.</td>
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<tr>
<td>- Chaotic provision of basic welfare needs to IDPs.</td>
</tr>
<tr>
<td>- Civil society sets up systems for provision of assistance, seeks information on needs and preferences of beneficiaries. Coordination forums established.</td>
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<tr>
<td>- Government activation of structures provided for in the Disaster Management Act (DMA).</td>
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Main welfare actor: civil society

<table>
<thead>
<tr>
<th>PHASE 2: CAMPS AND ‘NORMS AND STANDARDS’</th>
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<tbody>
<tr>
<td>Gauteng</td>
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<tr>
<td>June 1 – July 31</td>
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<tr>
<td>- Consolidation of IDPs into more centralised government shelters (CoSS).</td>
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<tr>
<td>- Debates on norms and standards for humanitarian assistance.</td>
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<tr>
<td>- A series of processes of registration, documentation and assessment of IDPs.</td>
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<tr>
<td>- Many victims return to their communities unaided, or leave for their countries of origin.</td>
</tr>
<tr>
<td>- IDPs remaining in sites demand assistance with reintegration, repatriation or resettlement to a third country. Insistence on broader consultation with UNHCR and UN agencies.</td>
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Main welfare actor: government assumes bulk of welfare provision; civil society complements and monitors provision.

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<tr>
<th>PHASE 3: PUSH FOR ‘REINTEGRATION’ AND CAMP CLOSURE</th>
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<tbody>
<tr>
<td>Gauteng</td>
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<tr>
<td>Aug 1 – Sept 30</td>
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<tr>
<td>- Remaining IDPs represent the most vulnerable of the foreign nationals, having typically experienced great loss and multiple displacement.</td>
</tr>
<tr>
<td>- Civil society, UN agencies and government allocation of responsibilities for reintegration support.</td>
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<tr>
<td>- Government pushes for closure of the camps.</td>
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</tbody>
</table>

Welfare actor: de facto welfare responsibility returns to civil society.
The following account of the humanitarian response in Gauteng and the Western Cape addresses developments in the above phases. Gauteng and the Western Cape are discussed separately, as the responses were also developed and implemented largely separately.

The intention of this Chapter is to document events as completely as possible in chronological order to provide a record of the debates and developments in the provision of humanitarian assistance as they unfolded. While we have attempted to document as many of the activities reported to us as possible, it must be strongly emphasised that this is not a comprehensive account of either the entities involved or the scope of their activities. Each section summarises the main responses, the types of organisations involved, and any key issues that arose. Many of the problems identified in this Chapter are discussed in more detail in the following Chapters on Evaluation.

The Humanitarian Response in Gauteng

<table>
<thead>
<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Provision of initial shelter (at police stations, churches, community halls)</td>
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<tr>
<td>Planning of Centres of Safe Shelter (CoSS)</td>
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<tr>
<td>Identification of sites for relocation</td>
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<tr>
<td>Lobbying for more considered relocation process and better preparation of sites</td>
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</table>

The Humanitarian Response in Gauteng

A week into the events in Gauteng, it was announced that humanitarian assistance was being provided to more than 8,000 displaced people. The outline below describes the actions taken by key actors in Gauteng province immediately after the onset of the violence in terms of welfare provision and coordination.

**Material Welfare: Site Planning and Management**

- In the first phase of the Gauteng response, IDPs sought shelter in police stations, churches and community halls close to the neighbourhoods from where they had been displaced. These venues provided shelter for up to three weeks.
- UN and provincial officials conducted a joint assessment on May 19 to identify sites for relocation.
- By May 20, a report on displaced persons stated a total of 12,302 IDPs were staying in churches or halls. Of these, five sites were housing more than 1,000 people each, with Reiger Park Civic Centre sheltering 2,300. As an indication of how quickly the numbers of displaced rose as attacks spread, by May 21, 16,231 people were reportedly sheltering at Gauteng police stations. Six of the stations were housing 1,000 or more IDPs apiece, with Dawn Park Police Station apparently sheltering 5,000 IDPs.
- Initially, responsibility for the disaster response lay with the municipal level of government (Johannesburg, Ekurhuleni, Tshwane).
- On May 28, Gauteng Provincial Government (GPG) announced its intention to establish more appropriate shelters, adhering to international emergency relief standards, and to this end issued a “declaration of disaster” under the terms of the DMA on May 30.

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In addition to not receiving comprehensive information from all the actors involved, it has not been possible in every case to determine whether all the initiatives actually took place as they were reported.
Challenges in site planning arising during this period included:

- Initial shelters were completely unprepared for a mass displacement. Their structure and layout was not conducive to housing and feeding large numbers of people, and facilities for sanitation and ablution were generally inadequate.
- Levels of assistance provided were not consistent across sites, due to the ad hoc nature of shelters and the lack of coordination and monitoring mechanisms.
- Most shelters were managed by the people who led the spaces in their usual capacity (e.g. station commanders, priests, etc.) and while most of these leaders committed extensive resources and time to managing the crisis, most did not have the requisite experience or capacity. In some cases, individual volunteers became *de facto* site managers in the absence of other leadership, with little external support or monitoring.
- Since the ad hoc shelters were close to the original sites of residence and employment, some displaced people continued to go to work during the days, only seeking safety in the shelters during the night. Others were too afraid to leave the shelter during the day.

**Material Welfare: Provisioning**

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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Food provision</td>
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<tr>
<td>Food distribution</td>
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<tr>
<td>Food preparation</td>
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<tr>
<td>Provision of NFIs</td>
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<tr>
<td>(non-food items, including</td>
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<tr>
<td>clothes, baby goods, tents,</td>
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<tr>
<td>blankets, sleeping mats,</td>
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<tr>
<td>gel stoves, hygiene kits,</td>
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<tr>
<td>kitchen sets and tarpaulins</td>
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<td>for makeshift shelters)</td>
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- There was a remarkable response to the immediate need for food and non-food items (NFIs). Organisations such as the South African Council of Churches (SACC), Gift of the Givers, Oxfam, *Medecins sans Frontières* (MSF), the International Organisation for Migration (IOM), the United Nations Children’s fund (UNICEF) and the Gauteng Provincial Disaster Management Committee reportedly provided food, while faith-based organisations, including individual Christian churches and members of Jewish organisations (including the Board of Deputies, Habonim Dror and the South African Union of Jewish Students) helped distribute and prepare it.
- Concerned individuals and companies donated large amounts of food and non-food items.
- Thus, responsibility for provision of food at the initial shelters was largely assumed by civil society – predominantly by FBOs and NGOs. Ready-cooked food was delivered to some sites and at others onsite facilities were used to mass cater.
- NFIs including clothes, baby goods, tents, blankets, sleeping mats, gel stoves, hygiene kits, kitchen sets and tarpaulins for makeshift shelters were provided by Gift of the Givers, the South African Red Cross Society (SARCS), SACC, Oxfam, MSF, IOM, the UN High commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF) and the World Health Organisation (WHO).

Challenges in provisioning arising during this period included:

- There was no way to comprehensively manage donations of food, clothes and other NFIs. This resulted in distribution inequities where one site had an excess of items that were in short supply at other sites.
- Various organisations contributed, but not all provided assistance to all shelter sites, without effective systems of communicating and coordination assistance. For instance, SARCS was reported to be assisting IDPs at 12 sites, MSF at 15 sites, Oxfam at 12 sites and SACC at six sites in Gauteng.
- There were often no organised NFI distribution processes, meaning that volunteers were often swamped by IDPs while trying to distribute NFIs.
- Lack of coordinated NFI procurement or donation solicitation meant that some crucial items were chronically lacking, including especially women’s sanitary goods and baby goods (food, diapers).
• Lack of personnel and goods distribution coordination led the wastage and distribution inefficiencies. For example, a storeroom of food at Jeppe Police Station lay unused until May 25 as there was nobody to prepare the food.
• Lack of donation record keeping and controls led to wastage and theft. For example, undistributed blankets in storage at Jeppe Police Station went missing overnight.

**Personal Welfare: Health and Psychosocial Support**

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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Provision of first aid and emergency medical assistance</td>
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<tr>
<td>Health assessments</td>
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<tr>
<td>Provision of medical supplies</td>
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<tr>
<td>Provision of psychosocial support</td>
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</table>

• In the first phase of the response, health provision included treatment of victims of the attacks. The SARCS, Oxfam and MSF provided first aid, and MSF provided medical supplies. MSF mobile teams established a regular presence in 15 sites.
• MSF conducted assessments at police stations.
• Faith-based organisations, as well as CSVR, SARCS, Oxfam and MSF, provided psychosocial support services at the sites where IDPs were temporarily sheltered. Some FBOs and CSVR also started psychosocial and conflict resolution interventions in Alexandra township immediately after the violence started.
• Children experienced schooling setbacks where they could not return to school due to fear about their safety in school and on the way to school, and lack of transport.

**Challenges in health and psychosocial support arising during this period included:**

• Some local clinics and hospitals lacked capacity to deal with the number of injuries, and were assisted by donations of medical supplies and assistance from MSF.
• There was at least one report of a lack of basic medications at one police station.
• Where psychosocial interventions were tentatively started, they were fragmented, poorly coordinated, and lacked accountability systems.

**Protection**

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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Protection of IDPs within their communities</td>
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<tr>
<td>Ending violence</td>
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<tr>
<td>Security at temporary shelters</td>
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<tr>
<td>Development of conflict-resolution mechanisms</td>
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<tr>
<td>Child welfare protection</td>
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<tr>
<td>Moves toward conviction of perpetrators, investigations of police abuses</td>
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</table>

Protection is broadly conceptualised and thus incorporates aspects of all the sections of this response summary. However, to look specifically at the area of security:

• SAPS in Gauteng were simultaneously conducting round-the-clock policing of violent areas; identifying and arresting perpetrators; conducting preventative policing in as-yet quiet township, informal settlement and inner-city areas; responding to reports and rumours of threatened attacks around the province; and accommodating thousands of displaced people in police stations.
• SAPS reported preventing or cutting short several planned attacks by responding to calls by threatened non-citizens.
• Reinforcement platoons from the SAPS National Intervention Unit did not arrive in the affected areas until May 19.
• SAHRC task teams on Humanitarian Aid and Legal Assistance were established on May 19 in part to develop strategies to address the possibility of retaliatory attacks by non-nationals and to support the conviction of perpetrators and investigate police abuses.
• An SAHRC Community Liaison task team was set up on May 19 to develop community conflict-resolution mechanisms.
• On May 21, President Mbeki authorised the deployment of the South African National Defence Force (SANDF) to support the police in Gauteng townships where violence had occurred. By this time, the majority of the violence in Gauteng had subsided.
• Due to overcrowding and generally bad living conditions, few ad hoc sites had appropriate spaces and services for children.

Challenges in protection arising during this period included:

• The police were spread very thin.
• There were isolated reports that some police officers, along with local community policing forums, were implicated in encouraging and inciting the violence.
• In most cases, police were not able to protect victims from their attackers as attacks unfolded and to protect their possessions and premises. While the attacks were ongoing, police sometimes encouraged foreigners to leave their areas of residence in order to avoid being attacked and escorted them to police stations.
• There were reports by displaced people sheltering in police stations that police were unwilling to escort them to retrieve their possessions or to arrest perpetrators that were known to the victims.
• It was reported in the media that 1,384 perpetrators of violence had been arrested by May 26. However, many of them were soon released on bail for various reasons, including lack of witnesses, pressure from local communities and (reportedly) bribery. See Chapter 10 below for a discussion of Justice issues.
• On 26 May the Public Protector’s Office with the Ministry of Justice promised the establishment of special courts to prosecute perpetrators of the violence quickly, but these were never established.
• There was a report from an NGO working at Cleveland Police Station that Red Ants personnel stationed there to provide security had been on duty for almost two days without a break.
• A security guard committed an assault and attempted to rape a teenaged girl at a police station.
• The SAHRC Legal Assistance Task Team planned to roll out a broad process to collect legal testimony from victims willing to make criminal and civil claims against attackers, but this process was not implemented due to coordination difficulties with SAHRC, the National Protector and SAPS.
• Due to lack of resources, the SAHRC Community Liaison task team had limited impact in terms of community-based conflict resolution beyond the lead agency’s existing area of operations in one affected township.
• By May 24 there was apparently still no list of missing persons to assist in reuniting families.
Coordination, Cooperation and Accountability

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<th>Role</th>
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<tbody>
<tr>
<td>Registration of IDPs for assessment of numbers</td>
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<tr>
<td>Assessment of conditions at police stations</td>
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<tr>
<td>Overall disaster management</td>
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<tr>
<td>Coordination of legal assistance</td>
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<tr>
<td>Coordination of humanitarian aid responses by civil society</td>
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<tr>
<td>Civil society liaison with government</td>
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<tr>
<td>Monitoring of site conditions to inform coordination of aid</td>
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<td>Distribution of site reports</td>
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- Local Joint Operation Centres (JOCs), were established in some of the locations where displaced people were taking shelter (such as Alexandra and Bedfordview), coordinating the various stakeholders in the provision of humanitarian assistance to IDPs staying in station precincts.
- In this first phase until May 30 (when a disaster was declared which shifted responsibility to the Province), responsibility for disaster response lay with the municipal level of government, but there were difficulties of coordination between the three affected municipalities (Johannesburg, Ekurhuleni, Tshwane).
- At some sites, IDPs organised themselves into committees to assist with shelter management and provisioning, while this did not happen at other sites. Jeppe Police Station was notable for the establishment of ‘peace marshals’ from each IDP nationality group.
- On May 19, the SAHRC convened a meeting of Chapter 9 Institutions, SACC and civil society organisations to map out a response to the violence. Four SAHRC task teams (Legal Assistance, led by LHR; Humanitarian Aid, led by CSVR; Government and Media Liaison, led by SAHRC; and Community Liaison, led by Umthombo Community Development, Soweto) were formed to help coordinate civil society’s responses.
- On May 27, CSVR, together with Tshwaranang Legal Advocacy Centre, began coordinating information from each of the shelter sites. 11 Site Coordination Teams made daily site visits using UN OCHA templates as their monitoring forms. The findings became reports that were made widely available to stakeholders. OCHA used the data in working closely with the Provincial DMC.
- While SAPS carried out ad hoc registration of the people staying in some police stations, there was no standardised registration procedure and no documentation was distributed to IDPs in this phase.
- While some civil society actors were included in local JOC meetings, these were not necessarily linked with or accountable to the wider civil society networks involved in the disaster response. There was no coordinated civil society-government liaison process.
- The PDMC requested and received information management support from OCHA to develop coordination tools and provide guidance to provincial and municipal disaster personnel on international standards for humanitarian emergencies.
- OCHA issued weekly situation reports and, from July to mid-August, a series of reports on site needs and gaps in provision.
- As an adjunct to monitoring, a website for information-sharing (www.saemergency.info) was created in early June by volunteers from NGOs, media and online publishing, in consultation with CSVR.
- MSF assessed conditions at police stations.

Challenges in coordination, cooperation and accountability arising during this period included:

- According to the NDMC, not all local JOCs were adequately staffed. There were some effective local JOCs – notably at Jeppe police station – but most did not function effectively.
- IDPs were not included or consulted in site management and provisioning decisions at all sites.
- Initial provisioning efforts were largely uncoordinated by either government or civil society.
- The civil society organisations providing coordination and monitoring services did not have existing experience, capacity or funding for these functions, and so had to stop most other ongoing work and dedicate savings to the response.
On May 27, the Development Bank of South Africa (DBSA) announced that it would give financial and technical support to a planned coordination structure to be established by the SAHRC and CGE, but this initiative did not develop beyond the discussion stage.

SAHRC monitoring reports were not made publicly available.

While civil society-produced monitoring and situation reports were made available to government, governmental information was not shared as openly with local civil society (although UN and INGOs were kept informed by government to some extent).

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Starting with Jeppe, Cleveland, Bramley, Alexandra, Primrose Park and Rabie Ridge police stations and Germiston City Hall, the PDMC commenced the relocation of IDPs to the newly established governmental Centres of Safe Shelter (CoSS) on June 1. By June 5, Gauteng Department of Local Government reported having successfully relocated 13,000 IDPs to shelters. By June 7, all IDPs but 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 (briefly) and Wit Road in Ekurhuleni.

Material Welfare: Site Planning and Management

<table>
<thead>
<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Planning of Centres of Safe Shelter (CoSS)</td>
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<tr>
<td>Identification of sites for relocation</td>
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<tr>
<td>Lobbying for more considered relocation process and better preparation of sites</td>
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<tr>
<td>Relocation to CoSS</td>
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<td>Provision of tents</td>
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The process of relocation, undertaken by PDMC and the Gauteng Department of Local Government with the assistance of the police, was very hurried in Gauteng.

Concerns were raised by Oxfam, MSF, IFRC, OCHA and SAHRC about 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. Government proceeded with its plans despite acknowledging these concerns.

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.

The Akasia Camp was established in Tshwane when UNHCR and city of Tshwane relocated people camping outside UNHCR’s offices to a site in Klerksoord. This site then swelled with additional arrivals fleeing violence and threatened violence around Tshwane. The camps was initially managed by Tshwane Municipal Disaster Management who made a request for assistance to Gauteng Provincial government. However, GPG did not recognise Akasia as an official CoSS. The implication of non-recognition was that Tshwane stopped providing services after c. 1 month, leaving service provision entirely up to civil society.

Tents in all the CoSS were provided by UNHCR.

IDP representatives were established at some sites (notably Rifle Range where they were known as ‘peace marshals’ based on the IDP representation structures established at Jeppe police station) and were consulted to some extent in camp management decisions. However, these structures later became embroiled of conflict rather than being means of conflict resolution (see below on protection).
Challenges in site planning and management arising during this period included:

- In both Vickers Road and Wadeville, serious potential harm to IDPs (though violence from hostel dwellers or health risks from toxic land) were averted through civil society monitoring and pressure. In both cases, problems with the site choice could have been avoided through earlier consultation with local civil society organisations or the inclusion of civil society in site planning processes.
- The effects of inadequate planning and assessment of sites were multiple and ranged from inadequate lighting, power supply, water and sanitation process to overcrowding and lack of privacy, as discussed in the evaluation of material assistance later in this report.
- Not all CoSS had representatives of IDPs on the management committees, and where such representative structures existed, there were often tensions with camp management.
- The speed of relocation and lack of communication and consultation with IDPs during the relocation process led to additional stress and trauma, as confirmed by organisations proving psychosocial support.
- The location of most CoSS at a significant distance from the original areas of residence and work of IDPs, and in some cases their distance from transport hubs, meant that those IDPs who had maintained their jobs had difficulties accessing their places of employment.

Material Welfare: Provisioning

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<th>Role</th>
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<td>Food provision</td>
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<td>Food distribution</td>
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<td>Registration of beneficiaries</td>
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<tr>
<td>Food preparation</td>
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<tr>
<td>Provision of NFIs</td>
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- Government had responsibility for provision of food to IDPs through disaster management structures, and generally met its obligations for formal CoSS through catering contractors. Donations from the public continued to be made to civil society organisations, and donor assistance was, in some cases, incorporated into the government provision.
- Food was provided to IDPs in various forms: as already cooked ‘wet’ food to be portioned and distributed on site, as bulk “dry” foodstuffs, or as food parcels, dependent upon the stage of the crisis and the facilities available at the sites.
- Civil society still played a role in food provision in the second phase of the response, particularly in the initial weeks. For instance, Gift of the Givers initially provided food and Red Cross distributed it at DBSA CoSS, where residents received breakfast and supper but prepared lunch for themselves. The same was the case at the River Road site, where Oxfam and Red Cross distributed three meals a day in the opening weeks of June.
- Once systems were established, the norm for government provision of pre-prepared food in both Gauteng and the Western Cape was two meals a day. This normally comprised a breakfast of fruit juice and bread, sometimes with jam or peanut butter, and a cooked meal of rice or pap (maize meal) and “sauce” (a cooked stew comprising mostly meat bones and some vegetables and beans) for the evening meal. At some sites IDPs supplemented wet food provision with their own cooked food.
- While government was responsible for the provision and distribution of NFI, in practice provision was often inadequate and did not include some crucial items (such as nappies). Civil society, especially FBOs, often filled the gaps.
- SARCS’ system of registration of beneficiaries for relief distribution used a beneficiary register and a ration card system to continually assess the numbers and needs of IDPs until August at sites where its provision of food parcels, blankets, hygiene packs, baby kits and basic utensils was ongoing.

Challenges in provisioning arising during this period included:
IDPs were generally not included in the planning, distribution and monitoring of food provision, although Red Cross was reported to have established a food committee at one CoSS. A number of complaints about food quality and appropriateness were raised by IDPs as a result.

Where independent cooking was not allowed (such as at the Springs CoSS) it was difficult for residents to prepare any food to supplement the two meals per day.

### Personal Welfare: Health, Psychosocial Support and Child Welfare

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<th>Role</th>
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<tbody>
<tr>
<td>Provision of first aid and emergency medical assistance</td>
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<td>Provision of psychosocial support</td>
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<td>Provision of child welfare</td>
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</table>

In Gauteng primary healthcare services were provided through the provincial Department of Health (DoH) and MSF. At some sites DoH provided family planning services. For the most part, cases of sexual violence were dealt with by referral to clinics outside the CoSS or to specialised NGOs.

The provision of psychosocial support in Gauteng, where IDPs suffered extremely high levels of trauma, was centrally coordinated by CSVR, using guidelines informed by the *IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings* recommendations. Psychosocial support formed part of a holistic intervention strategy that included advocacy for a participative reintegration planning process, and mediation between groups at the individual sites and between IDPs and the communities from which they were displaced.

A group of mental health practitioners produced policy guidelines for the provision of psychosocial assistance to IDPs.

In Gauteng a range of actors provided site-based general psychosocial support services. 16 Gift of the Givers and the Methodist church provided psychosocial support at DBSA, along with the Department of Social Development (DSD) and South Africans for Survivors of Torture. DSD was active at the Boksburg site. Global Relief South Africa provided psychosocial support at Rand Airport, along with MSF and DSD. DSD alone was involved at River Road. However, it has not been possible to establish the regularity or consistency of such provision.

### Child Welfare

- For school-age children, Refugee Children’s Project (RCP) was active in assessing the educational needs of children at four sites, identifying schools in the vicinity of CoSS, and reintegrating children into the mainstream schooling system while advocating within affected schools to ensure their acceptance. Learning materials were also provided.
- Where government provision of schooling was absent, some IDP site residents (often qualified teachers) established ad-hoc schools, which were generally not supported by the Department of Education (DoE).
- Child-friendly spaces were set up at some of the sites by Save the Children, Refugee Aid Organisation and RCP, which also monitored implementation of child protection protocols.
- In some sites there were volunteer and FBO initiatives to play with children.
- There were no comprehensive mechanisms in place from either government or civil society to identify and care for unaccompanied children in the CoSS

### Challenges in health, psychosocial assistance and child welfare arising during this period included:

16 Including Art Therapy Centre, CSVR, Curriculum Development Trust, Global Relief, MSF, National Children’s Violence Trust, Refugee Aid Organisation, The Refugee Children Project, Save the Children, Sophiatown Community Psychosocial Support and Global Relief. The SA Institute of Traumatic Stress (SAITS) established a relief fund to transport trained volunteers to sites, art materials used in therapy and activities of children, and for referrals to especially trained psychologists and social workers for the most complex trauma cases.
• Provision of psychosocial services was inconsistent and inadequate in terms of frequency and reach, given a large, exceptionally vulnerable and traumatised population.

• Anxiety and stress were worsened by living conditions in the CoSS, a lack of information from government, and ongoing uncertainty about looming “reintegration”, creating an ongoing need for counselling and support beyond the initial trauma of displacement.

• The diversity of the IDP population, their history of trauma (including from countries of origin, the process of travelling to South Africa and previously experiences of discrimination and violence in South Africa) and their levels of anger, fear and distrust contributed to conflict, discontent and despair in shelters.

• Children experienced schooling setbacks where they could not return to school due to lack of transport, excessive distance to their schools and fear about their safety outside the CoSS.

Protection

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<th>Role</th>
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<tr>
<td>Provision of security</td>
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<td>Provisions of temporary documentation</td>
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<tr>
<td>Lobbying for more secure sites</td>
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<tr>
<td>Coordination of protection issues</td>
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A Protection Working Group (PWG) dominated by INGOs (IOM, Oxfam, MSF) and UN institutions (UNHCR, OHCHR, UNICEF, OCHA and UNFPA), with the participation of the local Consortium of Refugees and Migrants in South Africa (CoRMSA), attempted to build protection capacity during the response, developing protection guidelines for camp managers and other stakeholders in government and civil society and drafting a protection strategy.

Protection will be delimited here to security and child welfare.

Security

• In general, SAPS maintained an intermittent presence outside the CoSS although in some sites and at certain times they also provided security within the sites.

• Security services at DBSA, Boksburg and Rand Airport sites in Gauteng were provided by private contractors, Interactive Security. SAPS assisted at the latter two sites, and played a major security role at the Springs CoSS.

Documentation

• On 2 July, DHA announced that it would issue a six-month temporary permit to residents of the Gauteng CoSS. Registration by DHA began on July 6 at Rand airport and was reportedly completed at DBSA CoSS, as well as the Malas Centre and Stanza Bopape sites in Tshwane Municipality, by July 7.

• By July 18, there had been 3,800 registrations in Gauteng and approximately 1,500 residents who had not registered. Some residents, particularly at Glenanda/Rifle Range Road Camp, resisted registration due to confusion about how the new permit related to their existing valid documentation.

• On Tuesday 22, those who had still not been registered were evicted from Glenanda and 800 people were taken to the Lindela Repatriation Centre where they were threatened with deportation and efforts were made to revoke their existing refugee status. Lawyers for Human Rights intervened and had the IDPs released. 300 persons with documentation, including women with small children, were simply released from the remove Lindela shelter with no transport or resources, and so the same people were later arrested for violating traffic laws by remaining on the side of the road outside the centre.

Challenges in protection that arose during this period included:

...
General

- Many IDPs felt insecure about whether the government was a source of protection or threat. There was a lack of clear information from government to IDPs concerning their legal status in the country, the length of time they would be accommodated in shelters, and what would happen to them once the shelters were closed. Fears concerning these issues resulted in various forms of resistance to government initiatives, including notably IDP registration.
- The Protection Strategy drafted by UNHCR was not adopted by the Province.

Security and Documentation

- Tensions between different national groups at Akasia and Rifle Range resulted in protests and sporadic violence.
- In a widely publicised abuse of SAPS powers, police opened fire with rubber bullets at Glenanda/Rifle Range Road camp on July 17 as a means of negotiating the release of four security guards whom IDPs had held hostage because they reportedly entered the camp late at night, could not be identified as security and were therefore thought to be criminals. In the process of the SAPS attack, a large group of people, including a pregnant woman and very young children, were wounded. IDPs were arrested and taken to Booysens Police Station and charged with public violence, including seven women with young children who were left unattended at the camp.
- The violent episode at Glenanda camp illustrates the levels of suspicion and tension between camp management/government and IDPs and a complete break down of communication, resulting in the management’s and province’s perception that repression and removal of “difficult” IDPs was necessary. Furthermore, UNHCR was criticised for not taking a more active role in protecting the rights of recognised asylum seekers and refugees when they were arrested by police and when DHA attempted to deport them back to their countries or origin.

Coordination, Cooperation and Accountability

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<th>Role</th>
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<tr>
<td>Management of CoSS</td>
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<td>IDP Participation in CoSS management</td>
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<tr>
<td>Coordination of legal assistance</td>
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<tr>
<td>Coordination of humanitarian aid responses by civil society</td>
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<tr>
<td>Civil society liaison with government and media</td>
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<tr>
<td>Communication with communities neighbouring CoSS</td>
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<tr>
<td>Monitoring of site conditions</td>
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<tr>
<td>Distribution of site reports</td>
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<tr>
<td>Registration of IDPs</td>
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<tr>
<td>Repatriation of IDPs</td>
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Coordination

- Gauteng PDMC contracted out the management of the CoSS to Disaster Management Services (DMS), using funds provided by the Development Bank of South Africa (DBSA).
- OCHA reported in early June that coordination 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 DHA IDP registration process began during this phase.

Communication and Participation

- Responding to demands in both Gauteng and the Western Cape for visits from the UN, the UNHCR released a letter explaining that it would assist with voluntary repatriation of IDPs who could return in safety, but that resettlement to a safe 3rd country would not be considered. However, the letter was undated and unsigned, casting a shadow of doubt over its validity.
• A SAHRC-led task team on Government and Media liaison was tasked with facilitating communication between civil society and government and the media.

Monitoring
• At the end of June, CSVR withdrew from coordinating civil society humanitarian aid provision and monitoring conditions in CoSS, in order to focus on psychosocial interventions.
• The www.saemergency.com site ran out of funding and was no longer updated from July 22.
• In early June, the PWG met to address the coordination of monitoring, which tended to be ad-hoc and general, and insufficiently focused on protection. The PWG decided on a range of issues that should be included in all monitoring and resolved that monitors should play a supporting role to DMS site managers, attempting to capacitate them to run the camps to an acceptable standard.
• Within the PWG, 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.

Challenges in coordination, cooperation and accountability arising during this period included:

• In several cases, the process of relocating IDPs from ad hoc shelters to CoSS was not clearly communicated, resulting in resistance from IDPs. As an example, relocation from Jeppe station was initially announced for June 1, delayed to June 3 and finally took place on June 5. IDPs were often not clearly informed of where they would be moved and what the conditions would be there.
• The communities surrounding the camps were not consulted prior to the establishment of the sites, a fact for which the MEC for Local Government later apologised. Protesters jeered at buses bringing IDPs to some of the new locations and local councillors stated that the location of the CoSS might fuel renewed xenophobic violence.
• Whereas the Department of Home Affairs (DHA) in the Western Cape announced that IDPs with existing valid documentation need not register for temporary ID cards, this was not the case in Gauteng. At Rifle Range, the vast majority of residents refused to register for temporary ID cards, ostensibly due to uncertainty about why a 6-month document would be needed in addition to existing valid asylum or refugee documentation. It appears a UNHCR visit did not resolve the situation.
• CSVR’s withdrawal from monitoring was symptomatic of the situation that a number of NGOs found themselves in some 6 weeks into the crisis. Having taken on extra emergency work in the initial days which lay outside their established mandate and beyond their capacities, they started to pull back into their principal spheres of operation. This resulted in a loss of continuity and a loss of capacity for the disaster response effort as a whole long before the needs of the displaced had been sustainably met.
• There was no consistent IDP representation on any of the governmental or civil society coordination forums, apart from individuals from some migrant groupings who attended SAHRC meetings in an ad hoc manner.
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. Since the camp closure affected provisioning, health care and protection, these will be described together.

**Material Welfare: Site Management, Provisioning and Health Care**

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<th>Role</th>
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<td>Lobbying and litigation for better conditions in camps</td>
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<tr>
<td>Lobbying and litigation for delay of camp closure plans</td>
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<tr>
<td>Closure of camps</td>
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<td>Food provision</td>
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<tr>
<td>Provision of NFIs</td>
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<tr>
<td>Provision of health care</td>
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</table>

- Initially, the CoSS were intended to provide two months of temporary accommodation, and service contracts thus expired on 1 August. GPG was unable to confirm sufficiently in advance whether the closure would go ahead. On July 28, some site managers expressed concern following notification that the contracts for security and catering to their sites were due to expire at the end of July. Gauteng Province 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 at the end of July.

- At the end of July, Provincial government announced its plans to close the CoSS, initially scheduled for 15th, then for 30th August.

- MSF and a multi-party parliamentary task team mandated to review the violence announced that the closure of the camps in August was premature.

- The absence of an explicit reintegration plan to support IDPs’ exit from closed sites led CoRMSA and Wits Law Clinic to apply to the Pretoria High Court on 7th August for an urgent interdict to prevent the camp closures. The application was dismissed on 12th August, but an appeal to the Constitutional Court on 13th August led to a short-term stay of closures until 18th August, after which the Court, on 21 August, required the camps to remain open and services to continue until the court explicitly ruled otherwise. The court also ruled that government and civil society must consult on the development of an effective reintegration programme for IDPs remaining in the camps.17

- On 1 September, DBSA and River Road CoSS were consolidated into a single site at Rifle Range camp. This was done without prior consultation with residents of the camps or with civil society, although it was permitted as part of the Constitutional Court judgement.

- Welfare conditions in the camps were allowed by camp managers to deteriorate throughout August. It was reported in the media on August 28 that government had issued instructions to camp management to provide only the minimum services to IDPs in order to create a push factor out of the CoSS, in contravention of the Constitutional Court order. Water supplies to some camps were withdrawn in stages, as was food provision and health care. Food services to some sites had been withdrawn entirely by August 28. Civil society monitors in a 3 September report noted inadequate food provision, inadequate supplies of NFIs, deteriorating health and health dangers due to declining sanitation standards. Some sites retained good welfare provision while others were judged to be abysmal.

- Primary health care by the Province was withdrawn from the remaining CoSS, with the argument that residents could access public clinics.

- MSF continued its site visits but were often denied access by camp managers.

- On 19 September, the Constitutional Court specified that camps could not be closed and that IDPs could not be forced to leave until the interim order was issued concerning a coherent integration plan,

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17 Mamba and other versus the Minister of Home Affairs and others, CCT 65/08
but government nevertheless proceeded to close the CoSS from September 30 without an interim order having been made.

- The unannounced dismantling of tents at Akasia camp on 4 October, ostensibly because the Defence Force required them back, left 600 to 800 IDPs without shade or shelter until the UNHCR intervened, providing replacement tents. In the wake of this, MSF claimed that government was trying to make conditions at the CoSS unbearable in order to force IDPs to leave voluntarily.

**Challenges in welfare provision during this period included:**

- The withdrawal and/or reduction in government provisioning before the formal closure of the camps contravened the humanitarian duty to provide adequate welfare.
- Depleted NGO resources meant NGOs could not adequately fill the deficit in government provision during this period.
- There were no livelihood interventions to help protect IDPs’ food security after they exited CoSS.
- The GPG disregarded a court ruling by illegally closing the CoSS.

**Protection**

<table>
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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Provision of temporary and asylum documentation</td>
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<tr>
<td>Development of reintegration strategy</td>
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<tr>
<td>Funding to support ‘reintegration’</td>
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</tbody>
</table>

The closure of camps in the absence of adequate reintegration support was the main protection challenge in the third phase of the Gauteng response. There was also the possibility of repeated victimisation of IDPs in communities to which they would be forced to return.

- 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.18
- Uncertainty in the days preceding the anticipated closure extended into the legal sphere, with reports that IDPs at Germiston police station were told by DHA officials on August 14 that they should hand in their 6-month ID cards and apply for asylum at Crown Mines.
- When an August 15 CoSS closure date was communicated by Gauteng Province at the end of July, the Gauteng MEC for Social Development stated that “the good progress made on the integration process” made the government confident that the remaining 3,000 IDPs would use the remaining to weeks to “either return to their homes or find alternative accommodation.”19
- On August 27, the SAHRC and the Parliamentary Task Team probing the attacks on non-nationals met to discuss the issue of reintegration. The minutes note that national, provincial and municipal government representatives did not attend. The Parliamentary Task Team agreed that the original camp closure date of 30 August was premature.
- CoRMSA established a Reintegration Working Group to develop a reintegration strategy in consultation with organisations specialising in conflict resolution and peace building. The group received no response from the Gauteng MEC for Local Government to its request for joint consultation on reintegration. In this communication vacuum, Wits Law Clinic and CoRMSA made their above mentioned application for an urgent interdict to prevent camp closures going ahead on August 15.
- Some IDPs began receiving resettlement funding from Jesuit Refugee Services (with UNHCR resources) prior to the anticipated eviction from camps on August 15. IDPs received R500 to R2,500 depending on various factors such as household size. This reintegration assistance was limited to recognised refugees

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19 Shelters for Refugees to be Closed. Sapa. Published on the Web by IOL on 2008-07-31
and asylum seekers as well as Zimbabwean nationals (with or without documentation). When the camps remained open after August 15, some of the IDPs who had received funding stayed on in the camps. At the end of August, it was rumoured that the GPG was planning to evict anyone who had received a “reintegration package.” The uncertainty continued into September. An undated notice was issued by GPG’s Department of Local Government urging funded IDPs to leave the sites within 48 hours of receiving the money and telling IDPs to reintegrate themselves and leave the CoSS “no later than the end of September 2008.”

- On August 28, UNICEF reported receiving information that the government would evict anyone who had received money from JRS and would deport any foreign nationals found to be in the country illegally.
- Beginning on September 30, the camps were closed, effectively ignoring the protections the Court had put in place for IDPs returning to communities from which they had been displaced. Ultimately, the remaining IDPs were effectively forcibly “reintegrated.”

Challenges in protection that arose during this period included:

- Neither the rapid refugee status determination process nor the temporary permit provided real protection to IDPs.
- The CoSS were closed without the development and implementation of an effective alternative (whether reintegration into communities of origin or assistance to settle in other parts of the province/country) for IDPs remaining in the camps. Especially the protection of IDPs from repeat attacks in their communities of previous residence or new communities was not addressed and there were not safety monitoring mechanisms in place. There were several reports of IDPs being attacked or threatened on their return to their original communities.
- Government-issued pamphlets urging IDPs to reintegrate themselves before the end of September 2008 contravened the Constitutional Court instruction that camps could not be closed or IDPs forced to leave until an interim order was issued.
- The amount of reintegration funding IDPs received was often insufficient to re-establish their lives (e.g. pay rent and buy food).

Coordination, Cooperation and Accountability

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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Lobbying against closures</td>
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<tr>
<td>Closure of camps</td>
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<tr>
<td>Monitoring of closures</td>
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<tr>
<td>Enforcing engagement between government and civil society</td>
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</table>

- Throughout this third phase, 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.
- Whereas there was meaningful engagement with representatives of the City of Johannesburg on the matter of reintegration of the remaining IDPs, civil society attempts to engage with provincial government and participate in its reintegration planning process were ignored.
- The Constitutional Court order of 21 August encouraged the parties (government and civil society) to engage with each other with a view to closing the CoSS by September 30. The order compelled the MEC for Local Government and the City of Johannesburg to work with civil society to design and implement a viable reintegration plan. Despite the proposals prepared by the Reintegration Working Group for civil society support of government in the process of camp closure, reintegration and community support, there was no meaningful engagement with Gauteng MEC for Local Government, apart from one meeting with civil society.
On August 28, the Red Cross was denied access to Rifle Range CoSS. Save the Children was also prevented from setting up a child-friendly space at one of the camps.

Communication of the final CoSS closure to IDPs took place extremely late. On 29th September, GPG 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.

The camp closures were ultimately illegal and GPG acted with effective impunity for disregarding a court order.

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, May 19 – a week after the initial outbreak of violence in Alexandra – the Western Cape SAPS and Metro Police drew up a risk-management plan, identifying potential flashpoints (including Phillipi, Gugulethu and Khayelitsha), and put police units on standby. On May 21, at a meeting called by the 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 help lines 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 May 22 and 23, the Premier’s Office held a conference, scheduled prior to the commencement of violence in Gauteng, on “Challenges and Opportunities of International Migration.” Members from civil society and government discussed aspects of international migration and the causes of conflict between South Africans and non-national communities. 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 to be provided.

In spite of these preparations, attacks and threatened attacks spread throughout the Western Cape from 22-26 May.

WESTERN CAPE PHASE 1: EMERGENCY ASSISTANCE

Despite the fact that government authorities had the luxury of forewarning through 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.

**Material Welfare: Site Planning**

<table>
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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Provision of initial shelter (at police stations, churches, community halls, homes)</td>
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<tr>
<td>Establishing CoSS</td>
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<tr>
<td>Moving IDPs to shelter sites</td>
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<tr>
<td>Provision of mobile toilets and equipment</td>
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</table>

As fear spread in the Western Cape, people began fleeing various township communities to take refuge in police stations, community halls and church and mosque premises.
FBOs quickly provided premises for initial shelter. The Methodist Synod was in session on May 23 and all Methodist churches were instructed to make their premises available. 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 church groups also provided shelter and welfare assistance in this early phase, as did Islamic Relief, the Muslim Judicial Council and many of the individual churches and mosques of all denominations.

Cape Town’s Disaster Risk Management Centre (CT DRMC) activated their Disaster Operations Centre (DOC) on May 22, the first day of displacements, and commenced their delivery of services by establishing a mobile JOC at Killarney Race Track to attend to people fleeing from Du Noon on May 23.

Whereas IDPs stayed at police stations in Gauteng for up to three weeks, in the Western Cape they were moved to sites of safety within a few days – either to select community halls or the specially prepared “mega-sites” or CoSS. The City prepared six CoSS – at Harmony Park, Soetwater, Silverstroom, Blue Waters, Strand and Youngsfield Military Base. The Blue Waters site was added as displaced people who had gathered at Mitchell’s Plain were moved to the holiday site. On Sunday, May 25, the City was already moving IDPs from police stations to the CoSS.

By Monday, May 26 it was estimated that approximately 20,000 IDPs were being accommodated in the Western Cape in over 80 locations: 10,000 people at specially prepared “safe sites,” and the rest in community halls, churches, mosques, shelters and private accommodation across the city.

### Material Welfare: Provisioning

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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Food provision</td>
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<tr>
<td>Food distribution</td>
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<tr>
<td>Food preparation</td>
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<tr>
<td>Provision of NFIs (non-food items including clothes, baby goods, tents, blankets, mattresses, and hygiene kits)</td>
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</table>

A huge welfare response was mobilised through the efforts of members of the public and a range of faith-based organisations delivering relief to IDPs at locations dispersed through the city. FBOs quickly provided volunteers, food and blankets, while members of the public provided material goods, financial donations and practical assistance including food, foodstuffs, toiletries, mattresses, bedding, clothing, and flooring. The Warehouse facility of the Anglican Church assisted with coordination of the collection and distribution of donations of foods and goods. Gift of the Givers reportedly sent supplies to the DMC and local community organisations in Cape Town. A spontaneous “warehouse” established itself in the TAC offices in the centre of Cape Town. Supermarket chains were also collecting voluntary food donations from shoppers. Members of the business community came forward with material and logistical assistance, including transport and storage of goods.

By Monday 26th May, Cape Town DRMC announced that it was providing food, blankets, mattresses and tents for 10,000 people. The City’s social relief effort entailed a feeding program for IDPs in the registered shelters, along with the provision of blankets, mattresses and “basic necessities” such as disposable nappies, soap, and hygiene products.

**Challenges in provisioning arising during this period included:**

- The apparent lack of response from the Province given its obligation under the DMA to collaborate with the City in coordinating the management of the crisis, led the City government to request the Provincial government to intervene more directly in the care of IDPs on May 26.
Personal Welfare: Health and Psychosocial Support

<table>
<thead>
<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Rapid needs assessment</td>
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<tr>
<td>Provision of first aid and emergency medical assistance</td>
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<tr>
<td>Provision of related transport</td>
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<tr>
<td>Provision of medical supplies</td>
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<tr>
<td>Provision of psychosocial support</td>
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</table>

Healthcare

The health response was arguably the best coordinated in the whole relief effort in the Western Cape, at least in the early stages.

- Aids Law Project (ALP), AIDS Rights Alliance Southern Africa (ARASA), the Students’ Health & Welfare Centres Organisation (SHAWCO), Treatment Action Campaign (TAC), Peoples Health Movement (PHM) and volunteer medical staff completed a rapid needs assessment on May 25 covering 8,969 people at 33 sites using an MSF-designed form for rapid assessment of health needs which was subsequently adopted by disaster management.
- In response, the Department of Health (DoH), including health officials from province and the city, met with representatives of health NGOs on May 26 and established a plan to meet the health needs of displaced foreign nationals.\(^\text{20}\)
- City and Provincial health services agreed to cooperate in coordinating the response to the health needs of IDPs via the 8 subdistrict health managers.
- It was agreed that DoH staff would visit sites to attend to health issues and assist in ensuring supplies of chronic medication; would provide first aid kits at all sites; and would assist in providing transport to off-site health facilities where needed.
- Stakeholders agreed there should be regular health clinics at the large sites, and as a minimum there should be clinic facilities close to any of the sites housing IDPs.
- Health NGOs agreed to support the city and province by taking on the bulk of the work involved in responding to the crisis. They would, in addition, play a watchdog role and monitor the effectiveness of the DoH’s response in the province.

Psychosocial

- In the Western Cape, the Trauma Centre (TC), which had an existing contractual relationship with CT DRMC, was mandated by CT DRMC to coordinate the provision of psychosocial and trauma counselling.
- TC consulted with a wide range of health and social development professionals, City officials and NGOs and operationalised its coordination role by
  - Hiring a coordinator,
  - Establishing which sites required volunteer mental health (MH) support,
  - Holding meetings with MH service providers to discuss application of its model of intervention,
  - Holding debriefing meetings with MH and other volunteers.
  - Coordinating the allocation of 70 MH volunteers to 27 sites for visits of 1 to 3 times a week, for between 4 weeks and 4 months, and
  - Developing an electronic toolkit and newsletter to distribute to stakeholders.

Challenges in health and psychosocial support provision during this period included:

- Delivery did not attain the levels envisioned in the health blueprint developed.
- It was reportedly difficult to maintain communication with responsible officials in local and provincial government.

\(^{20}\) Summary of Plan of Action Agreed to by MDHS and City of Cape Town Health Department in Response to the Displacement of Foreign Nationals by Xenophobia in the Cape Metro. 26 May 2008
Protection

<table>
<thead>
<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Pre-emptive planning</td>
</tr>
<tr>
<td>Protection</td>
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<tr>
<td>Evacuation</td>
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<tr>
<td>Monitoring of xenophobia-related crimes and investigations</td>
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<tr>
<td>Safety, relief and integration planning</td>
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</tbody>
</table>

- The security services in the Western Cape was well prepared for the outbreak of violence. All police commissioners were called by senior police management for a briefing and planning session prior to the out-break of violence, and all police were deployed on extended working hours. Reservists and Bambanani volunteers were called up during pre-emptive planning.
- When violence broke out in DuNoon on the evening of May 23, evacuation of victims to Killarney Race track was achieved efficiently, given the preparedness of security services.
- In the immediate emergency phase, there was an unprecedented attempt by the SAPS to meet their duty to protect foreign nationals resident in South Africa.
- At the Crisis Summit on May 29, then-Premier Ebrahim Rasool outlined the Province’s three-pronged strategy: safety and security for nationals and foreign nationals, humanitarian relief for IDPs and mediation for integration. He raised concerns about deepened enmity if foreign nationals were seen to be receiving benefits that were not available to South African citizens.
- The Premier advised that the target for reintegation had been set at two months, and the reintegration process was to be assisted by the recruitment of 2,000 expanded public works program personnel.
- The provincial Safety Forum, which included four civil society representatives, met regularly – initially daily – to exchange information on security and safety concerns, the progress of investigation of xenophobia-related crimes, and the occurrence of new incidents.
- Three special courts to fast-track prosecution of accused perpetrators were established in the Western Cape, but the number of persons prosecuted was not publicised.

Challenges in protection arising during this period included:

- Despite pre-emptive planning, IDPs’ belongings once they had been displaced could not be protected effectively.

Coordination, Cooperation and Accountability

Communication and Participation
- On May 26, Cape Town 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.

Coordination
- There were two principal civil society coordinating forums lead by civil society.
  - The first was the Western Cape Civil Society Task Team that emerged from a meeting of all civil society stakeholders called on May 20 by the SAHRC. Membership included human and health rights organisations, SAHRC, FBOs and trade unions. Initially meetings were held several times a

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21 Personnel from the Bambanani Volunteer Programme, established by former MEC for Community Safety in the Western Cape, are deployed as community security workers and are paid a stipend of R50 per day.
week, and representatives from the Premier’s office, the Mayor’s office, UNHCR, OCHA and WFP were encouraged to attend. 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.

- The second, starting on May 31, was a TAC-hosted weekly “Civil Society Forum Meeting on the Xenophobia Crisis” throughout the crisis. An important feature of these meetings was that IDP representatives attended.

- Four civil society representatives were included on the Provincial Safety Forum

### Monitoring

- TAC received funding from Oxfam GB 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.

- A system was set up for information collected by TAC monitors to be fed into a regularly updated database developed from an existing database on the Methodist Church’s Shade website – [www.igiveada.mn](http://www.igiveada.mn).

- The TAC monitoring data was publicly accessible. 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 remained sceptical of the accuracy of the TAC database. In 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 and with formulating appropriate responses.

- SAHRC also employed a team of monitors, whose 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 available on their website and 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.

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**WESTERN CAPE PHASE 2: CAMPS AND ‘NORMS AND STANDARDS’**

The Premier declared the Western Cape a disaster area on June 4, 2008, thus upgrading what had heretofore been responds 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 liaising with civil society and international organisations, and 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 June 20, the City Disaster Operations Centre (DOC) was closed.

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**Material Welfare: Site Planning**

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<th>Role</th>
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<tbody>
<tr>
<td>Planning of Centres of Safe Shelter (CoSS)</td>
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<tr>
<td>Identification of sites for relocation</td>
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<tr>
<td>Lobbying for a return to non-CoSS shelters</td>
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<tr>
<td>Relocation to CoSS</td>
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</table>
• Four of the five Western Cape CoSS sites were at commercial camping sites (Soetwater, Blue Waters, Silverstroom, and Harmony Park) and the fifth was at Youngsfield Military Base. Accommodation at the CoSS was either all tents or mixed tents and chalets. The tents were provided by the City of Cape Town.

• Site planning in phase two of the Western Cape response involved considerable disagreement over the establishment of the five “mega-sites” to relieve community halls from accommodating IDPs when, the mayor argued, these had other roles to play in communities including shelter for communities affected by winter floods\(^2\) or fires. She also stated that service provision to a few large sites would be easier than service provision to a large number of smaller sites. The City was also accused of being unwilling to open community halls in the middle class suburbs of the city, though it rebutted the accusation.

• 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, because 1) South Africa did not have experience of running them, 2) they posed a risk of becoming long-term and 3) containing health epidemics in camps is difficult.

**Challenges in site planning arising during this period included:**

• Mega-sites were isolated from the communities of origin of the IDPs, and (with the exception of Youngsfield) isolated from transport, services and opportunities.

• Most of the camps were located close to the ocean and so open to the Cape’s winter winds and cold. The tents provided were not equipped for the cold, windy and wet weather, leading to discomfort and health risks.

• Provincial Premier Rasool argued that the large camps were inhumane and the large size of their populations made them both difficult to manage logistically and prone to tensions. The Province also argued that reintegration is more difficult to achieve when people are located far from their original communities.

• Province on June 9 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’s answering papers advised 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.

• 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. Their resistance to being moved was based on their prior experience of refugee camps in other countries and the fact that they had not yet met with UNHCR officials to assist them with repatriation or resettlement outside South Africa.

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**Material Welfare: Provisioning**

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<td>Provision of NFIs (non-food items including clothes, baby goods, tents, blankets, mattresses, and hygiene kits)</td>
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</table>

• Government had responsibility for provision of food to IDPs through disaster management structures and provided cooked food for registered sites through regular contracted suppliers: Mustafaddin, South African National Zakáh Fund (Sanzaf), HDI and SARCS.

\(^2\) In the event the City had to accommodate 3000 people from informal settlements in community halls in early July due to flooding.
• Donor assistance was, in some cases, incorporated into the government provision. Material assistance was provided by NGOs and FBOs, including TAC, SARCS, the Scalabrini Centre, Cape Town Refugee Centre (CTRC), Catholic Welfare and Development (CWD), and others.

• Food was provided to IDPs in various forms, although cooked (“wet”) food played a larger role in the Western Cape than in Gauteng. The norm for government provision was two meals per day.

• Donations from the public to civil society organisations and corporate donations continued.

• UNHCR, through their local implementing partner Cape Town Refugee Centre (CTRC) provided humanitarian aid in the form of blankets, baby goods and toiletries, food and other goods.

Challenges in provisioning arising during this period included:

• IDPs complained about the cultural appropriateness and quality of food provided.

• There were complaints about the quantity of food and NFIs and inequality between sites in the quantities supplied.

Personal Welfare: Health, Psychosocial Support and Child Welfare

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<tr>
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<tbody>
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<td>Provision of psychosocial support</td>
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<tr>
<td>Provision of child welfare</td>
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<td>Lobbying for better education provision</td>
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Health and Psychosocial Support

- Provision continued in the second phase along the lines of the blueprint established during the first phase. There were no major disease outbreaks during the disaster response.

- Following the identification of gaps in provision (including inadequate health coverage of sites, lack of first aid kits and problems with referrals and transport), members of civil society\(^{23}\) met with provincial and city health officials on July 3.

- NGOs involved in medical assessment and assistance included SHAWCO, PHM, ARASA and MSF.

- In terms of psychosocial support, TC’s coordination activities continued. TC staff covered four of the main CoSS and District Chaplains covered the remaining one (Silverstroom).

Schooling

- Schooling suffered as IDP children were often without transport and far from their original schools. Fears about children’s safety outside the CoSS meant that some IDP parents requested on-site schooling, which was generally not supported by government.

- Some schools close to CoSS sites responded positively to the situation by providing transport to school and food to learners in CoSS sites, as well as technical support. The regular attendance of a head teacher from a Kommetjie school at the camps provided some sense of direction to volunteers and learners alike. In Harmony Park, a Khayelitsha school provided desks and chairs for the on-site facilities.

- Civil society actors including the Legal Resources Centre (May 27), TAC (June 6, August 18) and SAHRC (July 16) made written representations to the provincial Department of Education (DoE) when IDP children had not returned to school at the start of the school term following the displacements, but despite a series of meetings between DoE and civil society (notably with the SAHRC), progress was slow.

- On July 24, IDP leaders met with the MEC for Education to hand over a memorandum of demands.

- The DoE appointed two teachers from among the IDP residents to run a preschool at Harmony Park.

\(^{23}\) ALP, ARASA, MSF, TAC, SHAWCO, PHM
The assignment by the Department of Transport of a school bus and driver for children at Blue Waters was highly appreciated and was seen by Soetwater IDPs to be one of the few advantages of agreeing to PGWC’s plan to move them to Blue Waters in the closing phases of the humanitarian response.

On-site schooling for young children provided a routine and outlet for young children. For instance, at Soetwater a number of different volunteers ran activities for young children including a weekly origami (paper craft) session.

UNICEF contracted with Grassroots Educare in the Western Cape. They provided lap desks and funds for the replacement of school uniforms, shoes and school materials to assist learners’ reintegration back into schools.

Care of Vulnerable Children

As the humanitarian response progressed it became clear that the protection needs of extremely vulnerable children were being poorly met. Special arrangements had not yet been made for children who had been identified as unaccompanied minors and who had been reported to social welfare authorities.

There were also many young children at risk due to the extreme vulnerability of their family situation, including those with single or recently abandoned mothers with many children to care for, and those with severe disabilities.

Challenges in health, psychosocial support and child welfare arising during this period included:

- It continued to be difficult to maintain communication with responsible officials in local and provincial government.
- Resource constraints made it difficult for civil society organisations to deliver effective services to the full range of sites.
- Some difficulties were experienced in obtaining or in maintaining access to dedicated consultation spaces.
- In the Western Cape, there were ongoing concerns about suicidal ideation among IDPs and the potential for mass action at one site. There were also concerns that people were making major life decisions (such as returning to countries of origin) while in crisis and distress.
- Camp living conditions led to continuing anxiety and stress among IDPs.
- A change of provincial leadership and re-assignment of the MEC for Education some weeks into the new school term made addressing IDPs’ schooling more difficult.
- Site consolidations caused relocations, making it difficult to plan for resumption of education.
- The support provided to identified learners was generally short-term and ad-hoc, drawing on the skills and resources of local schools, volunteers and donors.
- Commitments given by senior officials were inadequately implemented.
- Many school governing bodies would not accommodate the temporary attendance of IDP children.
- On-site facilities for schooling were poor, and older learners’ needs poorly met.
- Unaccompanied children were not identified early in the process and, when identified, there was no knowledge of where to get assistance for them.
Protection

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<tr>
<td>Monitoring of xenophobia-related crimes and investigations</td>
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<td>Provision of legal services</td>
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<td>Provision of temporary documentation</td>
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Safety and Security

- In terms of security, SAPS generally maintained an intermittent presence outside the CoSS. Given their historical mistrust of and poor relations with police services, IDPs had mixed feelings about this presence. Site security was managed by contracted private security personnel and, depending on the site, augmented by municipal law enforcement officers (Metro police), and Bambanani volunteers.
- UNHCR offered legal assistance through implementing partners and assistance with repatriation, while IOM provided repatriation assistance for foreign nationals falling outside the remit of UNHCR.
- On May 27 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.
- The Western Cape Safety Forum, on which there were four civil society representatives, held meetings on 20th, 22nd and 25th May with regard to the attacks. At the meeting on the 25th May, which was open to all civil society organisations and leadership of foreign national communities, SAPS and civil society attendees discussed regarding whether bail should be granted to those charged with offences. The Provincial Commissioner confirmed that prosecutions would take place. He further stated that juveniles who had been arrested should be released into the care of parents/guardians. On 26th May it was reported that 316 accused had been sent to court and it had been requested that cases be remanded for further investigation. In most cases, the accused had been found with stolen property.
- On 27th May the Safety Forum agreed to start making reports on ongoing cases public through the cvviolence email list. On 28th May a report was circulated containing details of case numbers, crime committed, numbers of arrests, the court and court date from 23 police stations throughout the Province covering some 356 arrests. Crimes ranged from public violence, malicious damage to property, arson, housebreaking, theft, robbery, possession of stolen property, trespassing, assault and grievous bodily harm, illegal possession of ammunition and firearms, murder and attempted murder.

Documentation

- The Legal Resources Centre sent legal teams to interview IDPs concerning their previous documentation (especially asylum and refugee documentation) and used this to monitor DHA’s reissuing of lost documents.
- There was confusion about a DHA initiative whereby site residents were requested to give personal information, including whether they wished to return to their own countries. Civil society representatives questioned why this information was required and DHA was requested to communicate their plan. At some sites IDP leaders advised their communities not to cooperate with the process. A senior National Immigration Branch representative confirmed on 25th May that the information was required in order to inform DHA planning and that no arrests, prosecutions or deportations would be effected on the basis of this information. Subsequently, the offending questions were removed from the registration forms.
- At the same time, CDWs from Provincial Social Development were reported to be recording IDPs’ names, addresses and cell numbers.

Challenges in protection arising during this period included:

- As in Gauteng, there was a lack of clarity in planning and communication regarding documentation provision.
Coordination, Cooperation and Accountability

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<th>Role</th>
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<tr>
<td>Lobbying for improved conditions and service provision</td>
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<td>Lobbying for norms and standards</td>
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<td>Advocacy and monitoring of camp conditions</td>
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<td>Task teams &amp; coordinating forums</td>
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- The provincial Safety Forum meetings ceased during the second phase, though TAC continued to hold the weekly Civil Society Forum Meeting.
- The Joint Refugee Leadership Committee (JRLC) was formalised, and 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 civil society and government forums.
- After declining in June, the Western Cape Civil Society Task Team meetings increased in frequency again.
- Within days of the establishment of Soetwater, 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.

Challenges in coordination, cooperation and accountability arising during this period included:

- It was reported that the Mayor expressed her discontent with aspects of cooperation including the Province’s failure to take a more active role in providing assistance, and IDPs’ apparent ingratitude (after an incident where IDPs rejected food that was past expiry date). She expressed distrust of the Provincial Commissioner for SAPS and of the SAHRC. She stated that the coordination of the crisis response was to be done through the JOC.
- After a group of refugees (including the Caledon Square Group) and TAC supporters occupied the Cape Town Civic Centre on June 12, demanding that the City and the Province establish a joint task team to address its demands, City and Province met and agreed to establish a Joint Task Team, which was to include officials from the Province, the City, the Department of Home Affairs and SAPS, with advisory input from the UN. The task team was to develop a joint plan of action to address the crisis of displaced people in the Western Cape, including accommodation, health, safety and security, reintegration and repatriation.
- Issues of inadequate leadership and continued lack of management and coordination of the disaster by government were again addressed with the Western Cape Provincial Government through a Joint Memorandum from Civil Society, dated June 25. According to the endorsers, 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 July 4, calling for the Province to produce, by July 7, proposed norms and standards for humanitarian assistance. These should, it was suggested, be not 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 endeavour, 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 July 9, regarding untenable conditions at sites, the denial of access to volunteers, 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 by the government 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 August 13, 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.

**WESTERN CAPE PHASE 3: PUSH FOR ‘REINTEGRATION’ AND CAMP CLOSURE**

**Material Welfare: Site Planning**

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<td>Relocation to consolidated camps</td>
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<td>Monitoring of relocation</td>
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<td>Lobbying for better planning, collaboration and IDP participation</td>
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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.24

- At the end of August, the Joint Task Team established by the Province and the City undertook the relocation of IDPs to three camps in a consolidation exercise. This coincided with particularly severe storms.
- Government stated that the UN supported and was monitoring the relocation process.
- 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.

**Challenges in site planning arising during this period included:**

- In the consolidation process, IDPs were moved to sites that were not ready and the tents, provided by UNHCR, were unable to withstand the weather conditions.
- On September 3, 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, improved collaboration between UNHCR and government in resolving logistical problems, and greater consultation by government with IDP leadership.
- The Western Cape Civil Society Task Team issued a joint Compiled Report on the Current Status of the Refugee Crisis on September 18, in which deteriorating conditions were reported at the remaining camps, including inadequate electricity, accommodation, and sanitation. Some facilities were overcrowded and in many cases the tents were inadequate.

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24 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.
Material Welfare: Provisioning

Challenges in provisioning arising during this period included:
- The Western Cape Civil Society Task Team’s September 18 report noted that supplies of food (particularly for children), toiletries and NFIs were inadequate, against the backdrop of off-the-record admissions of deliberate cut-backs in services to encourage IDPs to leave the sites.
- Various government officials 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 none of their claims through prescribed Disaster Management channels for reimbursement of expenditure in respect of humanitarian assistance had been paid.
- There continued to be limited civil society provision of food and NFIs to meet gaps in government provision, particularly for children and infants. However, the capacity to maintain this declined over the period. TAC, for example, announced at the end of August that their funds for humanitarian assistance were depleted.

Personal Welfare: Health and Psychosocial Support

Challenges in health and psychosocial support arising during this period included:
- The September 18 civil society report noted inadequate health care at the consolidated camps.
- Toward the final weeks of the reintegration process, a large number of extremely vulnerable people in camps were without psychosocial support.

Protection

- Having ceased during the second phase, Safety Forum meetings were 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.
- In July, officials of the Department of the Premier commenced dissemination of their reintegration plans, involving:
  - In mid-July, the release of their schedule of community readiness indicators being used to assess readiness to accept IDPs into communities, and
  - Provincial officials’ presentation of “The path to reintegration” to a series of civil society and IDP forums. Recognising the existence of strong disincentives for some 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.

- Following the consolidation of the remaining sites, assessments of IDPs’ reintegration needs occurred on a family-by-family basis, in recognition of their differing circumstances and needs.
- Discussions commenced at the end of August with regard to setting up a Protection Working Group (PWG) in Western Cape. At a workshop facilitated by OCHA and UNHCR, participants confirmed their interest, and the SAHRC was asked to be the lead agency. However, it was later decided that there was not sufficient interest or capacity to sustain another civil society forum while civil society organisations were still engaged in providing assistance and support to IDPs remaining in the sites.
- By September 18, there had still been very little progress in satisfactorily resolving the unmet education needs for the remaining school-age children in the camps.
- While local integration was the government’s stated ideal, an undertaking was given to uphold the principle of reintegration as 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 program.
- 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 Cape Town Refugee Centre (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. CTRC had previously been conducting assessments at their offices in Wynberg, and at the TAC offices in Khayelitsha for some time, and they commenced assessments in the consolidation sites in September. Many FBOs assisted in the assistance-package process.
- There was some confusion over the reintegration packages provided by UN agencies 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 and then, subsequently, that they were. Provincial officials observed that there was reduced uptake of the integration packages at Blue Waters and speculated that intimidation by IDP leadership was responsible for this state of affairs.
- 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 forcing them to reintegrate for a short period when they had already indicated their refusal to do so was rejected. Finally, in a reversal of original undertakings, they were advised by province officials to take reintegration packages to assist them find temporary accommodation in the communities while they awaited the finalisation of their repatriation applications.
- In mid-September, the Department of Home Affairs introduced a Rapid Determination Assessment Process to establish how many of the displaced persons had a legitimate claim to refugee status. Mindful of reports of the highly unsatisfactory process that had been conducted in Gauteng, Western Cape civil society organisations met with DHA representatives on September 18, 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 the Student Society for Law and Social Justice (SSLSJ).
- Although some of the civil society conditions had been met, a number of unsatisfactory aspects of the Rapid Determination Assessment Process were reported. One monitor report noted 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*.\(^\text{25}\) As in Gauteng, DHA rejected the vast majority of asylum applicants. UCT Law Clinic and Legal Resources Centre assisted rejected applicants with lodging appeals against their rejection. Both UNHCR and Amnesty International were critical of the manner in which the Rapid Determination Assessment Process had been conducted.

The return of determination decisions and, for those who previously had had asylum or refugee status, 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 slowness of this process held up efforts by government, civil society, the UNHCR and IDPs themselves to finalise viable solutions to leave the camps.

There was considerable fear amongst the remaining IDPs in the face of 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 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 local business association 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 pre-empted 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 of these renewed attacks returned to the CoSS, having only recently attempted reintegration. In a few instances, recently reintegrated individuals were murdered in targeted attacks.

**Coordination, Cooperation and Accountability**

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<td>Coordinating forums</td>
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<td>Mediation of IDP demands</td>
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- There were communications problems and misunderstandings between government and IDPs concerning the closure of camps. Concern about evictions from community halls followed the posting of notices dated August 1 and signed by a Mayoral Committee member advising the occupants at some community halls that they should vacate the premises by August 31. Similarly, confusion was generated by an article in the *Cape Times* of August 1 stating that the Head of Disaster Management for Province had indicated that the province’s disaster support programme would cease on September 3.
- 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, insofar 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 among officials of the JOC.
- IDP representation and participation in the Western Cape was facilitated by the formation of the Joint Refugee Leadership Committee (JRLC). This developed out of the experience of establishing the camp leadership structures at the largest camp (3,500 residents at its peak) at Soetwater.
- 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.

**Challenges in coordination, cooperation and accountability arising during this period included:**

- There were negotiations to have IDP representatives attend the JOC meetings, but this only happened on one occasion.
- 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 June 20, 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.
• 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.
• The September 18 civil society status report noted lack of communication with camp officials and of information from government at the remaining camps.

At the time of writing this report, formal reintegration programmes and the closure of camps were not as advanced in Western Cape as they were in Gauteng. Therefore the final stages of the humanitarian response could not be covered here.

Expenditure on Humanitarian Aid

At the time of writing the report, final summaries of expenditure on the disaster response were not available from either the City of Johannesburg nor the Province of Gauteng. Gauteng Provincial Government noted in court papers on 12 September that the costs of providing shelter, food and security presently exceeded R20 million. In the court papers, this was accompanied by the statement that “the Government of the Republic of South Africa [does not] provide same [services] to the poorest of poor of South African citizens”, illustrating the context in which the Province understood their expenditures. In mid-September, an official from Province indicated 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.

Costs incurred by the City of Cape Town up to June 20 were calculated to be R70.75 million. By the beginning of October this sum was reported to have escalated to at least R108 million. The amount of money spent by the Western Cape Province was not reported. Reportedly, funding for Cape Town City’s disaster response had initially been made available from the Indigent Account, pending claims to other spheres of government for financial assistance. When reimbursement claims (of R70.7 million, R5.6 million and R32 million) were made to the province and national government, only R17.3 million was reimbursed to the City. The shortfall reportedly came out of other municipal departments’ budgets. The National Treasury reported that it would contribute R12.8 million to reimburse the Western Cape Provincial government.26

Issues arising from this limited information include:
- The bulk of the expenditure, at least in the Western Cape, lay with the City rather than with the Province, even though the Province took over coordination of the response relatively early and for a longer period of time.
- The current system of reimbursing municipal and provincial expenditures from national coffers has not seemed to result in complete, or even partial, reimbursement of expenses. This may lead to reluctance by municipalities to advance funds for future disaster responses.
- Public transparency concerning the full amounts spent on disaster management – including disaster preparedness, prevention, response and evaluation – is necessary in order to avoid the politicisation of claims concerning disaster expenses, e.g. that services for citizens had to be curtailed due to overstretched budgets, etc.

UN Agencies and INGOs

As with humanitarian 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, South Africa does not, for the most part, benefit from significant teams of UN agency ground staff. Rather, these agencies tend to have

26 Anel Powell (2008) Xenophobia: the bill, 26 November, IOL
their regional headquarters based in the country, and operational teams are active elsewhere in the region. International humanitarian assistance actors therefore had 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.

**Planning and management** assistance included:

- Notwithstanding their 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.

**Training of government officials** included:

- Two-day course on camp management and coordination in Pretoria and Cape Town (OCHA and UNHCR),
- Training for the Community Development Workers who assisted with assessment for reintegration assistance in the Western Cape and Gauteng (UNICEF),
- 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 training in Pretoria (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 the Sphere Standards (UN inter-agency team, NGOs and IFRC),
- At the request of PDMC in the Western Cape, technical guidance and training in the upgrading and maintenance of existing sites to minimum international humanitarian standards; the relocation of IDPs to new temporary shelters; and reintegration of IDPs back into communities.
- In Gauteng, UNHCR offered technical training to camp managers but DMS responded that there was no time for off-site training.
- There was no provision of broadly accessible technical and Sphere Standards training in Gauteng.

**Technical expertise shared with disaster management structures** reportedly included:

- Conducting health assessments, including measles immunisation coverage and activities (Health and Nutrition Sectoral Group, Cluster Leads: WHO & UNICEF with Provincial Health Departments/UNFPA assisting with data collection),
- Nutrition monitoring, particularly for infants and breast-feeding mothers (UNICEF),
- Data collection at sites in Gauteng (OCHA),
- 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 (UN),
- Physical site planning (UNHCR & OCHA),
- International humanitarian standards (Oxfam, MSF, UNICEF, UNHCR, OCHA, WHO & UNFPA),
- Camp coordination and camp management, in Pretoria and Cape Town (UNHCR & OCHA),
- 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 (OCHA)

**Multi-sectoral rapid assessments** were conducted by various UN agencies (assisted by NGOs and government personnel) at the request of DM structures, including:
- 8 Gauteng shelters at the end of May (UN, SARCS, and NGOs; results shared with NDMC),
- 26 Western Cape sites in early June (WHO, IOM, IFRC, UNICEF, OCHA and local government representatives),
- 13 Gauteng sites in mid-June, using instruments designed by UNFPA, to provide data for the planning and provision of necessary services,
- 6 Western Cape sites in mid-July (UN, Red Cross and International NGOs), and
- A rapid assessment of the nature and scope of sexual violence and the vulnerability of women and girls both during the attacks and within the IDP sites at the beginning of July (Interagency team including individuals from UNICEF and UNFPA).

**UN agencies also provided practical support** to improved service provision, including:

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

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.

**Issues relating to UN agency and INGO contributions to the humanitarian response:**

- Government structures, such as the JOCs and National and Provincial Disaster Management Centres, privileged INGOs over domestic civil society, often not including domestic civil society in meetings or in information exchanges. There were many occasions, however, when INGOs also struggled to get access to government actors and structures.
- INGOs often functioned as (informal) information conduits between government and domestic civil society actors, since they had some access to both sectors.
- UN agencies and INGOs provided funding to several domestic civil society actors to provide emergency welfare and legal advice services and to play monitoring and evaluation roles.
- UN agencies, especially UNHCR, were severely criticised by domestic civil society organisations and by IDPs for the position they took and communicated during the emergency. A group of civil society organisations in the Western Cape drafted a formal letter of complaint to UNHCR headquarters in Geneva concerning the South African office of UNHCR, which led to Geneva sending a formal evaluation commission to South Africa in November 2008. Issues included in the formal complaint revolved around UNHCR’s modes of communication, its lack of accountability to IDPs, and its unwillingness to provide adequate protection (or to place pressure on government to provide adequate protection) where IDPs, including recognised asylum seekers and refugees, were abused in the course of the disaster response. UNHCR’s response was that their mandate had been misunderstood by civil society.

**The National Government 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.* **August 8, 2008, Sowetan editorial**

Before moving to an evaluation of the humanitarian response to the violence, it is useful to place the preceding accounts of the responses in the provinces of Gauteng and the Western Cape in the context of relevant aspects of the national response.
National Shame
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 May 24 his shame for the attacks 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”.27
- The national labour movements joined government and civil society in their condemnation of the attacks. COSATU was active in urging all spheres of government 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.

Leadership
There were a number of high-profile political visits to affected communities in Gauteng during the crisis. More broadly, the ANC encouraged its local structures 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.

However, 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 May 13, the national Minister of Safety and Security denied that the attacks constituted a crisis. On May 15, 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 (May 19), and rejected by others, including Gauteng Premier Shilowa (May 20). Others (the Democratic Alliance and the UDM, May 19 and 20) called for the army to be drafted in to assist SAPS.
- Although public condemnation of the attacks came from Essop Pahad, Minister in the Office of the President (May 14), President Mbeki (May 19) and Premier Shilowa (May 20), it was not until May 25 (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 (June 3), by the Deputy President to the people of Nigeria during a visit to Nigeria (May 23) and by the President of the ANC to Mozambican nationals during a visit to Maputo (July 29). A national day of mourning was planned for June 24, 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 address President Mbeki rejected the notion that the attacks had been caused by xenophobia.

Enquiring into the Causes
- While 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 more sinister factors behind the attacks. The Gauteng MEC for Sport told the Gauteng legislature on May 20 that police had concrete evidence of ‘third force’ involvement. This was a perspective upheld by some officials in the National Intelligence Agency, but ultimately it was not

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supported by reliable evidence. In some instances, the violence was blamed on hostel residents, reflecting the historical propensity for this sector to mobilise violently.

- Parliament appointed a Task Team of Members of Parliament Probing Violent Attacks on Foreign Nationals on May 13. The results of their enquiries were presented to parliament on June 19. 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 May 16.

**Use of the Defence Force**

- Then-President Mbeki approved a request from SAPS for South African National Defence Force (SANDF) involvement to assist in establishing control of violence wracked areas of townships in Gauteng on May 21.

- This followed great concern from human rights organisations, which felt SANDF deployment bore worrying parallels with apartheid era policing and evoked a prevalent securro-centric government discourse that viewed foreigners as a threat and elicited oppressive responses in stark contradiction of human rights ideals.

- Others, such as the IEC, felt the SANDF would be able to deploy their peacekeeping skills, developed elsewhere on the continent, to assist a clearly over-stretched police force.

- The Minister of Defence warned that soldiers were not appropriate replacements for police insofar as their weapons were inappropriate for the task, they were not trained to arrest people, and were trained to shoot to kill anyone pointing a gun at them (and, indeed, one person was shot in a cordon-and-search operation).

- 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.

**The Issue of Immigration Status**

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.

- 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. Despite assurances to the contrary by the Minister of Home Affairs, deportations of victims continued to take place (see further discussion in Chapter 10 of the Evaluation below).

**Reintegration and Humanitarian Assistance**

- Reintegration was publicly declared the government priority on June 5. 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.

- 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 June 12, 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. In practice, the Interministerial Task Force seemed to be represented on the ground by Provincial officials, therefore not providing independent oversight.

**The National Media**

The media played a crucial role in informing the national response to the humanitarian crisis. While 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 among foreign nationals living in all parts of 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 (who came to be known as the ‘burning man’) 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. However, in some instances the media also created
confusion through circulation of inaccurate information.
CHAPTER 4: EVALUATION OF THE HUMANITARIAN RESPONSE

The following chapters evaluate the above-described responses by sector, including material welfare provision, protection and issues relation to coordination, communication and accountability. The final evaluation chapter will briefly cover non-humanitarian responses include repatriation, documentation, justice and reintegration. This chapter sets the scene by briefly outlining the basis for the evaluation.

Norms and Standards for Humanitarian Response

Evaluating the humanitarian response requires an acknowledgement of the absence of agreed norms and standards for the type of disaster that South Africa found itself faced with in May 2008. National disaster management planning had not foreseen that such a scenario would arise. Moreover, international experts acknowledged the novelty of a situation in which disaster relief was required for resident foreign nationals who found themselves displaced and seeking state protection as a result of citizen aggression.

While violent aggression against foreign nationals has certainly occurred elsewhere in the world, it has generally remained relatively localised and the outcome has typically been that non-nationals seek protection in adjacent countries. In this respect, it must be recognised that foreign nationals in South Africa had sufficient confidence in the human rights regime of the country to seek the protection of the South African state – at least in the first phase of their displacement from the communities in which they had been living and working. However, one of the central issues arising during the prolonged stay in the Centres of Safe Shelter (CoSS) was concern about the state’s capacity – and willingness – to afford protection to foreign nationals once they were once again dispersed among nationals in South African communities.

Norms and standards are usually derived from a range of international instruments. The 1951 UN Refugee Convention, to which South Africa is a signatory, provides the foundational framework within which refugees and asylum seekers in South Africa are afforded protection. The core principles of this protection are:

- treatment not less favourable than that generally accorded to nationals of a foreign country in similar circumstances;
- the most favourable treatment accorded to nationals of a foreign country in the same circumstances;
- the same treatment as is granted to nationals; and
- treatment as favourable as possible.  

There are also international instruments designed to set minimum standards for internally displaced persons (IDPs) – principally Guiding Principles on Internal Displacement – and those for the management of refugee camps, including, most notably, the Sphere Project’s Humanitarian Charter and Minimum standards in Disaster Protection (hereafter referred to as the Sphere Handbook). As best practice guidelines, these are not legally binding, but they are internationally recognised and applied (See Annexure C for a list of some of the relevant guidelines). Within South Africa, the most important relevant legislation is the Disaster Management Act 2002 (DMA) and the National Disaster Management Framework (NDMF) of 2005 (see Annexure D for a brief overview of relevant aspects). Regulation of the treatment of refugees and asylum seekers in South Africa is directed by the Refugees Act of 1998. Moreover, the fundamental rights

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and freedoms outlined in the Bill of Rights in the South African Constitution afford protection to all foreign nationals in South Africa.

Contingency Planning for Social Conflict

Despite the comprehensive provisions made in the DMA, disaster management agencies in South Africa have omitted to undertake contingency planning for the type of humanitarian disaster that occurred when foreign nationals were attacked in May 2008. Cape Town Disaster Risk Management Centre (DRMC) contingency planning, for example, was designed to respond to environmental disasters (flood, fire and storms); hazardous materials disasters (from nuclear plants or petro-chemical installations); marine and coastal disasters; and major transport disasters (principally aviation). As in other provinces, recently there has been considerable investment in planning for disasters related to events, in view of South Africa’s hosting of the 2010 Fifa World Cup.

Some commentators have observed that, by the very nature of the history of apartheid and the celebration of its demise in 1994, there has been an ideological resistance to recognising the need for disaster planning for internal civil strife. This would seem to provide some explanation for how such a serious omission could have been made in disaster planning, despite many warnings of high levels of anti-foreigner sentiment – not least, in the African Peer Review Mechanism (APRM) Report, released on 15 December 2007, which warned of alarming levels of xenophobia in South Africa. The spectre of resurging township and interethnic violence, as experienced in South Africa in the 1980s and early 1990s, is one that the “Rainbow Nation” discourse has sought to bury in post-1994 South Africa.

National Versus International Norms

The question of norms and standards for IDPs in the sites in South Africa raised considerable debate. The gaps in disaster management planning left government without guidelines from which to identify a basis for the response, and with no platform from which to rationalise levels of provision in the face of criticism from international and national bodies, as well as citizens. A range of international and local human rights organisations were vocal in their demands that international standards be adopted. International observers were of the view that South Africa, as a middle-income country, certainly had the resources to mount a response commensurate with acceptable international standards.

The persistent defence from some quarters of government that provision was being made at levels generally applied in environmental disasters was dismissed by many civil society actors, who maintained that the fact that South African standards for disaster relief to citizens were currently below international norms was no excuse to maintain those levels, whether for foreign nationals or citizens. This was in response to government statements that current practice allows for three days shelter for disaster victims, with a limited provision in terms of food and NFIs.

However, not all local civil society organisations supported the call for international norms and standards to be adopted. Some shared the view of many government officials that norms and standards should take account of the prevailing socio-economic environment, and that South Africa was not in a position to support the level of humanitarian assistance required of initiatives funded (directly or indirectly) by “Western” nations.

In some instances, government officials clearly recognised the need for enhanced norms and standards. It was clear to them that the current agreed guidelines were inappropriate for the kind of medium-term provision required for a large population of traumatised individuals. However, they feared two possible

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29 Warnings of the potential for xenophobic conflict at the provincial level were contained in the APRM report for the Western Cape in March 2006. www.hsrc.ac.za/research/output/outputDocuments/3873_Hadland_
consequences of committing to an improved set of standards. On the one hand, there was a potential political backlash from citizens who, already resentful of foreign nationals, saw them getting enhanced assistance. On the other hand, mindful of government’s potential inability to meet standards (due either to capacity or financial constraints), they wished to avoid laying the state open to yet more litigation.

From a humanitarian point of view, the lack of agreed norms and standards for humanitarian disaster assistance in South Africa at a level comparable to international norms is insupportable. International experience shows there is always a risk that the provision of humanitarian assistance to one vulnerable group presents opportunities for hostility from another group which perceives itself to be equally worthy of assistance. Whereas the beneficiaries in the 2008 disaster were foreign nationals, future disaster-management planning for medium-term displacement on the scale experienced in May 2008 needs to account for the fact that future socio-political or environmental emergency scenarios could create IDP populations of predominantly South African citizens.

Allied to the debate over the appropriateness of national versus international standards was uncertainty over whether norms and standards should stand as a goal or an absolute for the delivery of humanitarian assistance. In essence, was it the role of civil society to assist government with achieving standards or merely to hold government accountable to those standards? In the event, following threatened litigation, the provincial government in the Western Cape produced Western Cape Province: Guidelines for Emergencies, containing the province’s consolidated norms and standards. In contrast, there was no norms and standards document shared with civil society in Gauteng. As far as could be established, no such document existed in a form relevant to the disaster in question.

**Focus of the Evaluation**

This evaluation exercise is set within the principles of international best-practice emergency response and humanitarian assistance for victims of disaster events. It therefore takes The Sphere Project. Humanitarian Charter and Minimum Standards in Disaster Response (2004) as the basic norms and standards against which actual responses are compared. Bearing in mind the report’s overall aim to provide a platform from which to generate knowledge about good practice, the focus of the evaluation is on:

- The extent to which international norms and standards of provision were achieved, and
- The relations within and between civil society, INGOs, IDPs and the various spheres of government engaged in the disaster response, in terms of 1) accountability and 2) cooperation and coordination.

The recommendations are intended as actions for consideration by intended users of the evaluation as they conduct their own reflections and evaluations of their roles in providing humanitarian assistance.

The exercise has been assisted by a number of reports issued by organisations engaged in monitoring conditions at the various sites of safety (See Annexure F for a list of the principal documents consulted). Where appropriate, recommendations made in some of the reports consulted have been incorporated into this report.

In the Western Cape, reports on conditions at sites were issued by TAC, the SAHRC and OCHA. As an official from OCHA observed, following the publication of the Report of the UN Assessment of IDP COSS sites in Western Cape Province – July 2008 on July 29, there was remarkable consistency in reported findings. For Gauteng, the only documents publicly available were the reports completed by CSVR up to 1 July and various ad-hoc reports. A number of organisations, Oxfam and SAHRC (Johannesburg) among them, did rapid assessment exercises but the resulting reports were for their internal use. There were also some reports that dealt with sectoral issues which have been helpful in compiling the evaluation.
The following Chapters of this evaluation will report on the extent to which international norms and standards were satisfied in various sectors of the response effort. Recommendations, drawing on lessons learned, will be made in each section. It should be noted that recommendations are made on the assumption that, in the wake of the May 2008 disaster, disaster management structures in South Africa will devise and adopt comprehensive norms and standards of at least an equivalent to the recommendations of the *Sphere Handbook*. The need to incorporate Sphere standards into disaster planning is critical. This report does not repeat the detailed recommendations on the minutiae of service provision included in the Sphere Handbook. It rather refers all parties to the recommendations made in the *Sphere Handbook*, and only notes additional recommendations where these are not included in Sphere. (A helpful version of the Sphere Handbook, navigable online, is available at [http://www.sphereproject.org/index.php?option=content&task=view&id=27&Itemid=84](http://www.sphereproject.org/index.php?option=content&task=view&id=27&Itemid=84)).
CHAPTER 5: 
EVALUATION - MATERIAL WELFARE

Site planning

Four of the five Western Cape CoSS sites were at camping sites (Soetwater, Blue Waters, Silverstroom, and Harmony Park) and the fifth was at Youngsfield Military Base. Accommodation at the CoSS was either all tents or mixed tents and chalets. The tents were provided by the City of Cape Town. At its peak, the largest of the CoSS, Soetwater, accommodated approximately 3,500 IDPs. Although numbers were impossible to establish with any accuracy in the early days, by the end of the first week of the crisis in the Western Cape it is probable that around 8,000 displaced people remained dispersed across the City of Cape Town in churches, mosques, community halls and private premises, and a similar number were accommodated in the CoSS sites.

In Gauteng, the vast majority of the IDPs were housed in six CoSS sites (DBSA, River Road and Rifle Range in the City of Johannesburg; Rand Airport, Wadeville (briefly) and Wit Road in Ekurhuleni), established at the beginning of June. Accommodation was in tents provided by UNHCR. At their peak, these sites accommodated some 8,000 IDPs. Ad-hoc shelters then accounted for some 300 IDPs. There was also a site at Klerksoord (Akasia) in City of Tshwane, which was not afforded official recognition. Some 600 IDPs stayed at this site, and tents were provided by the South African army.

Location of sites

In the Western Cape, challenges related to physical location of the shelter sites included:

- Coastal CoSS were exposed to winter storms and high winds carrying sand and sea water.
- Most CoSS were far removed from residents’ places of work, schools and communities of origin. For example, Soetwater and Silverstroom were both some 50 km from the centre of Cape Town. Community halls and other private accommodation was often closer to communities of origin and familiar transport routes to schools and work.
- Most CoSS did not have practical transport options for IDP residents, inflating the cost of travel to work and impeding IDPs’ independence.
- Community halls and other private accommodation were sometimes badly placed for security: for example, some IDPs were housed in a facility close to the Khayelitsha community where they had been attacked.

Physical location of CoSS sites in Gauteng encompassed the following challenges:

- There was insufficient consultation during selection of sites. Wadeville was situated on an abandoned dump and had to be closed due to soil toxicity levels. A planned CoSS at Vickers Road was abandoned after a court interdict due to security concerns about a nearby hostel.
- Some IDPs were transferred to CoSS located in areas badly situated in terms of transport to their places of business, work and education, while others did not experience undue difficulties. A civil society letter to the President noted that IDPs had not been consulted about their relocation.
- In some cases residents of areas adjacent to the CoSS were not consulted, resulting in residents jeering at IDP buses and fears that the issue might fuel further xenophobic violence.
LOCATION OF SITES RECOMMENDATIONS

- Adhere to the *Sphere Handbook* provisions, particularly the sections *Common Standards: Participation and Initial Assessment*, and *Shelter and Settlement*.
- In assessing site location, include proximity to communities of origin, schools and workplaces. Where transport routes are unsuitable, provide shuttles to key transport nodes.
- Include IDP leadership, stakeholders with local knowledge, and adjacent communities in consultation.

**Suitability of accommodation: structure and layout**

Issues concerned with the suitability of the structure of accommodation included:

- Marquee and army tents used in the Western Cape were unsuitable for the windy, stormy winter climate: they often leaked, lacked integral weather-proof floors, sheltered entrances and appropriate ventilation features, and some did not allow light in.
- Large tent sizes in the Western Cape meant that multiple families, single men and single women were accommodated in the same tent, compromising individuals’ privacy and dignity.
- The UNHCR tents used to accommodate IDPs moved to the consolidation sites in Western Cape at the end of August were totally unsuitable, providing insufficient insulation against the winter weather. In addition, UNHCR tent pegs were unsuited to the sandy soil. The use of these tents caused considerable additional hardship to an already weary and highly dispirited population.
- Small UNHCR tents used in Johannesburg were in some cases placed too close together.
- Insufficient storage space for IDPs’ belongings lead to cluttering and reduction of space in sleeping areas.
- There was inadequate provision of parking for IDPs with cars.
- Incomplete or absent perimeter fencing was a problem in some Western Cape CoSS.

**SUITABILITY OF ACCOMMODATION: STRUCTURE AND LAYOUT RECOMMENDATIONS**

- Adhere to the *Sphere Handbook* provisions, particularly the sections *Shelter and Settlement* and *Water Supply, Sanitation and Hygiene Promotion: Access to Toilets*.

**Water supply, Sanitation & Ablution**

Issues relating to water supply, sanitation and ablution in the CoSS sites nationwide included:

- insufficient or no hot water for ablutions at some sites in the Western Cape (which was significant given the cold weather conditions).
- Security concerns about ablution facilities, particularly for women and children. This included lack of night lighting and a failure to sex-segregate toilets at many sites.
- Waste water problems at all Gauteng CoSS, only some of which were resolved by the creation of grey water soakaways.
- Marked and persistent shortfalls in numbers of toilets at some sites.
- Unsatisfactory maintenance, cleaning and emptying of chemical toilets at some sites.
- Unsatisfactory monitoring of the condition of ablution facilities at some sites.
- Inadequately secured portable toilets at some sites – a Blue Waters resident was trapped for three hours in a portable toilet that blew over during a storm.
WATER SUPPLY, SANITATION & ABLUTION RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, particularly the section Water Supply, Sanitation and Hygiene Promotion.

Laundry

Some problems that arose around the issue of laundry included:

- Inadequate laundry facilities at many Western Cape sites – a particular problem given the wet and cold weather.
- Provision of washing powder and/or laundry soap was erratic, inconsistent, and, at some sites, non-existent.
- Private areas were not provided for women to wash and dry underwear and sanitary cloths.
- Laundry-drying facilities and pegs were lacking at Gauteng sites.

LAUNDRY RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, particularly the section Non-Food Items: Personal Hygiene and Water Supply, Sanitation and Hygiene Promotion.
- Where practicable, provide a laundry area with adequate drying lines.
- Where communal sinks for laundry are absent, provide each family unit with a large plastic laundry bucket.
- Provide each family unit with a pack of clothes pegs.
- Women and adolescent girls should be provided with an area specifically set aside for washing underwear and sanitary cloths in privacy.
- Inform IDPs of appropriate methods of grey-water disposal.

Refuse

The following challenges with regard to refuse storage and removal were reported:

- Insufficient large rubbish containers at some Western Cape community halls.
- Insufficient refuse receptacles between tents to prevent litter at some Western Cape CoSS.
- Some Gauteng CoSS did not have containers for the bulk handling of solid waste.
- Inconsistent provision of rubbish bags or bins for the collection of rubbish from individual tents or households at some Gauteng sites. While the majority of CoSS provided a rubbish bag or container per tent, the Boksburg site provided only one per row of tents.
- No dedicated facilities for the disposal of nappies or sanitary pads at some Gauteng CoSS.

REFUSE RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, particularly the section Water Supply, Sanitation and Hygiene Promotion: Solid Waste Management and Food Aid: Food Handling.
Lighting

Problems with lighting included:

- Inadequate or no lighting of toilet and ablution facilities and on the walkways leading to these facilities, creating serious safety concerns, particularly for women and children.
- Insufficient or no lighting in some tents in the Western Cape CoSS.

**LIGHTING RECOMMENDATIONS**

- In physical planning of sites, provide for adequate lighting of living areas, public areas and ablution facilities.
- Regularly check and maintain lighting equipment.

Power supply

Problems that were encountered with regard to power supply included:

- Inadequate provision of electrical power points for charging cellular phones worsened anxieties, delayed reunification of families separated during the attacks, and prevented communication with employers, and impeded the crucial maintenance of social networks. This is a key consideration in supporting the early return of IDPs to their communities following this kind of displacement.
- In some cases IDPs resorted to inconvenient, dangerous or illegal arrangements to acquire electricity due to inadequate electrical supply to housing units. At one site in the Western Cape, for instance, electric sockets were located on poles some 1.5 meters above ground level, meaning appliances with shorter cables had to be held above ground.
- Inadequate power supplies for the boiling of water for infant food preparation were reported.

**POWER SUPPLY RECOMMENDATIONS**

- Adhere to the *Sphere Handbook* provisions, particularly the section *Non-Food Items: Stoves, Fuel & Lighting*.
- Provide safe power supplies for cellular phone charging as soon as possible after a displacement.
- Consider the implications of the existing electricity supplies of site premises. Provide generators if sufficient grid connections are not available.

Security: site access control

Appropriate standards in access control were not achieved in many of the sites accommodating IDPs in both Gauteng and the Western Cape. The absence of agreed protocols allowed, on the one hand, uncontrolled access to some sites and, on the other hand, arbitrary denial of access at various sites. In general, there was a large presence of law enforcement and private security personnel at the CoSS. Feelings of mistrust of these actors on the part of site residents was often either clearly evident to monitors or openly expressed by IDPs.

A wide range of abuses of access controls were reported:

- Overly stringent access controls impinged on freedom of movement of residents at some sites, particularly during the registration process.
- Unwarranted denials of access to volunteers and service providers at some sites – in some cases on instructions from CoSS management – undermined trust and cooperation between civil society and CoSS management.
• Access controls were compromised by uneven and inaccurate registration of IDPs in both provinces: some visitors had been issued with cards and some residents who were at work during the issuing of cards were later barred from entry.
• Unidentifiable non-residents were able to gain entry at some sites for unacceptable purposes. A member of the public reportedly entered a Johannesburg police station on several occasions and was seen to leave with several young displaced women, apparently against their will. At a Gauteng CoSS residents reported that an unknown person regularly entered the site and stole items from the clothing depot. In a Khayelitsha hall, unaccompanied minors were removed by an unrelated fellow national and returned to the site after a week of staying at his home and begging on trains.
• Lax perimeter security at some sites undermined access controls.

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<tr>
<th>SECURITY: ACCESS CONTROL RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>• Establish a procedure for rapid registration of IDPs who arrive at the site after initial registration and for IDPs transferred to the site from other sites.</td>
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<tr>
<td>• Establish clear protocols for systematic access control to sites and communicate them to all residents and personnel working at sites. This should include a system of identity cards or passes for residents and accredited service providers, to be implemented at the earliest opportunity.</td>
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<tr>
<td>• IDPs should be consulted over the details of access protocols and the manner in which they are to be implemented.</td>
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<tr>
<td>• Establish a protocol for central accreditation of service providers and volunteers for access. Procedures for establishing accreditation should be clear and simple to follow.</td>
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<tr>
<td>• The access protocol should define the conditions under which an accredited organisation may be barred from the site, and should specify the need to inform the organisation in advance.</td>
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<tr>
<td>• Volunteers working on sites must be affiliated with, or seek affiliation with, an organisation that is accredited by the site manager for the provision of services to site residents.</td>
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<tr>
<td>• Establish an agreed procedure for entry of ad-hoc visitors in consultation with IDPs.</td>
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<tr>
<td>• Monitor the effectiveness of the access protocol in consultation with IDPs.</td>
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<tr>
<td>• Monitor all access points on a 24-hour basis using security personnel.</td>
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<tr>
<td>• Conduct regular security patrols of site perimeters.</td>
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<tr>
<td>• Train gender-diverse security staff to meet the standards of the access protocol.</td>
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Additional facilities

Consideration needs to be given to providing facilities that support the activity needs of IDP site residents, bearing in mind:

• **Health and safety**: separate areas for activities that have potential dangers – for example, for cooking.
• **Trauma and personal loss of IDP residents**: opportunities should be made for particular interest groups to interact, participate in organised activities, share experiences, worship, discuss opportunities, occupy their minds, and maintain contact with each other and with communities outside the site.
• **Respect for sleeping areas**: as private areas, inappropriate for social activities.

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<th>SUITABILITY OF ACCOMMODATION: ADDITIONAL FACILITIES RECOMMENDATIONS</th>
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<tr>
<td>• Adhere to the Sphere Handbook provisions, particularly the section Shelter and Settlement.</td>
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<tr>
<td>• If possible, provide dedicated spaces for receiving visitors, engaging in recreational activities, holding meetings, and engaging in religious or spiritual practice, in consultation with IDPs.</td>
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<tr>
<td>• Consider allocating a specific area for feeding children, particularly if targeted feeding is planned.</td>
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</table>
Provisioning

Broadly speaking, provisioning often fell short of the norms and standards that should be applicable in a complex emergency of the nature experienced in South Africa in May 2008. In good measure, this was the result of lack of preparedness – not least because such norms and standards as existed prior to May 2008 were inappropriate.

- Lack of coordination and of relevant and up-to-date information on site numbers, needs and gaps in provision impacted negatively on effective provisioning of both food and non-food items (NFIs). In the first phase of the crisis there was often a glut of particular items at one site and a shortage of the same item elsewhere. This resulted in wastage and, conversely, unnecessary deprivation. As UNICEF noted, site managers across both provinces did “a laudable job in dealing with the provision of resources that they also receive on an often ad-hoc basis.” Nonetheless, distribution processes were, as one international agency observed, “often chaotic.”
- The PDMC of the Western Cape are to be acknowledged for having produced and made publicly available a set of norms and standards that sought to be relevant to the demands of the circumstances that provincial and local governments were dealing with in the disaster precipitated by events of May 2008. The provincial government adopted the Western Cape Province: Guidelines for Emergencies in mid-August.
- Shortages and uneven provision persisted despite the guidelines, however. In some measure, this probably reflects the fact that procurement contracts were already in place and that both spheres of government appeared to have adopted an unofficial policy to systematically reduce levels of provision at the remaining sites from the end of July. It was therefore impossible to assess the impact of the new norms and standards guidelines on provisioning.
- Allegations of pilfering of food and non-food items, by staff, volunteers and IDPs themselves, were widespread in Western Cape and Gauteng sites. The lack of stock control systems created opportunities for diversion of food and NFIs. However, while theft should not be condoned, allowing personnel who are themselves short of food, clothing and toiletries unsupervised access to what may seem like an abundance of goods invites abuse. Sensitivity is required in setting up systems that do not place volunteer and low-paid workers in compromising situations. Lapses in access control also provide opportunities for pilfering.
- Inability to equitably distribute supplies – a result of lack of protocols for distribution, poor coordination of delivery of supplies, and insufficient knowledge of the resident population and their needs – meant that there were several reports of supplies being kept in site storerooms by site managers.
- Over-provision and inappropriate provision resulted in wastage. This was particularly the case with donations from members of the public and from some business donors. The lack of publicly available and easily accessible information on what supplies were required and where they should be delivered meant that organisations and individuals eager to make a material contribution to the relief effort were not able to make best use of the resources they had available. Examples include the donation of foodstuffs that were unusable because they were impractical or culturally inappropriate; NFIs that were contributed in such small quantities that they could not be distributed equitably; or food and clothing that was distributed directly to sites that were already well provided for in these respects.
- Irregular distribution times and irregular quantities caused anxiety and provided the motivation to horde and/or cheat when supplies were available. This is an internationally observed phenomenon and calls for regular distribution of agreed quantities, and, above all, clear communication to beneficiaries of the distribution regime and their entitlements.
GENERAL PROVISIONING RECOMMENDATIONS

(GENERAL RECOMMENDATIONS THAT RELATE TO FOOD, BEDDING AND NON-FOOD-ITEM PROVISIONING)

- Adhere to the *Sphere Handbook* provisions, particularly the section *Food Aid.*
- Provide up-to-date publicly available information on the kind of material donations that would be welcomed from private and business donors.
- Encourage the public to deliver material donations to identified collection points in order to facilitate centralised management of the collection and distribution of goods by Disaster Management.
- Enforce a regular distribution regime of agreed quantities of provisions.
- Ensure that beneficiaries are aware of their entitlements and of the distribution regime to be employed.

**Food and Nutrition**

Arguably, food aid is one of the most important responses in emergencies once any initial rescue exercise is complete. The complexity of factors that contribute to successful food aid and its distribution are often underestimated, because food provision for disaster victims is inseparable from social, cultural and political dimensions of the communities and the context in which distribution is taking place.

- Food provision is a potent symbol of hospitality and concern for the well-being of those that share our needs. From the perspective of IDPs, food distribution is perhaps the most tangible activity that daily restates the donor assessment of the need and legitimacy of the beneficiary. Where government institutions are responsible for food provision to IDPs, the success of that distribution comes to represent government intent vis-à-vis the welfare of the IDP population overall. For foreign nationals displaced through xenophobic violence, a poorly executed government-run food aid program amounts to re-inscription of the rejection of shared humanity that precipitated their displacement in the first place.
- Food is a highly emotive issue. For people who are removed from their domestic and work routines, disoriented by long days of waiting for solutions in cold and wet tents, the discomfort of being without sufficient and familiar food takes a heavy toll on the collective will to reason and cooperate. Insufficient food, erratically delivered, and culturally inappropriate, served to heighten tensions and increase levels of despair. As a UN official noted, food became “the lightening rod of almost all the discontent” among IDPs. In addition to heightening distrust of government, shortcomings in food provision and distribution caused considerable tension within the sites. UNICEF reported that men in one of the camps who did not receive food felt humiliated and angry, while women were distressed by the fights among men over food.
- The government’s approach to food provision for IDPs too often failed to afford the appropriate recognition to the psychosocial significance of food provision.
- The energy and personal resolve that IDPs needed in order to reintegrate into communities that had ejected them called for courage, resilience and trust in the government for support should they encounter further difficulties. Failure to provide adequate and appropriate food severely undermined the development of any sense of potential well-being and their confidence in the government’s commitment to their welfare and safety.

Inadequate standards of provision were prevalent in most aspects of food provision, in both Gauteng and the Western Cape. Arguably, the problems were most acute in the Western Cape where government authorities persisted – despite advice from UN agencies to the contrary – in providing mass “wet” (pre-cooked/catered) food throughout the disaster.
Issues arising in the area of food and nutrition included:

**Planning**
- IDPs were not allowed to participate in the planning, distribution and monitoring of food provision, although SARCS was reported to have established a food committee in Gauteng.
- Nutritional goals of food provision were not clear, due in part to the government’s inability to decide whether the primary concern of provision was to prevent citizens from becoming aggrieved at the assistance dealt out to IDPs, or to support the wellbeing of victims of a humanitarian disaster.
- Provision did not progress beyond initial emergency phase goals of saving lives, probably largely because disaster management contingency planning had not envisaged food provision extending beyond the standard three days provided for in environmental emergencies.
- Residents wished to prepare their own food, but this was deemed too difficult to organise in the Western Cape. In Gauteng, IDPs at some sites were provided with facilities for independent food preparation.

**Supply Chain**
- In the first 48 hours of the emergency in the Western Cape, food provision was extremely erratic. Some sites received some supplies from government, and some sites received some supplies from public donors. Some sites were very short of the necessary food for a large number of traumatised IDPs.
- There were no designated warehouses for donations.
- The timing of food delivery was erratic – varying daily by as much as four hours. At some sites breakfast sometimes arrived after 11 am, too late for IDP schoolchildren and workers. At Rifle Range in Gauteng, evening meals were sometimes delivered after children were asleep.
- SAHRC and UN officials in the Western Cape both expressed concern about contractors not providing uniform quantities or quality of food across sites.
- In some instances, where volunteers were denied access to sites by site management (as happened in Soetwater) IDPs were left without food as a result.
- There was wastage of cooked food at some sites when food was too late, too cold, or unpalatable. In these instances government officials erroneously took the view that food wastage indicated over-provision or lack of ‘gratefulness’ by IDPs.

**Quantity**
- Quantities of food were insufficient – the two meals a day provided by government were inadequate for those who could not leave the site, and portion sizes were insufficient considering that only two meals were provided. Children were seen to go without food when supplies ran out, and there were frequent shortages of infant formula and of baby cereals.
- Some FBOs were forced to fill gaps in provision that government refused to address.
- Government refusals to provide food to non-recognised sites (such as Akasia in Gauteng), left civil society with the full responsibility for these sites. Save the Children UK reported persistent severe food shortages at Acacia.

**Quality**
- There was inconsistency in terms of what was supplied to different sites and by different contractors.
- The diet provided lacked variety.
- Food quality was poor in many cases. Concerns included the fact that hot meals contained very little meat, that there were no fresh vegetables or fruit, that the food had a bad taste, that it was over- or under-cooked, or that it was past its sell-by date.
- Some responses to IDP complaints about food quality met with claims from government officials that IDPs were “ungrateful”, suggesting that satisfactory food provision was regarded as charity rather than as an essential component of humanitarian disaster assistance.
• Cooked food was culturally inappropriate. For instance, IDPs complained that curry and rice was alien to their diet and that their normal and preferred staple was pap (maize meal). Somali and other Muslim IDPs in the CoSS generally received culturally appropriate halaal foods.
• UNICEF reported inadequate nutrition for lactating and pregnant women and suggested consultation on the nutritional value and cultural appropriateness of food being supplied.
• Concerns about the nutritional value of food included:
  ▪ No regular distribution of milk for children, other than nursing infants.
  ▪ Very minimal quantities of fresh vegetables or fruit and inadequate amounts of fruit juice for children.
  ▪ Lactating mothers and pregnant women were not receiving sufficient appropriate food.
  ▪ The nutritional needs of vulnerable groups, such as the chronically sick and elderly, were not met.
  ▪ On the feeding regime adopted, the nutritional and meal frequency needs of people taking ARVs and TB medication were not met.
  ▪ Adult food (for instance, spicy curry) was inappropriate for young children and the meal frequency needs of young children were not met.

**FOOD AND NUTRITION RECOMMENDATIONS**

- Adhere to the *Sphere Handbook* provisions, particularly the sections *Nutrition* and *Food Aid*.
- The approach to food provision in humanitarian disasters should be informed by an understanding of the rights to protection of IDPs and the goals of promoting well-being and self-sufficiency to support early reintegration. Food provision is not, in this understanding, a matter of charity.
- Standardise procedures concerning the provision of food across sites in terms of quality, quantity and time of delivery.
- Ensure contracts with organisations providing food are sufficiently flexible to allow for changes in the form, method and content of food assistance as the humanitarian assistance needs change.
- Assess food aid needs as early as possible in the response process (see Annexure E).
- Complete a process of registration as early as possible (see Annexure E). Consider issuing ration cards to aid food distribution. Ration cards should specify the name, tent number, name of head of family, and total number in the family. There should be a stamp or mark to prevent forgery.
- Make all stakeholders aware of the norms and standards governing food provision from the outset. Informing populations of their entitlements assists with reducing abuses and contributes to self-policing.
- To minimise waiting times consider serving several queues at the same time. Food serving points should have a separate entrance and exit.
- Provide personnel for crowd control and to check cards, in addition to distributing the food.
- Where IDPs are cooking for themselves, provide basic kitchen sets and cooking pots for each family unit.
- Provide sufficient water and fuel for independent cooking.
- Limit the use of fires to designated areas for safety reasons. Discourage the use of open fires, and make fire-fighting equipment available on the premises.

**Bedding**

Issues arising with regards to bedding included:

- Distribution of blankets was slow in the early days of the Western Cape crisis.
- Quantities of blankets assigned per resident were not consistent across sites, causing friction when different camps were consolidated into a single unit.
- Mattresses at many of the cold, wet Western Cape sites were inappropriate. They quickly became damp and were too thin to provide sufficient insulation.
- The quality of some blankets at Gauteng and Western Cape sites was low, causing respiratory tract irritation. The blankets were also too small to cover adults, particularly where one needed to cover one’s head in order to keep warm and sleep undisturbed in the crowded sleeping quarters.
• There were insufficient mattresses at some sites as long as eight weeks after establishment of CoSS.
• There were allegations that some IDPs were hoarding or selling surplus bedding supplies.

**BEDDING RECOMMENDATIONS**

- Adhere to the *Sphere Handbook* provisions, particularly the section *Non-Food Items: Clothing and Bedding*.
- Provision of bedding should be recorded on the registration card of each IDP.
- The quality of bedding should be such that it does not present a health risk to beneficiaries.

*Clothing and other non-food items (NFIs)*

The psychological benefits of being provided with non-food items should not be underestimated. The absence of hygiene kits, toiletries and adequate clothing, and basins and buckets, affects morale and IDPs’ ability to maintain dignity in their lives. Irregular distribution of NFIs undermines the confidence of beneficiaries and increases the motivation to cheat.

**Clothing**

As the majority of the IDPs had fled without any of their belongings, many people had an urgent need for clothing. Some issues that arose around clothing were:

- Although large amounts of clothing were received from members of the public, some needs were not met. For instance, some sites lacked shoes for children and men, others lacked sufficient underwear, and there was an unmet need for jackets, socks and gloves in the Western Cape. Some IDPs at some sites had not received winter clothing supplies as late as eight weeks into the crisis.
- Clothing went to waste at sites where donations were inappropriate, surplus to requirements, or provided in insufficient quantities for equitable distribution.
- Heavy rains and flooding in the Western Cape increased the need for clothing at a time when donations were drying up.

**Hygiene and Toiletries**

- At some sites, IDPs were issued with hygiene kits (normally soap, toothbrush, toothpaste, toilet paper and, for women and girls, sanitary pads and underwear).
- The provision of toiletries was erratic. There was often insufficient soap (particularly adjacent to toilet facilities) and toilet paper supplies were unreliable.
- In most sites women reported that there were insufficient, erratic or non-existent supplies of sanitary pads and underwear.
- NFI distribution was very inconsistent across sites. In Gauteng, toothbrushes and toilet/all-purpose soap were provided at three CoSS, but one site received neither. At Rand Airport, mothers received six nappies a day, and at Springs only four. At Springs, each person received 1kg of laundry powder, while at DBSA powder was provided per tent, and at Rand Airport and Rifle Range, none was provided.
- When the frequency and number of donations reduced two months into the Western Cape crisis, government were not able to adequately take up the gap in supplies, causing shortages of essential toiletries and sanitary products.

**Domestic Equipment**

- While at some sites separate basins were provided for laundry and personal hygiene, at others one bowl served both functions.
- Where stoves were provided, numbers were not always sufficient or adequately fuelled. Shortages of gel were reported in several instances, along with the need for additional firewood.
Coordination

- Distribution of NFIs in the Western Cape and Gauteng suffered from a lack of coordination of both demand and responses, and there was overlap and confusion in the communication of and response to demands for assistance.
- The lack of coordination and of any recording system or clear distribution protocols allowed for pilfering at the sites, allegedly by IDPs, staff and volunteers.
- JOC personnel were challenged by the lack of accurate information on the numbers and special needs status of residents at the individual sites. There was concern that requests were not genuine, that they were inflated, and that there was duplication.
- Measures adopted by the Western Cape JOC to ensure requests were genuine were cumbersome and time-consuming. In effect, they amounted to a non-response, forcing civil society actors, to meet the needs in question. When JOC delays forced civil society to fulfil a need, site managers would report to JOC that there was no longer any need on the ground. This then reinforced the view from JOC officials that civil society had exaggerated the need in the first place, causing frustration to all parties.
- A series of procedures to be adopted by civil society monitors in the Western Cape in order to verify requests to JOC, by seeking authorisation of site managers, were adopted and subsequently revised. This eroded the commitment of site assessors to obtaining comprehensive quantitative data from the sites. Ultimately it was recognised that VOCs were necessary at the level of each individual site but these were only established in the second week of September in the three consolidation camps. Their efficacy varied from one site to another.

### CLOTHING AND OTHER NON-FOOD ITEMS RECOMMENDATIONS

- Adhere to the *Sphere Handbook* provisions, particularly the section *Non-Food Items*.
- Record provision of bedding on the registration card of each IDP.
- Donations of toiletries and sanitary goods should be made to a central donation point identified by Disaster Management in order to (a) ensure that collection and distribution are efficient, and (b) support disaster management procurement planning. Details of the central donation point should be widely publicised to assist an effective and efficient distribution process.
- Consider appointing an experienced agency, such as the Salvation Army, or a suitable recycling depot to manage clothing collection and sorting.
- Access to clothing should be gender equitable.
- Maintain a consistent and adequate supply of sanitary materials, including soap and underwear, and ensure that female staff distribute these materials to women and girls.
- Keep a comprehensive centralised record of distribution of non-food items to ensure that residents across all sites receive not only adequate but comparable supplies.
- Set up a mechanism for centralised reporting of clothing and other NFI needs as soon as practically possible and diligently record the satisfaction of those demands to ensure efficient distribution of supplies.
Privacy

The Bill of Rights of South Africa’s Constitution provides for the right of every person to have their dignity respected and protected. The notion of privacy as a component of dignity pre-dates the Constitution. Prior to the enactment of the Constitution, the South African common law concept of ‘dignitas’ encompassed the right to privacy as a personality right. Privacy\(^\text{30}\), as a right, is guaranteed in s14 of the Constitution and the right to privacy is intended to protect one’s human dignity and autonomous identity, including what the Constitutional Court has indicated include those aspects of life or personality et cetera that one can legitimately expect to be kept private.\(^\text{31}\) Included in this is the right to establish and nurture human relationships without interference from the outside community.\(^\text{32}\)

While the specific parameters of privacy are culturally specific, general guidelines require that residents of IDP sites should be able to bathe, change their clothing and sleep without fear of disturbance by non-intimates. Space to attend to spiritual or religious activities and areas to speak privately with visitors or service providers is also required.

Some issues arising in the area of privacy included:

- Women and girls felt unsafe due to makeshift and overcrowded sleeping arrangements, particularly in large tents, where they often could not change their clothing in privacy.
- In Gauteng, women at the Springs CoSS complained that the showers were not private enough.
- Overcrowding in halls and large tents meant that site residents had little opportunity for private conversations, or to receive visitors.
- IDPs’ private living space – such as it was – was at times invaded by people who entered without seeking permission.
- Confidential spaces for sessions with social workers and psychosocial counsellors were often unavailable.
- Women expressed a wish for dedicated spaces to discuss and do things together.
- Dedicated church or mosque tents were the exception rather than the norm.
- Mosque tents in the Western Cape were often not maintained after damage by wind and rain.
- Many sites did not have child-friendly spaces.
- On a number of occasions members of the public, officials working in sites and media representatives compromised the privacy of IDPs by recording their personal circumstances on film without permission. Such photographs can be used for purposes that may disadvantage or endanger an already vulnerable population.

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\(^{30}\) I am indebted to Jessica Bizony for this exposition of the right of privacy, which draws on Iain Currie and Johan de Waal *The Bill of Rights Handbook* Sed (Cape Town: Juta, 2005)

\(^{31}\) *Bernstein v Bester NO* 1996 (2) SA 751 (CC). *Investigating Directorate: Serious Economic Offences v Hyundai Motor Distributors (Pty) Ltd v Smit NO* 2001 (1) SA 545 (CC) at para 18.

\(^{32}\) *National Coalition for Gay and Lesbian Equality v Minister of Justice* 1999 (1) SA 6 (CC) at para 23.
illegality of photographing children in distress, the need to request permission to interview, photograph or enter the homes of IDPs, and a suggested method of approaching IDPs in a sensitive manner that respects their dignity and privacy. Media should be advised of the dangers of sensationalising IDPs’ lives or of disseminating information that may expose them to further vulnerability.

- No recordings of IDPs should be made without permission.
- Service providers should avoid bringing people with no service delivery function onto sites.

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**Health and Psychosocial Support**

**Health**

There is relatively little information to inform a meaningful evaluation of the Gauteng health response. Gauteng Emergency Medical Services and MSF worked together in the initial phases of displacement, although EMS was hampered by a lack of resources and capacity. Once IDPs were moved to the CoSS, MSF maintained a mobile clinic service. Little information could be gathered concerning the activities of either governmental or other non-governmental health providers in the CoSS.

In contrast, the Western Cape health response was extensive and well-documented. Provincial and city health officials in the Western Cape, in consultation with health NGO representatives, created a blueprint process to take account of IDPs’ health needs. Although considered visionary in its intent, some civil society observers felt the blueprint did not achieve the levels of delivery initially envisaged by the various parties. Nevertheless it was agreed that the health response was possibly the best coordinated in the whole relief effort in the Western Cape.

Some of the **strengths of the health response** were:

- The rapid needs assessments conducted by civil society organisations and volunteer doctors was broadly acknowledged as extremely useful, not only for assessing health issues but as an initial baseline assessment for wider humanitarian assistance, as it included information on food, security, blankets, and sanitation services.
- City and Provincial health services agreed to cooperate in coordinating the health response.
- It was agreed that for the large sites that did not have clinic facilities nearby there should be regular health clinics on site.
- All parties rejected the establishment of parallel structures from the outset, and when in the first few days parallel coordinating structures emerged, they were rapidly merged.
- Reporting structures were planned, whereby issues not resolved through a nominated civil society point-person at sub-district level would be addressed with DoH management by two appointed representatives of the health NGOs. The JOC’s health role was largely limited to provision of transport and emergency services on request by civil society monitors or site managers.
- Civil society representatives met with provincial and city health officials to discuss gaps in provision (including inadequate health coverage of sites, lack of first aid kits and problems with referrals and transport).
- Although some IDPs reported problems accessing services at public clinics and hospitals, abuse and withholding of services did not appear to occur more than they would under normal circumstances (given that this is a common experience for foreign nationals).
- Broadly speaking, basic health needs were adequately attended to through government provision at the sites or at local clinics.
- A number of babies were born to IDP mothers. While the generally overcrowded and cold accommodation was highly unsuitable for newborns, there were no associated problems reported.

**Problems in health service provision** reported at Western Cape sites included:

**Provision of Health Services**
• Provision of more specialised health services, such as services catering for reproductive health needs, family planning and incidents of sexual violence, were mostly absent.
• Provision of condoms was inconsistent between and across sites, and sometimes non-existent.
• On-site provision of general health services in the mega-sites was inconsistent in the Western Cape.
• In several cases where regular on-site health clinics were available, IDPs were not aware of their existence and/or their hours of operation.
• For treatment off-site, Western Cape IDPs often reported receiving outward but no return transport. Similar reports were received in Gauteng.

Control of Disease Vectors
• There were no serious outbreaks of illness or disease reported from any of the sites. Colds, coughs, flu, itching and diarrhoea were reported at some sites, particularly during the early days of site occupation. Respiratory problems were reported, apparently as a result of the poor quality of the blankets provided at some sites in the Western Cape.
• At several sites residents expressed concern at having to share overcrowded conditions at close proximity with known TB sufferers.
• Child immunisation monitoring and implementation was satisfactory in some sites, but lacking in others.

Availability of Medication
• Medication for chronic illnesses, such as anti-tuberculosis (ATB), anti-retroviral (ARV) and diabetes drugs, were usually unavailable.
• There was inadequate information on candidates for chronic medication, in some part due to insensitive procedures for identification.
• A shortage of medical supplies was reported at the River Road CoSS in early July.

HEALTH SUPPORT RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, particularly the sections Water Supply, Sanitation and Hygiene Promotion: Vector Control, Access and Water Supply, and Water Quality; Nutrition: At-Risk Groups Support; and Health Services.
- Health NGOs should establish a coordinating structure to organise monitoring of health provision into sub-districts that reflect health service sub-districts. They should aim to build strong relationships with Department of Health (DoH) personnel at district level through the identification of civil society points-persons to deal with each set of city/provincial sub-district health service managers. Each points-person should establish what sort and level of information sub-district health professionals need to act on a request. Civil society points-persons should monitor the DoH’s response to requests.
- Monitor on-site health services to ensure provision is respectful and non-discriminatory.
- Ensure that on-site health facilities are clearly identifiable to IDPs and their existence communicated through the site coordinator and designated communications personnel. Ensure that hours of provision are as regular and consistent as possible, possibly using a raised flag (as recommended by OCHA) to indicate when healthcare services are open.
- Ensure sensitive, early identification of IDPs requiring chronic medication.
- Where off-site medical attention is necessary, provide reliable and safe transport both to and from off-site facilities.
- In the case of marginalised groups such as migrants, there should be ongoing education of health service providers about the group’s equal rights to healthcare.
Psychosocial Support

This report benefits from the fact that, at the time of writing, both the Trauma Centre (TC) and CSVR – the central coordinating agencies for psychosocial support in the Western Cape and Gauteng respectively – had already started to document and evaluate their participation in the process. Their approaches are instructive in identifying some of the key features of an effective coordination of services. Moreover, they raise very important points about the kind of understandings that should underpin the planning of all needs analysis and provision of humanitarian relief for IDPs.

In the contexts they faced, the leading psychosocial support groups in the two provinces saw psychosocial interventions in terms of the following priorities, which demonstrate that psychosocial wellbeing needs to be seen as an outcome not just of dedicated organisations but of the disaster relief and management effort as a whole.

<table>
<thead>
<tr>
<th>Trauma Centre(^{33})</th>
<th>Centre for the study of Violence and Reconciliation(^{34})</th>
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<tbody>
<tr>
<td>• Create a sense of safety.</td>
<td>• Establish meaningful relationships to provide support in the context of current and future uncertainty.</td>
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<tr>
<td>• Calm people.</td>
<td>• Ensure consistent, reliable and congruent service provision.</td>
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<tr>
<td>• Establish personal and community efficacy.</td>
<td>• Support individual agency wherever possible.</td>
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<tr>
<td>• Connect people.</td>
<td>• Affirm personal identity, history and narrative of individual families.</td>
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<tr>
<td>• Provide hope.</td>
<td>• Restore dignity even under conditions of extreme restraint.</td>
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<td></td>
<td>• Recognise that psychosocial support feeds into and is shaped by broader advocacy and socio-political processes.</td>
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An important aspect of the provision of mental health support was the contribution of FBOs. In both provinces, church counsellors played an active role in supporting IDPs at a number of sites. Moreover, for some IDPs, the faith-based activities were the preferred way of dealing with grief and trauma.

Across Provinces

Despite the existence of sector-based coordinating mechanisms, a number of problems were reported in the provision of MH support services in both provinces:

- Due in good measure to the enormous need\(^{35}\) and relative lack of resources, psychosocial services were inadequate in terms of frequency and reach, and inconsistent.
- The need for psychosocial services was magnified by the foreign nationals’ history of exclusion and harassment in South Africa (including exclusion from their rights to public services), and their earlier experiences of conflict and flight from their home countries.
- The need for psychosocial services was in turn magnified and prolonged by IDPs’ situation in the camps, where additional anxiety and stress arose from living in poorly appointed accommodation, with erratic and inadequate supplies of food and basic necessities, in social isolation and without information on what solutions might be available to them.
- Some MH support volunteers found it difficult to work within the paradigms chosen by the lead agencies, in some cases due to limited awareness of the realities faced by IDPs or of levels of public mental health service provision. Conflict, dissatisfaction and tensions arose as a result, creating a need for regular and sustained debriefing.

\(^{33}\) Although a “protection model” approach to psychosocial service delivery was seen as the ideal, the unprecedented situation and large numbers of IDPs necessitated an alternative approach based on Hobfoll, S. E, et al, 2007, Five Essential Elements of Immediate and Mid-Term Mass Trauma Intervention: Empirical Evidence. Psychiatry 70(4), Winter.

\(^{34}\) The CSVR guidelines are informed by IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings recommendations.

\(^{35}\) In both provinces, MH support services were tending to a large, exceptionally vulnerable and traumatised population. In the Western Cape, for example, there were ongoing concerns about widespread suicidal ideation and the potential for mass action at one site. There were also concerns that people were making major life decisions (such as returning to countries of origin) whilst in crisis and distress.
Western Cape
Despite the consultation undertaken by TC in the crisis, and its pre-existing contractual relationship with the CT DRMC, a number of problems were reported in the provision of MH support services in the Western Cape:

- Difficulties maintaining communication with responsible government officials – initially with the city and subsequently with the province – left service providers feeling “out of the loop.”
- Resource constraints made it difficult to deliver services to the full range of sites, many of which had relatively small populations.
- In the bigger sites, it was sometimes difficult to obtain or maintain access to dedicated spaces for private consultation.
- As the reintegration process progressed towards its final weeks, there were a large number of extremely vulnerable people – chronically sick, disabled and elderly people; female-headed households; single parents; women victims of domestic violence; and unaccompanied minors – in camps waiting for solutions without any psychosocial support.

Gauteng
In Gauteng, extremely high levels of trauma required urgent psychological interventions. A group of MH practitioners helpfully preserved sectoral memory by developing a set of policy guidelines from work with 2,500 IDPs at Jeppe police station, which were revised as contexts and conditions changed. Problems encountered included:

- CSVR found that where interventions were tentatively started, they were fragmented and poorly coordinated, and, crucially, lacked accountability. Without proper guidelines and models of intervention, the diversity of intentions and paradigms of healing was a threat to vulnerable IDPs.
- The diversity of the population, their history of trauma and their levels of anger, fear and distrust, were seen as contributors to the levels of conflict, discontent and despair evident in some sites.
- A deficit of meaningful exchanges with governmental and international agencies increased fear and politicised resistance to any process introduced by government.
- MH workers had to deal with more than the initial trauma of violent displacement. It was noted by MH workers that psychosocial support could not substitute for socio-political interventions. Site management’s criticism of MH workers for failing to contain IDPs’ anger showed little understanding of the ongoing magnification of stress caused by frustration with current circumstances and prolonged uncertainty about the future.
- The lack of political will to negotiate reintegration alternatives that would create a real sense of a future for each individual and family limited the effectiveness of psychosocial support.

More practical issues included:

- Service providers were refused entry in the wake of confusion and unrest at some sites.
- There was a lack of information about services available, and little awareness among IDPs of what kinds of services were available and where (and when) they could be accessed.

In Gauteng, interventions were shaped by the way MH support workers were received by the IDP community at each site and by IDPs’ perceptions of their personal safety and future. Critical factors influencing this included:

- The population and demographic profile of IDPs at the site
- The cohesiveness and collective self-organising capacity of the IDP community
- The management style of the site manager
The extent to which the community had access to reliable information
The attitudes of surrounding communities
The role that the media played in perpetuating or challenging dominant perceptions and ideologies

Recommendations on mental health provision and psychosocial support are more extensive than for other response sectors since they are not included in the Sphere Handbook.

PSYCHOSOCIAL SUPPORT RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, particularly the section Health Services: Mental and Social Aspects.

GENERAL
- Integrate understanding of the particular mental health (MH) needs of IDPs into all sectors of the humanitarian response, at all phases of its delivery.
- Recognise the high levels of trauma prevalent in IDP populations, and the potential for secondary trauma in refugee IDP populations.

COORDINATION
- Establish a single coordination structure for MH provision, with a mandated lead agency (or agencies). Government and civil society stakeholders should be represented and roles and responsibilities defined at local and regional levels.
- Mental health and psychosocial support providers should support a coordinated disaster response and seek to work in complementary relationship with partner organisations, in accordance with the ethical practices and accountability requirements of the Principles of Partnership (PoP) developed by the Global Humanitarian Platform (more detail provided in Chapter 9 below).
- Make information-sharing among partner organisations and other relevant humanitarian actors a guiding principle of service provision.

SITE MANAGEMENT
- Site management should support and promote the provision of psychosocial support services at sites. To this end, they should:
  - Provide clear information on the availability of psychosocial support services.
  - Provide a dedicated space for private counselling for individuals or groups.
  - Prevent arbitrary barring of psychosocial support workers from sites.
  - For large sites, encourage an organisation with experience in community MH (or a person attached to such an organisation) to take on specific responsibility for the coordination of psychosocial services on the site, to channel information, and to protect the displaced.
- Recognise the value of social and spiritual activities in promoting the mental wellbeing of IDPs. Actively encourage and support activities which have a unifying popular appeal and over which the IDPs themselves have a measure of control on the choice and nature of activity (art, music, drama, sport, child care, etc).
- Site management should be aware that current realities have a significant effect on the MH of IDPs and that psychosocial counselling will not substitute for the harmful effects of information poverty, inadequate living conditions, and lack of participation in processes that define the current and future opportunities of IDP site residents.

ASSESSMENT, MONITORING & EVALUATION
- Conduct assessment of MH and psychosocial needs using culturally appropriate tools designed for use in emergencies in the local context.
- Coordinate assessments between service providers to avoid duplication.
- Develop strategies, indicators and tools for monitoring and evaluation and disseminate them to partner organisations. Disseminate assessment, monitoring and evaluation information among partner organisations and appropriate stakeholders.
STANDARDS
- Ensure that psychosocial service provision aims to be compatible with the provisions of the IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings.
- Regularly monitor provision of psychosocial support to ensure that it reaches agreed standards. Put procedures in place to protect the IDP community from potentially harmful practices.
- Make psychosocial support non-stigmatising, culturally relevant and available to all individuals (especially survivors of violence). Where appropriate, make psychosocial support available for children, in consultation with their caregivers.
- Establish effective systems for referring and supporting severely affected people.
- Funders and programme planners should take account of the fact that while numbers of IDPs may reduce as a disaster progresses, a concentration of extremely vulnerable people is likely to remain in sites until the very end, being the least able to find alternative solutions.

PARTICIPATION
- Establish psychosocial support services in participatory, safe and socially appropriate ways that protect people’s dignity and strengthen social support and self-help mechanisms.
- Interventions should facilitate conditions for appropriate communal, cultural, spiritual and religious healing practices.
- Encourage provision for the special needs of young children and their caregivers, including the provision of opportunities for appropriate activities that support children’s need for self-expression. Pressure should be brought upon education authorities to recognise the psychosocial benefits of facilitating the early return of schoolchildren to school.
- Psychosocial support should help people to identify their own priorities and sustainable strategies for protection and security.
- Psychosocial support workers should assist government officials and other service providers in understanding and accommodating the difficulty for victims of violent displacement of making major life decisions while in the midst of loss and grief.
- Undertake mass communication on constructive, positive coping methods and activation of social networks. The details of this should be developed with stakeholders.

PERSONNEL
- Where possible, ensure psychosocial workers and volunteers have some understanding of the cultures of the IDPs, as well as of mental health provision in the state public health system.
- Ensure that all counsellors have been trained in the general ethics of counselling.
- Ensure that all support workers and volunteers sign an agreed code of conduct.
- Ensure that support workers and volunteers are supervised and regularly monitored.
- Ensure that psychosocial support workers and volunteers have regular debriefing sessions, at least weekly.

Child welfare
Some of the issues of child welfare have already been addressed in sections on food and healthcare provision. Given the very widespread concerns about provision for education, this section focuses on the education needs of children IDP, and the less common, but in some cases acute, concern for the unmet needs of unaccompanied minors and for children in very vulnerable families.

The majority of IDP children had been in school prior to their displacement. Lack of transport, excessive distance to their schools and fear about children’s safety meant that there were children at the majority of sites who were unable to attend school. Whereas some IDP parents were keen for their children to go to school, at some sites in the Western Cape there were requests for on-site schooling as the parents were fearful for their children’s safety outside the site.
There was a need to attend to the psychosocial needs of IDP children whose context included:

- A desire to return to school.
- Sadness over their treatment as foreigners in the school system.
- Fear of abuse by school peers.
- Trauma from witnessing violence and/or displacement.
- Trauma from seeing their caregivers in traumatised states.
- Anxiety caused by seeing the distress of adults over their future security and wellbeing.

**Schooling: Western Cape**

Displacement occurred within the last weeks of the school term. At the start of the new term some two weeks later, it was clear that urgent attention was required to facilitate the return of children to school. Despite ongoing lobbying of the provincial Department of Education (DoE) by civil society actors and IDP leadership through letters and meetings, progress was slow in attending to requests for:

- Safe transport from the isolated sites to schools,
- Access to alternative schools for children staying too far from their original schools,
- Attention to discrimination against children of foreign nationals in the schools, and
- On-site provision of schooling at some of the more isolated sites.

On the positive side, there were some successful initiatives:

- Many schools responded positively to the situation, for example by providing transport to school and food to learners in CoSS sites nearby, or desks, chairs or volunteer teachers for on-site schooling.
- The DoE appointed two teachers from among the IDP residents to run a preschool at Harmony Park.
- The Department of Transport assigned school bus and driver for children at Blue Waters was much appreciated and was seen by Soetwater IDPs to be one of the few advantages of agreeing to PGWC’s plan to move them to Blue Waters in the closing phases of the humanitarian response.

Some of the stumbling blocks to an effective response in the Western Cape were:

- A change of Provincial leadership and re-assignment of the MEC for Education a few weeks into the new term, where the new MEC seemed both ill informed and misinformed about the situation of IDP learners, including policy positions on the children of foreign nationals.
- In many cases school governing bodies considered it outside their scope to accommodate the temporary attendance of children from local IDP sites.

**On-site schooling**

- On-site schools were set up in some cases by the Department of Education (DoE). The DoE did not generally support the setting up of ad-hoc on-site schools by IDP residents.
- An attempt was made to provide multi-grade teaching for older children at Harmony Park in the Western Cape, but the parents did not necessarily want to entrust their children to self-appointed teachers from within the IDP population.
- On-site schooling was reported to have been moderately successful for young children insofar as it provided a routine and outlet for young children whose parents were reluctant to let them leave the site.
- On-site schools catered very poorly to the needs of older children. The DoE provide curriculum material, but it was difficult to get the books and teacher-time necessary to support older learners. Many of these children are likely to fail their year-end exams (if indeed they get the opportunity to sit them) and will have to repeat their current grade. For those housed too far away to travel to their original schools, failure to register in time puts them at risk of being without schooling for another
year. For the worst affected, their progress through the education system is potentially arrested by two years.

- Facilities were poor. The education tents at Soetwater and Blue Waters were cold and wet, and the education tent at Youngsfield, destroyed in a storm, was never replaced. Though Breadline Africa agreed to provide an education container for Soetwater, uncertainties about the future of the camp prevented delivery. The container was, however, finally delivered to Blue Waters when Soetwater was closed. For the collection and secure, dry storage of teaching materials and for students to be able to secure their school bags, a container proved to be an invaluable resource.
- Facilities at Harmony Park were better in so far as they included two chalets and two containers.
- On-site schooling initiatives tended to lose momentum without an outside coordinator to sustain them, especially in the absence of support from government. In the closing phases of the camps the Soetwater coordinator was engaged by UNICEF to assist with schooling at the other sites – an initiative that revitalised the remaining on-site facilities.

**Schooling: Gauteng**

- Information on the Gauteng response to children’s educational needs is scarce, but from the reports of the Refugee Children’s Project it appears that attempts to reintegrate 197 children into the mainstream schooling system were more effective than in the Western Cape. However, at the Akasia and Rifle Range Road sites, the organisation withdrew in the face of physical threats towards their personnel, leaving uncertainties about the fate of children in those sites.
- At some sites, notably the Rand Airport camp, residents established their own temporary schools with volunteer teachers from among the IDPs. The Rand Airport school did not receive support from the DoE and was shut down since DoE wanted to encourage children to return to the mainstream school system.
- Apart from actual schooling, child-friendly spaces were set up at some Gauteng sites to provide physical, emotional and psychosocial support to the children, as well as an opportunity to play, socialise and express themselves freely.
- In some sites there were some initiatives of volunteers to play with children.
- However, the provision of separate safe recreation spaces for children was generally inadequate, as was the provision of recreation activities.

**Vulnerable Children**

As the humanitarian response progressed and the numbers of IDPs in the sites reduced, it became clear that the protection needs of extremely vulnerable children were being poorly met:

- Children who had been identified as unaccompanied minors and who had been reported to authorities (Department of Social Development (DSD) and NGOs dealing with refugees and with vulnerable children) nonetheless remained in the sites, dependent on whatever ad-hoc care was forthcoming from adult IDPs and humanitarian assistance organisations.
- Three sibling unaccompanied minors disappeared for a week from a site in Khayelitsha where they had been living without adult carers. They later reported that they had been living at the Khayelitsha home of an unrelated man of their own nationality who, it appears, hoped to gain from any assistance forthcoming from the publicity these children had received in the media. (This had included a trip to an upmarket shopping centre with a benefactor for the purchase of new clothes). Only with the prospect of a television expose were the children taken into the care of a more suitable shelter.
- In the Western Cape alone, there were several instances where little progress was made in arranging care for unaccompanied minors. A week before Youngsfield was due to be closed in October there was still no plan for the ongoing care of a resident 13-year-old and 16-year-old. Similarly, there were no tangible interventions for two vulnerable young boys who had been at Soetwater and were later moved to Blue Waters who, in the course of their displacement, had by chance been reunited with their father who had
previously placed them in the care of a third party. In this latter case both the children and their parent needed substantial support to improve their opportunities to build secure futures.

- There were also many young children at risk due to the extreme vulnerability of their family situation. A survey conducted of some Youngsfield residents just prior to its closure identified:
  - Nine recently-abandoned mothers who had, between them, 25 children ranging in age from 10 months to 11 years. Two of these mothers were in late stages of pregnancy.
  - Four single mothers with 13 children among them
  - Two women who were not receiving support from their husbands – one 8 months pregnant with two children and the other 6 months pregnant with 5 children ranging from 1 to 6 years old.
  - Three children whose physical disabilities impacted upon the whole family.

- In at least one site in Gauteng it was reported that the South African families of children in IDP shelters were refused access to visit or stay in the camps. As some of the displaced foreign nationals were married to South African citizens, it was not uncommon for children in IDP sites to have a parent who was not in direct need of protection or, alternatively, a displaced parent to have children living outside the camp with a spouse or partner.

At some levels, the unacceptably slow response of official child care agencies to reports of unaccompanied and vulnerable children reflects both pre-displacement and post-displacement factors, as illustrated below.

<table>
<thead>
<tr>
<th>PRE-DISPLACEMENT FACTORS</th>
<th>POST-DISPLACEMENT FACTORS</th>
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<tbody>
<tr>
<td>Tendency of South African welfare authorities to see needs of vulnerable and at-risk foreign children as a matter for police and/or DHA.</td>
<td>Little understanding of vulnerable children’s protection needs or available resources by camp management and local humanitarian assistance actors: unaccompanied children were not identified early in the process and, when identified, there was no knowledge of where to get assistance for them.</td>
</tr>
<tr>
<td>Limited resources for advocacy and support to ensure that children of non-nationals receive the protections provided by the law from mainstream government structures.</td>
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Fig 1: Slow response of childcare agencies to vulnerable children

Overall, providers of emergency humanitarian assistance in South Africa urgently need information regarding:

- the complexity of family structures;
- the prevalence of foreign-national unaccompanied minors (and the likelihood of civil violence leading to the presence of unaccompanied minors);
- the range of ways that foreign migrant children can be vulnerable; and
- the rights and the options available for the protection of such children.
Adhere to the *Sphere Handbook* provisions in responding to the needs of children.

**EDUCATION NEEDS**

- Complete an educational needs assessment as soon as possible to identify the numbers of children, their current school grades, and the school at which they are registered.
- Take steps to register children who are not yet registered at any school.
- Restore children’s full-time attendance at school as soon as possible. If it is considered unsafe for them to travel on public transport, arrange dedicated school transport, with informal on-site schooling provided only as a temporary measure where off-site school attendance is not possible.
- Due consideration of parents’ and children’s fears and anxieties about schooling should be acknowledged and accommodated in planning and decision-making processes.
- Allow IDP families to participate in decisions regarding the education of their children. Identify education representatives or, for larger sites, form an education committee, to participate in identifying and negotiating for their education needs. Representation should aim at gender equity.
- Children of families who have fled their homes may have lost their uniforms and basic school equipment. Make arrangements for replacement of these items to avoid further stigmatisation and educational disadvantage on their return to school.
- Ensure that mealtimes accommodate the school travel schedules of children so that they do not miss meals – especially breakfast. Include items for school lunches in food provisioning.
- Ensure that all teachers working at sites are trained in the prevention of sexual exploitation and abuse, and have signed a code of conduct.
- Where possible, obtain UNICEF lap desks for schoolchildren living in crowded sites.
- Encourage schools adjacent to IDP sites to provide support in terms of materials and expertise to on-site schooling facilities.
- The Department of Education should ensure that special provision is made for IDP children not to be penalised for their enforced absence from school and for every assistance to be provided for learners to make up for the school time lost.

**SOCIAL NEEDS**

- Set aside recreational spaces where children may play in safety, observed by their carers.
- Create safe and supportive environments for children to develop networks, explore their problems, learn about their rights, develop strategies to protect their safety and health, develop leadership, and play. Provide adolescents with access to spaces that are separate from those set aside as “child-friendly spaces.”
- Provide age- and culturally appropriate recreational activities for children. While maintaining sensitivity to cultural norms for the protection of girl children, girls should be encouraged to participate.
- Consider assigning responsibilities to adolescents in camps to counter feelings of idleness and worthlessness; for example, peer education or leadership of activities for younger children.

**UNACCOMPANIED MINORS AND VULNERABLE CHILDREN**

- Conduct a rapid assessment to identify priority child-protection concerns and necessary inputs and/or programmatic responses. Consult children in the process. Enable women within the IDP population to assist with the assessment.
- Identify separated children and attempt to reunite them with their families or habitual caregivers.
As the various aspects of humanitarian service provision are addressed separately here, this section limits the consideration of protection to that of physical security of person and property, and security of livelihood opportunities. The very important question of documentation is addressed in Chapter 10 as one of the possible durable solutions for the displacement. This is not intended to negate an understanding of protection as encompassing the full range of humanitarian services, however.

**Security**

*During Phase 1*

In the events of May 2008, the responsibility for physical protection of people and their property fell in the first instance to the SAPS. Large numbers of people fleeing from their homes went to police stations to seek protection. In many areas police stations became the refuge for whole families and their belongings.

**Western Cape**

In the Western Cape, there was an unprecedented attempt by the SAPS to meet their duty to protect foreign nationals resident in South Africa during this phase.

- The fact that all police commissioners were called by senior police management for a briefing and planning session prior to the break out of violence enhanced SAPS’ ability to respond to the protection needs of foreign nationals in the initial stages of their displacement.
- Deployment of all police personnel on extended working hours, and call-ups of reservists and Bambanani volunteers during pre-emptive planning by provincial government, also undoubtedly enhanced SAPS’ capacity to respond.
- In some areas SAPS officers went out into communities to warn foreign nationals that they were not safe and to advise them to leave their homes.
- There are reports of SAPS officials collecting the property from foreign nationals’ homes and businesses for safe keeping.
- Senior police personnel liaised with organisations to provide food for those sheltering at police stations, arranged for the collection and storage of goods for some of the victims and liaised with Cape Town DMRC for the transportation of IDPs to places of shelter.
- For urgent medical needs, police personnel provided transport to local clinics.

Despite these commendable aspects of the response, there were various challenges:

- The police response did not prevent large numbers of people from losing their property and suffering assault and injury at the hands of South Africans in the communities in which they were living.
- There were also reported incidents of abuse by individual police officers, including the removal and non-return of property (particularly from shops), and claims that police stood aside or even facilitated the looting of properties.

**Gauteng**

Among the commendable responses in Gauteng were:

- Many police stations provided large populations of IDPs with protection, however rudimentary, for up to three weeks.
• SAPS personnel at Jeppe police station were cited by civil society aid workers as having gone beyond the call of duty in meeting the demands of providing for 2,500 IDPs camping in the station precincts for almost three weeks.

However, there were a number of challenges:

• Police in Gauteng appeared overwhelmed by the attacks and able only to react rather than to protect the victims from violence.\(^36\) IDPs repeatedly reported that SAPS officers failed to take all reasonable steps to ensure the physical security of people and their property both during and after the attacks.

• Police were accused of failing to act against IDPs’ attackers or to arrest the people who stole their possessions; to have assisted the people who looted, occupied or destroyed their property; to have charged a fee to assist victims in salvaging their possessions; or to have simply refused to assist victims in identifying their attackers and reclaiming stolen goods.

• At least one IDP claimed to have seen off-duty policemen in the mobs who perpetrated the attacks, and some reported that police officials facilitated looting.

• SAPS premises were completely ill-equipped for the purpose of sheltering hundreds – and in some cases thousands – of traumatised individuals and families with their personal and household possessions.

• The prospect of hosting so many people – let alone foreign nationals – at police stations had never been part of contingency planning. Police station commanders were therefore initially without support or directives on how to respond.

• Given SAPS’ role in immigration policing and deportation, foreign nationals and the police had a prior relationship of distrust rather than trust, complicating the protection relationship.

• The police in South Africa are historically not considered legitimate arbiters in townships and informal settlements and have been working to rebuild legitimacy since 1994. Many policemen saw the protection of foreign nationals against local citizens as undermining the fragile trust between police and locals.\(^37\)

• In some quarters of SAPS there was considerable resistance to taking on a protection role. For example, high-level representations had to be made to SAPS to allow IDPs to stay inside Jeppe police station (May 17), and on May 20, a senior officer at Primrose police station was reported to have refused water to about 600 IDPs who were camping without tents or toilets outside the station.

• Once IDPs reached the police stations, they had contact with NGOs, FBOs and other civil society organisations that were able to advocate for improvements in their conditions. However, during the mob violence that affected the communities in the areas where they lived there was very little opportunity for civil society oversight of police protection activities.

Phases 2 and 3

In general, SAPS maintained an intermittent presence outside the CoSS although in some sites and at certain times they also provided security within the sites. The presence of police at CoSS was met with ambivalence by IDPs, given their historical mistrust of and poor relations with police personnel.

Gauteng

Issues arising from police involvement during the second phase of the response included:

• Reported assaults and police arrests of IDPs outside Rifle Range and River Road CoSS.

• A confrontation between police and IDP residents at Akasia on June 14 following an incident involving a private security contractor.

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• In a widely publicised abuse of SAPS powers, police opened fire with rubber bullets at Rifle Range camp on July 17 as a means of negotiating the release of four security guards who had been held hostage by IDP residents (who believed they were illegitimate strangers trying to enter the site). In the process, a large group of people, including a pregnant woman and very young children, were wounded.

Where private security contractors were concerned, incidents at some sites caused concern and in some cases presented a serious abuse of IDPs and a failure to grant them the necessary protection:

• Red Ants Security Services, a private security force notorious for its involvement in aggressive evictions, were frequently employed by Gauteng province including as security at temporary police shelters. At Jeppe police station there were allegations of serious assault and an attempted rape by a Red Ants security guard. On September 23, Red Ants workers, armed with riot shields, helmets and crowbars, were employed to demolish tents at Akasia, in an action condemned by UNHCR, LHR and MSF.

• There were reports of aggressive behaviour of security personnel during relocation of IDPs.

• At one of the Gauteng CoSS sites, private security guards were known to drink alcohol at night.

• At the Rand Airport CoSS, there were complaints that security guards had been responsible for assaults that took place at night.

**Western Cape**

Where security personnel other than police were concerned:

• In one of the Western Cape sites it was alleged that the official security guards had been among those responsible for the attacks on the foreigners.

• Although some had good relations with IDP residents, there were a number of complaints against Bambanani security personnel. UNICEF reported that there were “palpable feelings of mistrust” of Bambanani by the residents of one Cape Town site.

The physical security of IDPs was also compromised by government employed site managers, both directly and indirectly:

• There were reported assaults of IDP residents by at least two site managers in the Western Cape.

• There was evidence in both Western Cape and Gauteng that some site managers tended towards heavy-handed policing methods to quell conflict within the sites. Rather than working for negotiated consensus between all parties, SAPS were called in and rubber bullets, teargas and the arrest and detention of leaders were used to resolve matters. This may have been partly because some site managers were recruited on the basis of military and security backgrounds, rather than logistics, management or humanitarian experience.

Unregulated access to sites also resulted in compromises of the security of IDPs:

• A man said to have drawn several women out of temporary shelters with offers of accommodation or work was seen by a human rights monitor to be coercing a young woman to leave a police station.

• A man who offered employment to 10 IDPs at a Gauteng site later assaulted them and then arranged for their arrest. They were subsequently released, but only two returned to the Gauteng site, with the other eight unaccounted for.

Other security issues included:

• Concerns about security on public transport, where foreign nationals have historically been vulnerable to abuse and attack. Civil society organisations made appeals to government transport authorities – notably Transnet – to increase security on public transport facilities.

• Concerns about the protection and security of IDPs who moved to alternative private accommodation after displacement, especially where such accommodation was close to communities where violence
had occurred. IDPs who sheltered in the homes of community members or at friends or family did not have access to the provisioning available to CoSS IDPs.

Despite a range of compromising incidents involving state and private security agents at sites in both Gauteng and the Western Cape, both private and state security services were also reported to have significantly contributed to both the actual security and, importantly, to a sense of being secure for IDPs living in the sites.

**Security of Women and Girls**

Regarding the specific security concerns of women and girls: 38

- Broadly speaking, IDP women and girls remained highly vulnerable to GBV, especially sexual violence and exploitation, whether while fleeing from their homes, immediately following displacement, or while in the sites of safety. Both during the attacks and during their stay in sites of safety, women and girls reported being subjected to threatened, attempted and actualised sexual violence.
- In the sites, there were reports of coercion of women to exchange sex for essential items (particularly food items).
- Young girls reported being subjected to sexual harassment by not only site residents (and particularly those of other national groups) but also by individuals working at the sites, including security, maintenance and cleaning personnel.
- As frustrations of living in cramped conditions, the toll of idleness and other stressors of living at the safe sites took their effect, women and girls reported that incidents of domestic violence increased, often in tandem with alcohol consumption by men living at the sites.
- There was a rape reported at one site and attempted rape at another in the Western Cape. International experience shows that while crisis situations foster high levels of sexual violence, a cluster of factors contribute to very low reporting levels. Assessment during the current crisis identified barriers to women and girls reporting incidences of sexual violence, including:
  - High levels of mistrust of officials.
  - Stigma associated with acknowledging violations.
  - Fears of arrest and deportation.
  - Lack of information on reporting procedures.
  - Lack of awareness of the value of seeking quick medical assistance.
  - A strategic preference for concentrating on protection of family rather than their own needs.
  - Lack of standardised reporting procedures.
- The vulnerability of women and girls was exacerbated by the lack of established and equitable mechanisms of food and NFI distribution; by the lack of codes of conduct for site staff, visitors and volunteers; and by the fact that IDPs had little information on protection and prevention strategies for sexual exploitation and abuse.
- Basic shortfalls in standards of site design (perimeter fencing, ablution units, toilets, and lighting) and on-site security contributed to IDPs’ fear of and vulnerability to gender-based violence at CoSS.
- In the Western Cape, in particular, there was a paucity of services meeting the needs of women and girls, particularly those related to their health and GBV prevention and response.
- Where there were no on-site facilities — particularly medical facilities — the necessity for women and girls to seek assistance outside of the confines of the sites, often in areas in locations with which they were not familiar, gave rise to concerns about their own safety and security.

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38 GBV includes: domestic violence (including emotional and physical abuse and marital rape); sexual harassment, exploitation and coercion, trafficking of women and girls, denial of rights, exclusion from social benefits and other forms of discrimination, and various cultural practices deemed to deny women and girls their right to dignity and equal treatment. See: UNICEF & UNFPA, 2008, *A Rapid Inter-agency Assessment of Gender-based Violence and the Attacks on Non-Nationals in South Africa*. July. Prepared by Mendy Marsh, UNICEF.
The small proportion of female security guards was a concern for women and girls in the sites. The UNICEF/UNFPA assessment of site-based programming revealed that “programming to prevent and respond to GBV, especially sexual violence” was “largely inadequate”, although obstacles to implementation of a coordinated and protective response were acknowledged.

**SECURITY RECOMMENDATIONS**

- Adhere to the Sphere Handbook provisions, and especially the section Common Standards: Competencies and Supervision, Management.
- Ensure that there is sufficient policing by male and female police staff in both IDP sites and communities of integration. Significantly increase the numbers of female police personnel (ideally to gender parity) to enhance the protection of women and girls.
- Mobilise communities to protect themselves through positive community policing initiatives that promote inclusivity in protection.
- Establish a well-publicised, easily accessible and fully accountable system for reporting further acts of violence and intimidation to SAPS and other law-enforcement personnel.
- Regularly patrol all site facilities, and particularly toilet and ablution areas.
- Contractors providing security personnel should ensure that staff are clearly identifiable at all times and that they adhere to agreed procedures in terms of their hours, schedules of work and their signing-in and -out routines.
- Conduct regular monitoring and spot checks of the performance of security staff. This should include regularly monitoring to ensure maintenance of a respectful and non-discriminatory engagement with site residents, visitors and workers.
- GBV training should be provided for security personnel and site managers.

**Livelihood Opportunities**

Loss of livelihoods from business and employment was a serious concern for IDPs across all sites in the Western Cape. The widespread loss of livelihood opportunities among IDPs was a serious stressor, giving rise to anger and feelings of hopelessness. Although this affected all categories of site residents, the stress was particularly evident among women with children to support as they had less opportunity than the men to leave the sites in search of work opportunities.

**Loss of self-employment**

A large number of the IDPs who had previously been self-employed as barbers, informal shopkeepers, tailors and mechanics remained in the CoSS as their ability to generate income had been destroyed when their businesses were looted. Those who had fled in fear and whose businesses were not affected returned as soon as they felt able to check their premises.

**Loss of paid employment**

Previously employed IDPs lost their employment in the crisis due to:

- Inability to reach the workplace in the confusion of the first few days of the crisis
- Distance of their CoSS of residence from their place of work, and the cost or absence of transport, or, in the first weeks, fears of exploring unfamiliar transport routes and modes in the climate of violent.

It was particularly difficult for those who had spent many years struggling to establish themselves in business and in secure salaried employment to find, once again, they were without any means of self-support for themselves and their families. Many who found themselves in this situation experienced a profound sense of defeat and hopelessness.
Livelihood Programming
The maintenance of existing livelihood opportunities, or support for the creation of new opportunities is essential to IDP wellbeing as well as to promoting self-sufficiency and, potentially, more rapid reintegration into communities. UNICEF noted that “no livelihood programming efforts were identified” in either province.

Compensation
Compensation for lost goods and businesses was identified as an issue for investigation by the humanitarian response community and it was demanded repeatedly by certain IDP representatives as part of the reintegration process (as a less paternalistic alternative to ‘handouts’, since compensation emphasises the value which foreign nationals had worked for and accumulated on their own). In the Western Cape Standing Committee on Governance, ANC MPL Patrick McKenzie called on provincial government to provide houses for displaced refugees whose homes had been destroyed (28 May). However, compensation was not followed up by government nationally or in either Province, probably because of its political sensitivity. The eligibility of non-nationals to compensation along the same lines as South Africans in similar situations was not established, nor was the legality of their exclusion from compensation debated publically.

LIVELIHOODS RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, and especially the section Food Security: General Food Security.
- A variety of initiatives could support IDPs in maintaining their livelihood opportunities. For instance:
  - Provide transport to safe sites of intersection with public transport networks.
  - Appeal to employers to hold positions open, pending the return of IDP workers.
  - Facilitate early inspection by IDPs of their residential or work premises to assess viability of return.
- State security structures should be particularly vigilant in protecting business and residential premises temporarily vacated by IDPs.
- Put mechanisms in place to assist IDPs in negotiating the return of illegally occupied businesses and assist divested owners in taking the necessary legal action for the return of their property if negotiation is unsuccessful.
- To the extent that it is possible in disasters of unknown duration, consider livelihood programming where vulnerable families are identified in scenarios involving medium- to long-term shelter of IDPs. The promotion of income-generating activities during site residence provides a bridge towards return to independence and should form part of reintegration planning. Livelihood programming should take account of the needs of the most vulnerable – especially female single-headed households, the disabled, and unaccompanied young people.
CHAPTER 8: EVALUATION - ACCOUNTABILITY BETWEEN SERVICE PROVIDERS AND BENEFICIARIES

...While the refugees of Soetwater were taking rest, already starving from Saturday, a contingent of approximately 50 policemen, armed to the teeth, entered the camp, creating panic, followed by 4 long buses. They went from tent to tent, asking our women and children to get into the buses for an unknown destination. Under which regulation is such an arbitrary separation of family allowed? Why did the police not come during the day? Why did they not inform the on site leader? ...Those actions terrify us and drive us into more insecurity. We are like orphans with no protection. Why scare us more with weapons? Statement issued by IDP leader at Soetwater Camp 10 June 2008

Accountability in humanitarian assistance requires that men, women and children affected by disasters receive assistance and protection, and are accorded a right to information, to participation, to be heard, and to redress. The quotation above demonstrates the frustration and bewilderment that result where these accountability requirements are not met. Lack of accountability leaves beneficiaries and partners feeling undervalued and, ultimately, dissipates any will to cooperate.

Accountability is linked to conduct, ethics and integrity, and goes a long way towards addressing the ethical imperatives of humanitarian assistance. It also has immense practical benefits, such as:

- Improving knowledge of community priorities and concerns,
- Reducing the occurrence of disputes,
- Building trust and better relationships with communities and partners, and
- Supporting learning among service providers.

The Humanitarian Accountability Project (HAP) lists two principles and mechanisms of accountability:

1. Those by which individuals, organisations and states account for their actions and are held responsible for them, and
2. Those by which they may safely and legitimately report concerns, complaints and get redress where appropriate. Humanitarian accountability is concerned with ethics, rights and responsibilities (...) and agreed standards and benchmarks.

Accountability concerns both standards of good practice and principles of behaviour. Mechanisms that serve to support accountability include:

- Documents (mandates, rules and regulations, codes of conduct),
- Policies and protocols (for the intent and the detail of how things are to be done),
- Oversight structures (which may be internal or external to an organisation), and
- Institutions designed to deliver redress (disciplinary procedures, the state justice system).

In the provision of humanitarian assistance, the demands of accountability are potentially met through a range of initiatives that fall under three areas of activity: communication, consultation and participation, and monitoring and redress:
1 **COMMUNICATION** entails meeting obligations to disclose the rationale for decisions taken, explaining results achieved (or not achieved), answering questions on performance and results; specifying the scope of responsibility and limits of authority; explaining the need for feedback and the mechanisms upholding the right to complain; provision of up-to-date programme and financial information.

2 **CONSULTATION AND PARTICIPATION** entail establishing with stakeholders the most appropriate ways of information sharing; collaborative identification of steps to be taken to resolve complaints; providing guidance and support (including through training).

3 **MONITORING AND REDRESS** entail monitoring, reviewing and evaluating the exercise of responsibility and authority and the compliance with agreed standards; and the activation of procedures to ensure that violations of agreed codes are subject to appropriate disciplinary measures.

- **Communication** can reduce disputes and foster understanding.
- **Consultation** results in information about changing priorities and opportunities for learning. If the participation and consultation are to have any value, partners in the provision of humanitarian assistance should be willing to make ad-hoc accommodations of community suggestions and capacities into programmed responses. Consultation requires that participation extends to the more vulnerable and typically excluded among the beneficiary populations and, importantly, partner stakeholders. It also supports development of an understanding that the beneficiary communities take responsibility in decisions about interventions and ways of working.
- **Monitoring and redress** mechanisms hold service providers accountable for ethical behaviour and support the development of working relationships of trust. Not least, this entails seeing complaints in a positive light as potential for improving delivery.

Individuals and organisations are accountable to both beneficiaries of humanitarian assistance and to partners in the delivery of humanitarian assistance – notwithstanding that the ideal is that beneficiaries are, in contextually appropriate ways, also partners. Improving the quality of services provided in disaster relief entails a sustained provision of information, listening to beneficiary and partner concerns, and liaison with other providers of assistance. It is a broadly inclusive process that cuts across all sectors – government, civil society, international agencies, internally displaced populations and affected communities.

*Fig 2: Spheres of engagement for accountability in humanitarian assistance*
The rest of this section will review the provision of humanitarian assistance in response to the events of May 2008 in terms of the requirements of accountability.

**Communication**

*When people fight in the camp, they make it a big issue. It’s not because the Congolese hate the Zimbabweans or because the Zimbabweans hate the Congolese, It’s because of the frustration of the people.*  
Zimbabwean IDP, SAHRC Report on Conditions at Blue Waters Camp, June 27, 2008

**Effect of Lack of Communication on Disaster Response**

The failure to engage in effective and sustained communication was one of the major inadequacies consistently highlighted by almost all civil society and IDP representatives interviewed for this report.

- Communication was a persistent theme in meetings and written communications between government, civil society and IDP structures. While government officials did not confirm the breakdown of communication on public record, individual officials acknowledged failures in communication both from government and within government.
- The failure of meaningful communication from government actors is cited as the background to virtually all litigation initiated by civil society in the months following the May violence.
- The unmet need for clear, coherent, complete and consistent information, particularly from government, was central to the delays, frustrations and paralysis experienced by not only civil society and the IDP population, but by government itself as one sphere waited on another to declare its plans for addressing its leadership role, or one department waited on another to give clarity as to the scope of its involvement and commitment.

**Effect of Lack of Communication on IDPs**

The consistent failure of officials to communicate adequately with civil society and the IDPs themselves regarding government’s intentions amounts to a serious lack of accountability that affected every individual adult and child living in IDP sites:

- A mental health NGO cited lack of information, particularly around reintegration planning, as having prevented IDPs from gaining a sense of hope for the future, causing increased fear and the politicisation of resistance to government processes and interventions.
- The lack of information to IDPs was a violation of their dignity, as one human rights expert explained:

  *It is through information that people have dignity – that people feel they have some kind of control over themselves and their future. It is fine to say “I gave the person food.” But if the person did not know at what time of day they will receive that food, it is a violation of their dignity. It is almost like torture.* Interview: Cape Town, September 2008

Almost without exception, in both the Western Cape and Gauteng, the call from civil society and IDPs was for major improvements in levels of communication and of the quality of the information imparted. This might be identified as one of the most important lesson from the weeks that followed the May 2008 violence.
Civil Society: Communication with IDPs

For the most part, IDPs in the sites had very little information on the progress, or otherwise, of their requests for improved conditions in the sites and for viable long-term solutions to their displacement. In part due to a lack of news media, including newspapers, televisions and radios, many IDPs had no information about the context in which decisions about their future options were being made. Even if news media had been more widely available, the details of ongoing disaster response strategies were not publically discussed, or they were covered in partially misleading ways. Given their non-citizen status and historically beleaguered relations with the government in South Africa, IDPs looked to civil society to improve access to information.

- To meet the need for relevant information in the Western Cape, TAC produced newsletters for IDPs beginning on July 8. Although the content arguably reflected TAC’s activist agenda, the newsletters had the advantage of providing IDPs with a range of relevant information, including an explanation of the temporary legal ID documents to be issued by the Department of Home Affairs; the outcome of civil society meetings with government; advice about rights; information on what was happening in Gauteng; contact details for government, embassies and legal and human rights officials; and progress reports on legal action. The newsletters emphasised the importance of making informed choices based on IDPs’ own priorities and needs and were, reportedly, well received.

- There is little record of civil society engagement with IDP communities in Gauteng. Various refugee CBOs and refugee-run NGOs were participants in meetings convened by civil society forums, but direct communication by civil society organisations with CoSS IDPs appears to have taken place only on an ad-hoc, piecemeal manner in the Gauteng sites.

- IDP leadership structures in the Western Cape demanded accountability in terms of funding received by certain NGOs for humanitarian assistance. Given the history of marginalisation and brutalisation of foreign nationals in South Africa since 1994, their distrust of official structures, including NGOs, was not surprising. Cape Town-based refugees and asylum seekers had long been critical of the refugee-sector NGOs in the province and had little experience of other civil society organisations. In this context, demands for accountability and transparency were to be expected.

  When TAC’s funding from Oxfam – a matter of public knowledge – was used in attempts by some government actors to discredit its motives for humanitarian assistance, the organisation provided statements of income and expenditure to account for their use of funds for humanitarian assistance and for advocacy for IDPs, and issued a notice to IDPs – *The Role of TAC and Other Civil Society Groups in Camps and Safety Sites*. This document outlined TAC’s advocacy and humanitarian aid activities and the principles guiding the organisation’s engagement in the crisis.

  In contrast to TAC’s commendable response to demands for accountability, other NGOs who were directly requested by IDP leadership and civil society actors to give accounts of their programmes and funding were unwilling or unable to do so.

- Some civil society (and government) actors appeared to be affronted by the fact that IDPs and their leadership were often politically astute and willing to exercise what limited agency they could through reference to international and national human rights and to contemporary prerequisites of good governance, particularly where demands for accountability were made. This suggests a need for ongoing interrogation of the underlying beliefs about the basis upon which foreign nationals are recognised as legitimate participants in South African society. It also suggests that IDPs were viewed as passive beneficiaries of charity who owe a debt of gratitude to those providing them with aid rather than as active participants in humanitarian assistance and disaster recovery.
Government: Communication with IDPs

Information Poverty

- A state of information deprivation about government intentions covered virtually every aspect of IDP survival in the sites – from the threatened cancellation of food supplies and closure of the sites, to the adequate provision of nappies and baby formula, to education for school-going children, and to the several different processes of registration and assessment for documentation and assistance with reintegration.

Communication was either totally absent or was too little too late to enable IDP residents to consider their camp-exit options in an informed manner and to make timely plans. This had a profoundly disturbing effect on IDPs living in limbo in the sites in both provinces.

Both IDP and civil society organisations were regularly without comprehensive, coherent and up-to-date information on government plans for the care and protection of IDPs, planned changes in provision, site residents' exit options, or their access to services (such as health and education, visits by government officials for registration, documentation and assessments, and so on).

- In both provinces, the relocation of IDPs to the CoSS was characterised by lack of communication. For example, at Alexandra Police Station buses arrived at 20h00 one evening to take the IDPs staying at the station to an undisclosed CBD destination. A monitor observing the relocation of IDPs from Jeppe noted concerns about poor communication and lack of proper consultation, and reported that officials sent by government did not have the knowledge or authority to answer questions.

- Government communication improved in both provinces as the disaster progressed, but markedly more so in the Western Cape than in Gauteng and, arguably, then only at a time when government officials saw benefit in advising IDPs of the necessity to reintegrate so that the CoSS could be closed.

Channels of Communication

- In the first stage of the emergency, government communication with IDPs in the Western Cape was limited to isolated high-profile visits of the Mayor of Cape Town and the Premier to IDP sites.

- Aside from this, a preferred channel for provincial government communication with IDPs in the Western Cape appeared to be through information leaflets, distributed at the sites. These were generally simple, bullet-point documents stating what site residents should expect in term of procedures government actors were rolling out at sites. Some of the notices were translated into French and Swahili.

- In the final phases of the disaster response, the Western Cape provincial government did have a series of meetings with IDP leadership and, in the last few weeks of the disaster, with residents at the final three consolidation sites in connection with reintegration and camp closures. The City of Cape Town, on the other hand, made little effort to communicate directly with IDPs once the Province took over overall responsibility for responding to the disaster (though they were nominally included in the notices issued to IDPs).

- In Gauteng, government communication with IDPs appeared to be left to the initiative of the individual site managers. In the later stages of the response the provincial government did produce notices (in English) on the closure of the sites and the necessity for IDPs to reintegrate into communities.

- Most government communication was channelled through the media. The government spokesperson for Gauteng was regularly featured in national newsprint, and on radio and television, speaking about the government’s plans for IDPs and the CoSS. A senior Cape Town disaster management official cited as support for the City’s commitment to communication the fact that the department held regular press briefings. However, this form of communication was largely inaccessible to IDPs with little access to media. It is also very limited in the amount of details that it provides and relies on accurate conveyance by reporters. For civil society, media-based information from government did two things: on the one hand, it caused confusion where it contradicted undertakings given to civil society by government officials and, on the other, it alerted civil society to the changes in direction of government policy planning.
Quality of communication

- IDPs complained that officials were often ill-prepared and poorly informed about the implications of the information they were sent to deliver. They were also often too junior to make any observations or commitments on how government might respond to the questions and issues IDPs raised.

- Another aspect of government communication with IDPs was the attempt by some officials to discredit civil society organisations, for instance, the TAC funding incident discussed above.

Failure to meet the responsibility to provide clear, consistent communication led to:

- **Difficult engagements with IDPs when government officials visited**: dissatisfied IDPs desperate for information would overwhelm officials with questions often ranging beyond the areas of involvement of the officials concerned.

- **Further entrenchment of foreign nationals’ distrust** of government’s willingness to be held accountable for upholding the rights of foreign nationals in South Africa, undermining future relations and attempts to foster broader social cohesion within communities.

- **Civil society taking up the task of informing IDPs** with varying success given its own difficulties in obtaining reliable and comprehensive information from government.

*International Humanitarian Agencies: Communication with IDPs*

UNHCR was the target for particular criticism from civil society and IDPs for:

- **Failure to be accountable to IDPs** through the provision of adequate and ongoing information about their options for leaving the camps. Apart from a delay in establishing meaningful communication with IDPs, UNHCR representatives were accused of being immoderate in their communication with IDPs and of dismissing IDP requests for resettlement with perfunctory remarks. One such unsatisfactory meeting between UNHCR representatives and IDPs was reported to be a major contributory factor in the hunger strike and “attempted suicides” of Somali nationals at Soetwater on June 8. As a monitor in Gauteng reported at the end of May: “People [at the ad hoc sites] feel abandoned by UN, and many of them are officially under UN protection as they have asylum status.”

- **Appearing to be more concerned to account to government than to refugees and asylum seekers**. Throughout the first and second phases of the humanitarian disaster, UNHCR persisted in retorting to critics that civil society and the IDP population failed to understand the nature of UNHCR’s mandate in South Africa – namely, to act in an advisory capacity to government. Some civil society observers were of the view that exclusive adherence to the limitations imposed by this narrow interpretation of its mandate deflected from what should have been UNHCR’s primary concern: the protection of refugees and asylum seekers, and, some argued, IDPs in general. In fact, UNHCR officials in Cape Town admitted that, due to the novelty of the situation in South Africa, they did not have clear guidelines themselves on roles and responsibilities.

Other communication issues arose from the **UNHCR response to appeals for resettlement**:

- Although the demand from IDPs for audiences with UNHCR representatives was far from satisfied throughout the crisis, **UNHCR officials did make representations to IDPs in the various sites** on many occasions.

- The palpable frustration of some UNHCR representatives at the apparent intransigence of IDP demands for resettlement suggested an unwillingness or **inability to engage with the experience of foreign nationals living in South Africa**. To some extent, this reflects the fact that many of the representatives were not familiar with South Africa and that the refugee context in South Africa is somewhat different to that elsewhere on the continent.
IDP Demands around resettlement were made in the context of a prevailing lack of information about resettlement. The majority of foreign nationals in South Africa – specifically African foreign nationals – have long been misinformed about the availability of and the procedures involved in obtaining resettlement from South Africa to a third country, as well as about UNHCRs relationship with the government in South Africa. This is, in part, a function of their prior understanding of resettlement programmes in other parts of Africa and of the very poor access to relevant information that urban-based refugees have in South Africa. UNHCR implementing agencies are only able to reach a very small proportion of the relevant population. Moreover, implementing partners in South Africa have made it clear to UNHCR that they do not actively promote information about resettlement as the process is extremely costly of time (and therefore resources) and very rarely successful.

An impression that the UNHCR was unwilling to listen to the needs of those it was mandated to protect was created by the blank retort that resettlement was “out of the question” in response to IDPs’ requests that UNHCR representatives make representation on their behalf to Geneva for an exceptional appeal. UNHCR representatives did not engage in information and education campaigns about their mandate in South Africa and the details of resettlement options. While UNHCR representatives may have had internal reasons for focussing on limited and technically accurate responses to IDP requests, in effect UNHCR appeared, through its representatives, to be an inflexible vehicle of bureaucratic intransigence rather than a responsive and dynamic humanitarian agency accountable, in the first place, to its beneficiaries. The experience of refugees in South Africa over the past few years suggest that more creative solutions from UNHCR to pleas for resettlement are overdue or that much clearer information dissemination on the limits of resettlement must be undertaken.

Communication around resettlement also gave the impression of an understanding between the UNHCR and the South African government with regard to the priority of protecting the country’s international image at the expense of acknowledging the extreme states of traumatisation of some foreign nationals subject to serial victimisation. This was not, it was argued, in accordance with the UNHCR mandate for protection.

Government: Communication with Civil Society

- Civil society frequently had scant information from government on their intentions and plans.
- It was reported that it was difficult to make contact with government officials and, when contact was made, responses were often evasive, placatory or, at times, dismissive. Undertakings by government officials to provide information were often not met, or requests were deflected to other departments or spheres of government. To some degree this was a function of the levels of confusion, lack of leadership and/or institutional inertia in some local and provincial government circles, but there was also an element of stark reluctance to apply already available resources (material and technical) to find viable solutions in partnership with civil society actors.
- Collaboration between government and civil society could have been better, despite exceptions such as the collaboration of health service providers in the Western Cape. Some government officials did attend intermittently at some of the civil society forum meetings, though mostly at the instigation of civil society organisations who requested that government give an account of their planned interventions. In Gauteng this engagement, specifically on reintegration planning, was achieved only through litigation and even then only partially.
- Aside from the kind of strategically released information designed to undermine civil society partners discussed above, misinformation was a further complicating factor – and one that government and civil society accused each other of being guilty of, unintentionally or otherwise. One example of this was a particularly public exchange between the Head of Provincial Disaster Management in the Western Cape and the Mail & Guardian newspaper at the beginning of October over conflicting claims on conditions in the Blue Waters camp.
Civil Society: Communication with Government

- Civil society, for its part, committed to providing information to government actors, notably through monitoring of sites and the regular reports that were produced on site conditions and material, health, protection and other needs at the sites. TAC and the SAHRC in the Western Cape and the CSVR in Gauteng were notable for their engagements in this respect. Some civil society sectoral coordination structures shared information with government departments as, for example, did the health NGO coalition in Cape Town with the Department of Health of both Province and City.

- It is possible that government found communication from civil society wanting. It certainly appeared that some arenas of government were sceptical about accepting information from civil society. The JOC in the Western Cape, for example, were reluctant to use information from the TAC database on IDPs at sites, despite the fact that they had been advised by one UN agency and that, at that point in time, it appeared to be the most comprehensive database available. However, the limited opportunity to engage with government in the research process for this report made it difficult to assess the extent to which civil society efforts met government expectations.

- From civil society’s perspective, the general view was that, with some notable exceptions, efforts to communicate with government structures involved considerable effort with often minimal returns.

Government: Communication with Affected South African Communities

- Although there was some limited communication of government intentions to South African citizens via the media, there was little direct communication with communities adjacent to the CoSS. Where this did happen, it did so in response to objections raised by local residents – most vocally, ratepayers – on their last-minute discovery of the proposed location of sites in their neighbourhoods. Here, government officials were reactive rather than proactive in their communication.

- Content of government communication with communities from which IDPs were displaced revolved around two sets of issues. In the first case, the concern was to enquire as to the reasons for the outbreak of violence against foreigners. Subsequently, communication was designed to persuade communities to accept displaced foreign nationals back into their midst. The City of Johannesburg conducted a series of meetings with communities, including in one case bringing community leaders to a CoSS to meet with IDP leaders. The community-engagement process was, however, largely ad hoc and not consistent across municipalities in Gauteng and the process or outcomes of these discussions were not documented in ways that were effectively or accountably communicated back to civil society or to the affected IDPs.

- Public communication on the necessity and rationale for humanitarian assistance to victims of violence was remarkably coy, reflecting enduring ambivalence over the nature of government’s obligations to foreign nationals living in the country.

Civil Society: Internal Communication

- The internal accountability of civil society through communication was facilitated by the various forums in which civil society participated to coordinate the humanitarian response – specifically those hosted by the SAHRC (Gauteng and the Western Cape), CoRMSA and UNHCR (Gauteng) and TAC (Western Cape). Additionally, there were sectorally based forums, such as those convened by CSVR, the Trauma Centre and health NGOs. Minutes for some of these forums were publicly available, notably through the ‘ctviolence’ or the ‘saemergency’ websites.

- However, overall, there was limited circulation of records of meetings – whether by design or by omission. Minutes from the weekly Civil Society Forum Meetings in the Western Cape, which were open to all-comers, were made available at the following week’s meeting and were circulated on the
ctviolence website. Records of Protection Working Group (PWG) meetings in Gauteng were circulated only to those within the stakeholders’ communication networks, despite the fact that the PWG expressed the desire to encourage greater participation of civil society. Members of the Western Cape Civil Society Task team hosted by SAHRC in Cape Town decided not to produce formal minutes of their meetings, but rather to circulate informal notes of the meeting only to those who actually attended. Communication of information shared, decisions taken and initiatives planned by this forum, which nominally represented a huge range of individuals and organisations in civil society, was therefore greatly curtailed. Minutes of the Gauteng SAHRC meetings were also not widely available. In effect, it was the exception rather than the rule that records of civil society meetings were shared with other actors outside the immediate circle of participating organisations.

Without question, some of the issues discussed in civil society forums were of a sensitive nature – as, for example, early discussion of the “eviction letters” issued by township business associations to Somali traders. There are also arguments for keeping details of strategic planning around possible litigation out of the broader public domain. However, these discussions, which were a relatively small part of the range of subjects addressed, do not give due cause to “privatise” information from the whole proceedings.

While many people involved in the provision of humanitarian assistance did not have time to read minutes, records of meetings do provide one way to improve information flows and to increase accountability to colleagues and partner organisations. In so doing, some of the duplication of efforts – particularly around lobbying – would have been avoided, thereby increasing efficacy of effort and reducing irritation caused to those officials called to account on the same issue, but on different occasions, to several different representatives of civil society.

- For the most part, representatives of faith-based organisations did not play an active role in civil society forums in the Western Cape, though they were widely acknowledged to be engaged in committed and comprehensive assistance to IDPs in their care. A site monitor at TAC was assigned to liaise with FBOs. Indications are, to the extent that there was communication between civil society actors in Gauteng, FBOs did play a part, not least because they played such a central role in providing assistance at individual sites. Communication was, however, generally limited to partner organisations at the sites in question.

- There was very little sharing of information or experience between civil society networks in the two provinces. There was, however, some communication within organisations that had operations in both provinces, such as MSF and ALP.

**Government: Internal Communication**

- From the perspective of civil society, it was clear that government officials were often hampered by the lack of communication and sharing of information within government.

- Communication between different spheres of government, between different departments within the same sphere and between different sections of the same department were often poor. The frequent disjuncture in the flow of information that this caused made government accountability to IDPs as beneficiaries and civil society as service-provider stakeholders exceptionally difficult.

- There were numerous indications of failures in internal communication in government. In the Western Cape this was most clearly evident in the lack of communication between the municipal administration and the provincial administration in the early phases of the disaster response. On a smaller scale, it was also evident in the failure of different sections of the DHA to communicate over procedures to be adopted for registration of IDPs.
IDP communities: Internal Communication

IDPs have an obligation to be accountable to their own constituency, particularly where there are recognised leadership structures that should be reporting back to a wider base. However, gaps were also apparent here.

- There were regular reports from sites that **IDPs had not been informed of critical events by their leadership**. Undoubtedly, leadership commitment to giving feedback to site residents was uneven. However, it has to be borne in mind that, when leaders deliver information from officials but their messages are not borne out by subsequent events, they risk considerable censure from their constituencies. For IDP leaders, it may be simpler not to deliver information than to risk the consequences of delivering information that subsequently proves to be incorrect. A further consideration is that those who they represent – the IDP population – are often unaware of the bureaucratic constraints under which government works and so places unrealistic expectations on IDP leaders to be able to influence government.

- Where refugee leadership is found to be wanting in conveying relevant information to their constituencies, some government and civil society representatives find grounds for dismissing the value of initiatives aimed at communication to IDP leadership. Therefore, **refugee leaders need support to develop routines of regular feedback and communication of information to their constituencies**.

- One way to support the sharing of information among IDPs is the regular repetition of information – consistently and simply – which serves to **depoliticise information as a commodity**, thereby simplifying the task of IDP leaders and that of stakeholders working with IDPs and their structures.

- **Structural difficulties related to the consistency of leadership structures** (addressed in Chapter 9) also undermined the likelihood of accountability in the communication of information.

- In both Gauteng and the Western Cape there were a number of reports of **intimidation of IDPs** by individuals or groups of individuals who claimed to be leaders. In some instances they were part of recognised leadership structures, but in many instances they were self-appointed.

**Conclusion: Communication**

Communication failures dogged all stakeholders in the humanitarian response following the May 2008 violence. However, ultimately, government has a lead role in the coordination of the disaster response, which entails a corresponding lead role in the provision of comprehensive, clear and consistent communication to IDPs and to civil society stakeholders. In the short term, failure to communicate led to costly mistakes on the part of government, litigation on the part of civil society, and intransigence on the part of IDPs. Arguably, the lack of satisfactory levels of communication from government was a factor in the protraction of the displacement of foreign nationals.

Failing to meet this responsibility has long-term consequences for government. Communications failures further entrenched distrust in government’s commitment to accountability to foreign nationals. This is to the detriment of future relations between government and foreign nationals living in the country and, in turn, to the fostering of broader social cohesion within communities. Furthermore, government missed an opportunity to provide public leadership and education on the rights of foreign nationals living in South Africa. It’s failure to communicate clearly with South African citizens (including government employees) on its humanitarian rights of and obligations to IDPs left opportunities for resentment against foreign nationals.
ACCOUNTABILITY: COMMUNICATION RECOMMENDATIONS

- Adhere to the Sphere Handbook provisions, and especially the section Common Standards: Monitoring.
- Communicate relevant information on the disaster-response plans from government regularly, clearly, consistently, coherently and in a variety of ways with a broad range of representatives of civil society, IDPs and affected communities of South Africans.
- Civil society organisations should similarly commit to regular, clear, consistent and coherent communication of information with regard to their humanitarian assistance and advocacy activities.
- All parties should take all possible steps to verify information prior to its communication.
- Communicate with IDPs clearly (taking into account language differences) and empathetically. Officials communicating directly with IDPs should ensure that listeners have understood the message conveyed. Use translators to ensure that information is accessible to all.
- Provide IDPs with as comprehensive as possible a range of information concerning ongoing developments relevant to their current and future wellbeing. Ongoing provision of current information should be regarded as a norm of humanitarian assistance and as integral to maintaining dignity, supporting mental health and eventually reintegrating IDPs.
- Disseminate information through the most appropriate means. Adopt measures to ensure that messages can flow freely to all groups, fostering meaningful dialogue. Information and awareness-raising about site management and other site issues (especially registration and integration) should be provided equally to women and girls; men and boys.
- Ways in which information should be disseminated include, but are not limited to, media; on- and off-site meetings; question-and-answer sessions; newsletters; notices.
- Civil society organisations – particularly NGOs – should commit to making publicly available a summary of funds received and expenditure made in delivering humanitarian assistance to the victims of the disaster. They should also communicate the mandate they have (or have assumed) in the humanitarian intervention.
- Forums established to represent civil society individuals and organisations should create records of their meetings. These should be publicly available and should be circulated to stakeholders with as little delay as possible. Consider facilitating this through an internet-based distribution system.
- Devise mechanisms, in consultation with IDPs, to support the routine sharing of information between IDP leadership and the communities they represent. Careful consideration needs to be given to minimising the scope for intimidation by ensuring that democratically elected IDP leadership is supported to uphold accountability to their constituency.

Consultation and Participation

In contrast to communication, which is a one-way and (typically) top-down activity, consultation is a multi-directional, participative activity. The assumptions framing consultation should be that all participants in the process have expertise to contribute and that learning and change will result – again, for all participants. The aim of consultation is that more relevant and effective programmes will improve provision of humanitarian assistance and allow long-term viable solutions for IDPs to evolve.

In the disaster following events of May 2008, Government was widely charged with failing to consult civil society and IDP stakeholders. This apparent unwillingness to encourage a participative process with civil society and IDP communities in the provision of humanitarian relief extended across provinces in all government spheres.

Civil Society: Consultation with and Participation of IDPs

In the Western Cape, consultation with and participation of IDPs – within the limitations of ability to sustain a representative leadership structure – was relatively well supported by at least some civil society sectors:
• **IDPs participated in the TAC and SAHRC forums** (the latter being increasingly inclusive of IDPs as the disaster progressed). In the civil society forums, IDPs were actively consulted to identify their needs and were encouraged to participate in formulating plans for engagement with government and civil society regarding their current and future needs. Consultation and participation of IDPs was greatly supported by the appointment of an IDP liaison officer – an initiative discussed in greater detail in Chapter 9.

• **IDPs were consulted at the sites by civil society monitors and volunteer assessors.**

• A particularly effective example of consultation and participation of IDPs was the **SAHRC-hosted meetings between IDP leadership of the final three CoSS sites and senior officials of provincial disaster management in connection with the phased closure of the sites** in the final phase of the disaster. These meetings were set up by the SAHRC at the specific request of IDP leadership, to allow them to explain their predicament in being unable to effect an exit from the sites without documents from DHA and a transfer of funds for rent from CTRC. In the process, they conveyed to province officials that there were practical difficulties beyond their control in meeting the closure deadline. The outcome was that, in the light of this exercise, government officials refined their approach to closing the sites in order to better facilitate ease of exit. In effect, it was recognised that to give site residents a reasonable chance of creating viable solutions for themselves, an additional week was required.

The opportunity to present their views, be listened to, and suggest solutions in a forum that included senior decision makers contributed to defusing an increasing sense of helplessness and provoked some sense of achievement for all involved. Government listened and replied directly to the dilemmas presented. There was dialogue and learning to create solutions, rather than a stark delivery of information intended for mere compliance. Government representatives at these meetings expressed their appreciation of the constructive exchange of views and opportunities for problem solving.

In Gauteng, consultation of IDPs by civil society and participation in their structures and activities was extremely limited.

• **Reports suggest that, where it occurred, it did so almost exclusively at site level and between individual IDPs and individual service providers.**

• There were, as noted elsewhere in this report, **isolated examples of effective consultation and participation between civil society and IDPs** at local JOCs in the early phase of the disaster. A further example was a plan for solving grey-water management problems in a Gauteng CoSS through participation of IDPs in camp processes. Mvula Trust proposed to involve teams of residents to assist in creating grey-water soakaways. The developmental approach taken, which involved IDPs in solving problems in their environment, was intended to develop a sense of focus and agency, and build levels of organisation, trust and communication. Another participatory aspect of the model was focus group discussions among women regarding the design of a laundry area.

One shared issue of contestation in civil society’s engagement with IDPs in both provinces was the **pressure from NGOs for leadership structures to comply with gender equity requirements**. NGOs observed that women were often absent from IDP leadership structures, and some IDP women complained that they were either not included in leadership structures or that their views were not taken seriously by men in those structures. Some male IDPs argued that the insistence on gender equity was undermining their domestic and familial structures. While best practice would certainly suggest that such resistance to achieving gender equity should be challenged, it is also necessary, in the circumstances of familial displacement and the radical disempowerment associated with loss of home and employment, to be sensitive to prevailing gender relations when seeking to reshape leadership structures. Where there is strong resistance either to including women or to ensuring that participation is meaningful it may be useful to consider the encouragement of women’s leadership structures to ensure that the perspectives and input of women on all issues – not merely those directly concerning women and children – are available.
The lack of government consultation with IDPs was seen to be at the heart of much of the conflict that arose in the sites. A senior human rights official in Cape Town reported in September that:

\[
\text{A lot of time has been spent carrying out a mediatory type role between non-nationals and government, assisting in calming situations that are tense (...) It is frustrating that so much of this type of work could have been avoided if there was adequate consultation with refugee leadership by government authorities.}
\]

- Despite the fact that consultation with and participation of IDPs in civil society forums was limited to very localised initiatives between IDPs and individual site managers in Gauteng, there were several initiatives with IDP communities in the Western Cape that went some way towards institutionalising a meaningful regime of consultation and participation. It should be stressed, however, that it was very much civil society actors (and notably individuals working at some of the sites) who drove the process of bringing government and IDP structures into consultation. It is worth considering here, as an example of lessons learned about IDP participation in the provision of humanitarian assistance, the way in which the Joint Refugee Leadership Committee (JRLC) worked in the Western Cape.

Representatives of the JRLC attended the weekly civil society forum meetings, at which representatives from each site would give feedback on conditions and concerns at their sites. They were encouraged to form sub-committees for the purposes of lobbying government – for example, on the education needs of children in the sites. Following their demands, IDP representation was accepted at the JOC in the Western Cape, but this did not achieve much, not least because the JOC ceased to exist shortly after the concession was made. JRLC was, however, promised participation in the VOCs to be established in the consolidation sites, which suggested improved opportunities for consultation and accountability. In the event, the initiative did not prove particularly beneficial either, in part because the VOCs were uneven in their operations.

Meetings of the JRLC with Province eventually resulted in an undertaking to have a weekly Standing Committee meeting with officials from the Office of Social Dialogue, with the location alternating between the three remaining consolidation sites. In effect, once again, the promise of consultation and participation was undermined by inadequate commitment to making it happen on the part of government officials. In all of this, the role of individuals in civil society, who consistently encouraged the IDP leadership and provided logistical support, was central to maintaining the coherence of the JRLC.

- While its eventual presence on a range of forums is laudable, the extent to which the JRLC’s presence can be understood as genuine participation is debatable. Participation and consultation with IDPs were more broadly achieved through the forums hosted by civil society actors than through engagement with government structures. However, the government of the Western Cape must be acknowledged for the fact that, in the course of the events that took place following the May violence, the need for government to be accountable to IDPs through processes of consultation and genuine participation was increasingly conceded. That granted, some of the government engagements with IDP leadership served more to undermine and alienate than to take the process of resolution forward. This was particularly the case around discussions about what was viewed as a legitimate leadership body.

- The issue of representative IDP leadership was of concern to all parties. Distinctions were made between leaders and spokespersons. In many of the national communities represented among IDPs it is traditionally elders who have the authority to assume leadership positions. However, community elders frequently did not have an adequate command of English (the language used in all communications between government, civil society and IDP groups). In this case, younger, more ambitious individuals would assume leadership positions and then be dogged with accusations from their communities that they were not legitimate leaders. Furthermore, there were accusations from all stakeholders that some leaders used the access to authorities their position provided to further their personal agendas rather than to pursue the needs of the communities they were elected to represent.
The reality in dealing with the question of leadership of the IDP population is that it is, by the very nature of the community, inevitably fluid and contested. Government and NGOs need to find ways of working with IDP leadership in a flexible way, acknowledging the difficulty individual IDPs have in maintaining positions of authority among their communities. IDPs are constantly looking for opportunities to put their lives back together – whether that be through the influence they achieve through leadership, through the possibility of a place in the queue at the Department of Home Affairs to get a document, or through an encounter with somebody who might find them accommodation or employment. As their priorities and opportunities change, so do their capacities and availability to attend meetings. There are also a range of cross-cutting divisions within communities – many of them based on homeland political, tribal and ethnic affiliations – the nuances of which are often beyond the comprehension of outsiders.

- **Some officials, whether government or NGO, undermined IDP leadership** by calling it to consultation and then rejecting it for being “unrepresentative” or for “changing week to week.” Supporting leadership structures to be representative is an extremely complex task that requires sustained and consistent energy. Stakeholders should be prepared to work with such leadership as is available, at the same time as supporting initiatives that seek to build the best possible representative leadership and accommodate the inevitable ructions in structures aiming to represent communities that are extremely diverse and, by their very nature, fractious. Constructive dialogue would be encouraged by, for example, giving adequate notice of consultative meetings and issuing provisional agendas prior to meetings so that IDP leadership have the opportunity to create at least some consensus on their position prior to engaging in dialogue with government. Moreover, feedback following consultation would assist good relations, even if the feedback is to explain why commitments have not been met.

- **Communication and consultation with IDPs often lacked recognition of both the effects of traumatisation and the high levels of distrust that prevailed.** Distrust – a long-incubated sentiment fostered by historical discrimination and abuse by state-appointed officials – was exacerbated by indecision, contradiction and failure to inform on the part of government officials.

- Individual government officials often expressed disappointment at what they saw as **unwarranted suspicion on the part of IDP groups**, without recognising that such responses often represented generalised sentiments directed at official institutions rather than a response to individual representatives of those institutions. An unmet undertaking by one government official not only undermines the standing of IDP leaders with their constituency but also sours future engagement of IDP leadership with other government officials.

**Civil Society: Consultation with and Participation of Government**

- **Doubts about representation and legitimacy of leadership were also expressed about civil society structures.** There were frequent complaints from government that the civil society forums they were asked to account to did not represent the “real” civil society. Always stated in oblique terms, the objection was to the high profile on these forums of specific organisations that had a confrontational mode of engagement.

- **Government entities appeared to have difficulty with accommodating the “watchdog” role that some elements within civil society adopted** and the conflicts arising from challenges to violations or omissions on the part of government.

A significant number of civil society actors echoed government’s sentiments, arguing that disasters were not the time to be doing advocacy. Some took the pragmatic view that, given the reluctance of government officials to expose themselves to the condemnation of civil society, the confrontational mode of engagement favoured by some civil society organisations should be tempered in shared forums. According to this view, in order to sustain dialogue with government, threats of litigation should be made outside shared forums. Rather, it was argued, it would help foster cooperative interactions if recognition were given to the very real constraints individual government officials
encountered in trying to meet the demands of the disaster. Civil society and government alike were working in extraordinarily demanding circumstances.

- Some civil society commentators were of the view that, in the Western Cape, a lot of time was lost in building channels of communication with government as a result of the adversarial stance taken in much of the early interaction between civil society and government. In the view of one Cape Town NGO official, advocacy from civil society “was so angry that it exacerbated the non-coordination.” Certainly, where this mode of engagement predominated, it proved to be inimical to fostering consultation and participation with government.

- In Gauteng, while there was less of a confrontational civil society leadership than in the Western Cape, the effective and constructive communication of civil society with government was nonetheless not achieved during the course of the disaster. This resulted in the decision to adopt litigation as a strategy to force engagement (particularly around reintegration strategy and camp closure), although this in turn was interpreted by several government actors as a sign of civil society confrontation and non-cooperation.

In effect an obstructive cycle was put in motion: government does not reply to requests from civil society; civil society actors become frustrated and issue demands accompanied by threats; government does not respond, fearing litigation; then civil society litigates. Finally, government officials complain that they are hampered in doing their job due to the time it takes in preparing the necessary response to litigation from civil society.

**Government: Consultation with and Participation of Civil Society**

- **Reluctance to consult, at least on the part of provincial government**, broadly characterised relations with civil society in Gauteng throughout the disaster. The Gauteng government’s response in the first phase of the crisis was described by CSVR as “slow, uncoordinated, and done without sufficient consultation”, resulting in mistakes that could have been avoided.

- **Local government did engage in more frequent consultation** with at least some actors in civil society, with Johannesburg municipality being a case in point. Arguably, the prior establishment of the Migrant Help Desk by the city meant that Johannesburg had a better understanding than many other government structures of matters relating to foreign nationals in South Africa, including existing relationships with the NGOs and other organisations conventionally engaged in provision for foreign nationals in South Africa.

In the Western Cape:

- **Some sectors of government undertook initiatives to work with FBOs** as partners to consultation, particularly in the matter of reintegration. Observers commented that the traditional emphasis of FBOs on dialogue rather than confrontation made it easier for government officials to work with FBOs than with some other sectors of civil society. In the event, it was reported that the initiative did not result in a collaborative engagement in the matter of reintegration due to funding constraints and doubts about the viability of viability of direct funding of assistance to foreign nationals by government.

In effect, government displayed very little motivation to encourage consultation and participation with broader civil society. While there were notable exceptions to the go-it-alone stance of much of government, there is a sense in which a cluster of factors entrenched a paralysis in making connections with civil society.

- Government officials expressed suspicion of the motives of elements of civil society, particularly the more activist organisations.
• **Threats of litigation and censure sometimes generated inaction** rather than action, as officials became defensive and refused to share information or to acknowledge that they had plans in hand or, equally, that they did not have plans.

• **Government’s internal confusion** about mandates, responsibilities, budgets and funding, and the nature of “the bigger plan” for foreign nationals living in South Africa, certainly contributed to the reluctance to consult with civil society.

• **The nature of the IDP population** itself appeared to be another important factor. Allied to the historical reluctance of the government of South Africa to meet obligations for the protection of and equitable service provision for **foreign nationals in South Africa**, there was, for the most part, no knowledge of who “these people” (a term commonly used by government officials to refer to IDPs) were. The assumption was that displaced African foreigners should have needs and demands no different from South Africans displaced by environmental factors, and that they could be managed in much the same way as South African beneficiaries of disaster relief are accustomed to being managed (especially in the Western Cape, where weather- and fire-related displacements are familiar and associated with a well established routine of disaster relief).

• Whether overtly acknowledged or not, the **IDP community was a difficult constituency** for many government officials to consult with, not least because of their diversity – in terms of culture, language, religion, needs and levels of traumatisation. Moreover, officials from government and, to a lesser extent, from civil society, had difficulties in adjusting their perceptions of how IDPs should conduct themselves. IDPs were criticised for being “demanding” and for being “ungrateful”. As the South African director of an NGO experienced in working with refugees in South Africa observed:

> The way that refugees come across is very hard for South Africans to manage, because they are assuming that they are dealing with a poor person, and a poor person is supposed to be unassertive and uneducated and culturally and politically illiterate. Whereas here the refugees might be poor, but they are often very well educated.

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**International Agencies: Consultation with Civil Society, IDPs and Government**

In terms of the requirements for consultation with and participation of beneficiaries and access to effective recourse mechanisms, it is arguable that UNHCR did not meet reasonable obligations to accountability.

• The **delay in getting sufficient UNHCR personnel on the ground to visit IDPs in the first weeks of the emergency** exacerbated already high tensions and created opportunities for the development of unrealistic expectations. Ultimately, this was counterproductive for the populations of interest and UNHCR’s partners in the humanitarian effort. UNHCR site monitors in Gauteng, for example, reported having to answer questions related to expectations attached to the UNHCR presence at sites rather than to monitor the condition at the sites as intended.

• In response to demands from civil society and IDPs for greater engagement with both humanitarian assistance and the provision of durable solutions for victims of the disaster, the **resolute stance adopted by UNHCR rarely extended beyond reiteration of its standing position**. Consultation, in the fuller implications of the activity, was not achieved with major sections of the IDP population and civil society.

• **IDPs had few opportunity to exchange views with UNHCR representatives**.

• A UNHCR representative, was, as late as September, lamenting the distractions attributable to what was viewed as **ongoing confusion within civil society about the role of UNHCR**. This culminated, in mid-September, with a statement to the media from the Southern African office of UNHCR to the effect

39 Particularly relating to African foreign nationals.
that “some civil society groups” had played a “negative role” and had “failed to make any constructive contribution to the search for solutions” for the displaced people in South Africa.

- The **consultative engagement between the various spheres of government and UNHCR was often alluded to**, and there seemed to be a perception by both parties that this relationship lent legitimacy to their respective activities and decisions.

- UNHCR provided technical advice to government and monitored some of its activities. One such process was the relocation of IDPs to the consolidation camps in the Western Cape at the beginning of September. Since the UNHCR tents provided were totally inadequate to withstand the weather conditions and preparation of the sites was incomplete, IDP and civil society actors questioned **UNHCR’s advisory role** in a poorly planned and executed process that moved already traumatised and anxious people into intolerable conditions.

- Other UN agencies – including OCHA, UNDP and UNICEF – did consult with both government and, to some extent, civil society on various aspects of humanitarian assistance. These did not, however, escape the global criticism directed at international agencies. South African NGOs reported that, with some notable exceptions, **UN agency consultation initiatives did not pay due regard to the complexities of the context in which the agencies were working**. In particular, the view was that many of the UN personnel, themselves often experienced, appeared to be unaccustomed to working with a civil society so well established, and were unprepared for the robust engagement with civil society that was appropriate to the context. Moreover, despite apparently consulting with civil society, UN agencies gave advice to government that was, it was claimed, contrary to the recommendations of on-the-ground civil society actors. Some UN officials, for their part, reported that advice they had given government was not heeded. Specific examples cited included advice on the manner in which food aid was provided and the location of CoSS.

- Where some international agency officials commended the extent to which civil society was organised in the Western Cape, others acknowledged that they found the **combative stance of elements within civil society** – specifically the TAC hosted forum – to be daunting. In particular, concern was expressed that it was disconcerting to participate in this forum as it was zealous in interrogating officials and then holding them to account for any statements or undertakings made.

- The **lack of clarity in terms of roles and responsibilities of UN agencies did not support effective consultation and participation with broader civil society**. Consultation and participation was therefore largely limited to direct relationships between specific UN officials with previously partnered civil society organisations (such as UNHCR’s Implementing Partners) and targeted beneficiaries. It would have been helpful to have seen UN agencies more resolute in their determination to build better levels of understanding with broader civil society, and to have supported a more comprehensive consultative relationship between government and civil society.

**Conclusion: Consultation and Participation**

This review of the levels of effective consultation and participation between and within the three spheres (government, civil society stakeholders and IDP communities) points to the debilitating effect of the generalised atmosphere of distrust, suspicion and combat between the various groupings. In many cases, the seeds of these sentiments pre-dated the onset of the disaster and were exacerbated under the pressurised circumstances of interaction it brought about. What much of the reporting on consultation and participation initiatives indicates is the glaring need for working relationships to be established between the diverse spheres of government, civil society and potential victims before the onset of disaster.

The lack of a prior mutual understanding of roles, responsibilities and capacities in the disaster context set limits on the extent to which differences could be surmounted to achieve the goal of consultation and participation of all stakeholders. Instead, competition and mutual recrimination between and within spheres frequently worked against the goals of humanitarian assistance.
There were, however, significant examples of consultation and participation that point to effective practices for future humanitarian disaster response. This was evident in some of the first-phase JOCs in Gauteng; in aspects of the civil society forums in the Western Cape; and in the extent to which there was an established formation for IDP leadership consultation and participation in the Western Cape. Although not without its faults, the provincial government devised “reintegration” process in the Western Cape (see Chapter 10) did have progressive elements of consultation and participation between government and both South African communities and IDPs.

To support consultation and participation between stakeholders and partners in humanitarian disaster response, government and civil society, with the participation of communities potentially at risk, should seek to agree to and uphold improved information-sharing protocols to build trust and confidence in partners and to support acceptance that no single agency, organisation or organ of the state – or grouping thereof – has the capacity or expertise to respond effectively to a complex humanitarian disaster in isolation. Consultation and participation should be institutionalised as a regular activity undertaken in good faith by all stakeholders in humanitarian disaster response, according to principles designed to enhance mutual accountability.

**ACCOUNTABILITY: CONSULTATION AND PARTICIPATION RECOMMENDATIONS**

- Adhere to the *Sphere Handbook* provisions, and especially the section *Common Standards*.
- Consultation and participation should not be confused with, nor substituted by, communication.
- Ensure consultation with and participation of IDPs is meaningful, with opportunities for IDPs to present their views, be listened to, and participate in the formulation of plans and solutions to problems.
- Consultation with and participation of IDP representatives should take place at all levels of decision making in the different spheres of government and in civil society.
- Consultations between IDP leadership and government structures should be preceded by adequate notice and a draft agenda. Subsequent to the meeting, feedback should be provided on the progress or otherwise in terms of the commitments given at the meeting.
- Comprehensive consultation and participation of IDPs should take place for site planning and decision making, including in connection with site and service planning, and day-to-day site management (including sanitation and refuse management, site security, health, food and NFI provision and distribution, prevention of sexual violence and GBV, education, and so on).
- Regular site governance meetings, attended by IDPs, site management and service providers, should be held – ideally daily. IDPs should be encouraged to give feedback. Encourage active listening and learning from feedback, and joint decisions on priorities and ways of working.
- The development and maintenance of representative IDP leadership structures should be supported by all government and civil society stakeholders – particularly at site level – to enable effective consultation and participation. Attention should be given to ensuring the participation of representatives of vulnerable groups, particularly women and adolescent girls and boys, and to strengthen their leadership capacities to facilitate meaningful participation. This might entail creating opportunities for specific vulnerable groups to be consulted and to participate in exchanges of information separately.
- Foreign-national IDPs should have the opportunity to meet with UNHCR officials as a community not less than once a week.
- Government and civil society stakeholders should make arrangements for regular consultation and participation in shared forums for the purposes of disaster contingency planning and, during a disaster, humanitarian response coordination.
- Civil society should establish forums in which consultation and participation for a comprehensive range of relevant stakeholders is sustained for both disaster contingency planning and, during a disaster, for the humanitarian response coordination.
- International agencies should support improved participation of civil society stakeholders and vulnerable-community or IDP leadership structures with government structures for humanitarian disaster planning and response.
UN agencies should promote understanding of the UN system, the mandates of the various UN agencies in South Africa and the roles of the various agencies in humanitarian disaster response.

**Monitoring and Redress**

While the previous two subsections have dealt largely with the question of accountability through purposeful exchanges with stakeholders, this section focuses on accountable behaviour. Monitoring and redress relates to assurance that regulatory and assessment mechanisms are in place to govern:

- Agreed standards in the professional status and modes of engagement of personnel,
- The proper conduct of managerial controls, and
- The use of structures of recourse and measures to counter impunity.

The following discussion does not consider monitoring insofar as it addresses compliance with standards of material welfare provision. As reported in the context Chapter of this report, there were a number of initiatives among civil society actors to monitor norms and standards, which met with varying degrees of success. What is clear from their experiences is that norms and standards monitoring requires training, funding and, most importantly, prior planning to establish agreed parameters, protocols and relevant data sets in order to ensure the maximum value is obtained from the activity. Another gap was the lack of effective and comprehensive analysis of collected data, particularly within government, with the result that maximum benefit from monitoring data was not achieved.

Monitoring of conditions at sites in the Western Cape clearly demonstrated the value – at least from the perspective of civil society and IDP site residents – of such activities in providing the basis to advocate for improvements. However, as monitors involved in the exercise reported, government employed site managers remained suspicious of the process. No opportunity was created to demonstrate to camp managers how monitoring could assist them in their tasks of attaining and maintaining acceptable levels of humanitarian assistance. Instead, it was observed that managers rather tended to see monitors as spies, intent on discovering how camp managers might be reported for under-performing. Improved training in the requirements of humanitarian disaster assistance would better inform site managers of the necessity for norms and standards monitoring.

**Civil Society: Monitoring and Redress**

An evident gap in measures to ensure accountability was that codes of conduct had not been provided for many of the diverse personnel working at the various sites where IDPs were residing. This extended across the whole range of service providers, including those involved in aspects of site management, healthcare, education, counselling, security, site maintenance, food distribution, site monitoring and the huge number of volunteers that played such important roles in coordinating and delivering services in the sites.

From the perspective of the protection of IDPs, this situation was contrary to best practices. It meant that many of the personnel working at the sites had little guidance for both their own behaviour and that of their colleagues. Codes of conduct should inform people working on the sites of the limits of acceptable action and, effectively written, should raise awareness of the particular sensitivities of the work context. They also serve to protect the worker from abuse and from both excessive demands and unreasonable censure.

It is worth considering this issue with reference to the position of volunteers.
In the Western Cape, in particular, there were large numbers of volunteers from diverse backgrounds. They comprised students, members of faith-based organisations, volunteers working with NGOs and CBOs, and diverse members of the public. Few had any experience of working with the foreign nationals who were sheltering in the sites. Some were not affiliated to any organisation involved in the relief effort and many had no formal skills that would suggest their suitability for the roles they were fulfilling. As one volunteer who played a central role in camp administration throughout the disaster admitted: “I just walked in here one day with a saucepan of food, and I have stayed ever since.”

In several cases, volunteers assumed critical roles in the management of sites, accruing considerable levels of influence and responsibility. Stepping in during the initial chaos of the first 48 hours, these stalwarts became one of the few constants at the CoSS as managers, service providers and site residents came and went. They were an invaluable resource for IDPs and government officials alike, mediating conflict and misunderstanding, communicating needs and intentions, and serving as the institutional memory for each site. They also often served a vital after-hours function, responding to emergency needs of site residents when site managers were no longer on duty. They were also often resented by government officials, who were suspicious of their influence over IDP residents of sites.

In this respect, it is important to note that volunteers often built relationships of trust with resident IDPs through investment of considerable amounts of consistently dedicated time on site. Given the high levels of distrust of government officials by foreign nationals, government should consider working with volunteers as a valuable resource and as mediators in the process of communication and solution-building for IDP site residents. There was a tendency – particularly in the final phases of the disaster – to condemn individual volunteers who were seen as using their influence over site residents to obstruct government attempts to close sites. A commitment to a consistent flow of accurate information from government from the beginning of the disaster would have helped curbed any excesses of influence that accrued to individual volunteers.

It is a matter of good fortune that there were reportedly no major abuses, though there certainly were anecdotal reports of abuses perpetrated by volunteers – often arising out of misunderstandings, fatigue and incomplete comprehension of the role of humanitarian assistance and the personal agency of beneficiaries.

The fact remains, however, that many volunteers were not constrained by any formal accountability mechanisms to guide their behaviour. To ensure that volunteers are clear about what is appropriate in the circumstances in which they are working, and are aware of the potential abuses, they should be affiliated to an organisation and should have signed a code of conduct. Committed individuals with energy to take up the challenge of working with IDPs can do so through arranging affiliation to an organisation engaged in the humanitarian response. Such a requirement enables the necessary protection of both IDPs and workers on sites. Abusive behaviour by one volunteer has the potential to affect working conditions for others, potentially putting at risk both fellow workers and IDPs.

**Government: Monitoring and Redress**

*There is no accountability in any of the government.* International observer. September 2008

The apparent novelty of the circumstances in which government personnel found themselves working meant that, at least for contracted workers, personnel were often working without codes of conduct that were appropriate to the context.

As is evident from reports on compromises of IDP security, government-contracted personnel working at many of the sites in both Gauteng and the Western Cape – including security guards, maintenance workers, law enforcement, SAPS and site managers – were not acting in accordance with acceptable codes of conduct.

From the lack of response to clear infringements of appropriate interactions with IDPs by site managers in both Gauteng and the Western Cape, it was evident that there was either no redress mechanism, or
existing mechanisms were not being used. Certainly, if they existed, they were not made publicly available. Though DMS in Gauteng report that site managers were monitored in terms of established Codes of Conduct, numerous reports of inappropriate conduct do not suggest that the monitoring was thorough or that redress mechanisms were activated. Further, there is no indication that IDP residents or civil society stakeholders working at sites had any information regarding complaints procedures or encouragement to use them.

- Not only was there a lack of established protocols to guide site managers in fulfilling their responsibilities, but site managers were often poorly equipped to take on the responsibilities that had been assigned them. Commentators in Gauteng observed that site managers demonstrated a lack of human rights knowledge and humanitarian assistance experience. They tended rather to come from a militaristic or security background which did not equip them well for the specialised tasks associated with managing facilities for large numbers of traumatised individuals. The report of a Cape Town volunteer alludes to the enormous task put on the shoulders of ill-equipped site managers:

  Disaster management were doing what they could, which wasn’t much. An official from the province explained to me that they had staff trained to deal with a local disaster – but not a whole outbreak of them across the province, from Knysna to the south peninsula – and there just weren’t enough people or resources available to cope. The poor man who had been designated “in charge” was a housing officer, untrained in crisis management or trauma counselling, and he was doing a sterling job in impossible circumstances. Cape Town, May 25, 2008

- There were numerous reports of assaults of IDP residents by site managers. Conflict between overworked managers and distressed residents was common and was often resolved by resorting to law enforcement agents – usually the police – to intimidate residents into submission. Tear gas and rubber bullets were used to quell threats of unrest, as was a pattern of arrest and detention of IDP leaders. Cape Town SAHRC reported that, during one month:

  At three camps non-national leadership has been arrested on charges of intimidation. In two cases these charges were eventually dropped. The charges appear to be of a spurious nature and are symptomatic of a police approach to conflict rather than a conflict-resolution approach.

- It was reported by psychosocial support providers that debriefing and counselling were offered to some site managers but rarely taken up. Given the extremely stressful nature of the work of site management in disaster situations, particularly those not accustomed to the work, site managers should be encouraged to see regular debriefing as part of their standard work routine. This should assist site managers in monitoring their own ability to sustain effective performance in the face of the considerable demands of camp management in complex humanitarian disasters.

- Some camps in both Gauteng and the Western Cape were reported to be well managed, despite the considerable challenges involved. However in many instances camp management did not meet the broader requirements of accountability in the exercise of responsibility and authority.

If there was no apparent system of redress to ensure accountability of government in the guise of its site managers, there was also, in the case of Gauteng, the suggestion that provincial government was in some respects beyond redress. For example, this appeared to underlie its approach to integration. In public, provincial government dismissed the contention that it had any responsibility to ensure proper and sustainable support was in place for reintegration of IDPs – as evidenced by its summary closure of the sites in Gauteng (as discussed in Chapter 10). In the Western Cape, government structures did indicate concern to put in place the basis for monitoring and redress, at least insofar as the Western Cape Province: Guidelines for Emergencies August 2008 was produced.

**International Agencies: Monitoring and Redress**

International agencies – specifically certain of the UN agencies – were involved in monitoring norms and standards, most notably in the monitoring of gender-based violence and attacks on foreign nationals
conducted by UNICEF in July (the findings of which were well publicised). Sites in Gauteng were also monitored by other UN agencies, but the results were not shared with broader civil society. As reported, Oxfam GB provided funding for the TAC-based site monitoring in the Western Cape.

Questions emerged around the UNHCR’s involvement:

- In response to demands from civil society actors and IDPs for greater involvement of UNHCR in the provision of solutions for IDPs in South Africa, UNHCR officials often referred to the limitations of the mandate that the agency has with the government of South Africa. For some observers, this mandate served to justify failure to make interventions in line with the agency’s international mandate to broader populations at risk.

- There were few UNHCR criticisms of aspects of the government’s response even where these were clearly in contravention of human rights law and/or of internationally accepted standards of humanitarian assistance. There was, for example, concern expressed, including from other UN agencies, at the level of intervention made by UNHCR on the occasion of the arrest of a group of IDPs, including women and young children, following SAPS’ shooting with rubber bullets of protesting camp residents at Rifle Range camp in Gauteng in July.

- From the perspective of significant sectors of civil society and from IDPs – and arguably also from certain of the international agencies – UNHCR did not satisfactorily account for their actions nor fully accept responsibility for them. Whilst local complaints largely met with rebuff by South-Africa-based UNHCR officials, it was salutary that a submission endorsed by a number of civil society organisations to the UNHCR’s Geneva Headquarters was acted upon by the High Commissioner for Refugees, who initiated a formal inquiry by the UNHCR Inspector General’s Office. In this respect, the central UNHCR structure indicated a commitment to accountability that the Southern Africa Office was not seen to share. The conclusions of this inquiry had not been made public at the time of writing.

**Conclusion: Monitoring and Redress**

In as much as codes of conduct were not commonly provided, structures of recourse were almost non-existent. As far as it was possible to establish, IDPs were unaware of the existence of structures of recourse. The tendency to deal with dissent and/or complaint on the part of IDPs through policing channels did not foster the sense that there were mechanisms of redress available as alternatives for the resolution of abuses.

From a global perspective, the lack of established and communicated complaints procedures for the protection of IDPs, volunteers and staff—civil society and government alike—had the potential to severely compromise the security of all actors. As with so many of the shortcomings experienced in the humanitarian response, this particular inadequacy no doubt reflected the lack of preparedness that was so characteristic of the response. In the light of these omissions, post-disaster evaluation and review is particularly crucial, as mechanisms and parameters for monitoring, review and evaluation must be established prior to the onset of any future complex humanitarian disaster in South Africa.
ACCOUNTABILITY: MONITORING AND REDRESS RECOMMENDATIONS

ACCESS CONTROL
- Access control should be managed so that only service providers who have accreditation and are willing to respect the rules of the site are allowed entry.
- Follow the recommendations made above under “Security: Access Control” in the “Material Welfare” section (page 74).

ACCREDITATION
- Civil society organisations requiring regular access to sites should be accredited with the site management. Procedures for establishing accreditation should be clear and simple to follow. Refusal to grant accreditation to an organisation must be on reasonable grounds and reasons for refusal should be provided in writing. There should be a recourse mechanisms for organisations refused initial accreditation and the possibility for organisations to reapply if they resolve noted concerns.
- Volunteers working on sites must be affiliated with, or seek affiliation with, an organisation that is accredited by the site manager for the provision of services to site residents.

CODE OF CONDUCT
- The conduct of all government and civil society workers (paid or unpaid) working at designated sites should be bound by a common Code of Conduct, the terms of which should provide protections that reflect at least the basic principles set out in relevant internationally accepted instruments of humanitarian assistance.
- Take steps to ensure that the Code of Conduct is understood and signed by each person working at the site. Where necessary, provide training to help workers understand the implications of their codes of conduct in relation to the provision of humanitarian assistance for IDPs.
- Civil society organisations should ensure that all workers receive proper orientation before entering a site.
- Establish investigation procedures for alleged breaches of conduct at all sites. Make all workers and IDP residents of sites aware of investigation procedures and the procedures for reporting a complaint about the conduct of an individual working at a site.
- Assure all workers and IDPs that their complaints will be acted upon in an accountable fashion, without discrimination or retribution.
- IDPs may need assistance in identifying the focus of their complaints and understanding how to lodge them.
- Government and civil society agencies should have their own internal mechanisms to respond to allegations of misconduct among their personnel.
- Conduct reviews and evaluations of programmes and individual performance at regular intervals during the disaster and after the disaster to ensure continuing relevance and compliance with accountability requirements to beneficiaries and partner organisations and fellow workers.

Conclusion: Accountability between Service Providers and Beneficiaries
To varying degrees, accountability between all partners in the humanitarian disaster response delivery – government, civil society and international agencies – was unsatisfactory. This was so in terms of the various elements of accountability – namely, communication, consultation and participation, and monitoring and redress. There were various factors that contributed to this. On the one hand, the nature of historical relations between the parties contributed to this state of affairs. The most obvious aspect of this that played such an important role in the disaster was the high levels of distrust that characterised relations between so many parties. On the other, the absence of contingency planning for complex humanitarian disaster response left all parties unprepared for such a disaster and therefore without suitable training and protocols designed to sustain humanitarian action that would meet accountability requirements to partners, beneficiaries and affected communities.
CHAPTER 9: EVALUATION – COORDINATION AND COOPERATION AMONG SERVICE PROVIDERS

Collaboration and coordination have a cost, but so does competition, and when done effectively it can render the combined efforts of agencies considerably more cost-effective – although this may not show in their individual accounts. Van Brabant, 1997, p.21

The previous section has highlighted lack of communication and information sharing as a key factor undermining levels of accountability. The absence of effective communication and information-sharing were also central factors in hampering the coordination of humanitarian relief during the displacement of victims of violence. In addition, modes of engagement, dictated by differences of style and ethos and by historical relations, had a profound effect on the extent to which humanitarian responses could be coordinated. More mundanely, the existence (or lack) of a recognised basis for organisations to claim or take up a mandate to coordinate played an important role in determining the extent to which effective coordination was possible, as did pre-existing capacity.

Government: Internal Coordination and Cooperation

The shape that coordination efforts take, and their focus and effectiveness are not (...) only informed by the motivations and skills of the agencies and their representatives, but also by the political environment in which humanitarian action takes place. Van Brabant, 1997, p.23

In terms of the non-binding but internationally recognised Guiding Principles for Internal Displacement, state authorities bear the primary duty of providing protection and humanitarian assistance for IDPs. Civil society organisations and the UN have a supporting role to play. International organisations have the right to offer (but not impose) their support, which should not be arbitrarily denied by governments. Unless there are reasonable grounds to the contrary, free and rapid access should be granted to international organisations to assist.

The lead role of government in the delivery of humanitarian assistance is also the core assumption of the DMA and the NDMF, which also set out the mandate and mechanisms for government coordination of the integrated disaster response and recovery (see Annexure D). Much of the discourse of government officials and of official information from government reflects policy and planning responses to selected aspects of the priorities set out in the legislation. There is frequent acknowledgement of the requirement for common norms, and for responsive and effective implementation.

Absence of Planning for Humanitarian Disasters involving Social Violence

Despite the existence of disaster management policy, there was a lack of planning for the specific type of disaster experienced in the wake of the May 2008 violence:

- The focus prior to May had been on disaster mitigation and planning for short-term responses to environmental disasters among poor communities and for world-class events. This is reflected in

rhetoric around the DMCs, which are tasked with the coordination of disaster response at the various levels of government. The PDMC in Gauteng, heralded as a R50 million state-of-the-art facility, was opened on November 21, 2007. At its opening, Gauteng Premier Mbhazima Shilowa noted that the key issue was “all about how the centre responds effectively to the challenges as and when they happen,” highlighting the role of the centre in disaster management during the forthcoming 2010 World Cup. On the same occasion, Gauteng Local Government MEC Qedani Dorothy Mahlangu stated that:

The centre must be able to respond adequately as and when disaster strikes to ensure that we do not lose the lives of our people in Gauteng. It will also play a crucial role in saving many lives particularly in informal settlements during shack fires, flooding and heavy rains.  

- Even after May 2008, government rhetoric remained largely silent on humanitarian disasters resulting from social violence, with a continued focus on environmental disasters. For example, in the wake of the crisis, the Director General of the Department of Provincial and Local Government, Lindiwe Msengana-Ndlela, noted in a speech on July 9, 2008, that the current moment was one where “there is a greater need to develop improved strategies to deal with natural disasters and extreme weather conditions.” She referred to “three recent events that have captured the minds of South African public, particularly with regard to disaster management” – identified as two incidents of flooding and one of a veld fire.  

- On June 13, however, MEC Mahlangu, in her Budget Vote speech, briefly referred to the humanitarian disaster in terms of the learning opportunities it offered. She advised that, having established the PDMC,

  our focus should turn towards ensuring that the centre functions to its full capacity. The recent violent attacks on foreign nationals put the centre to test. However tragic, this has presented us with an opportunity to improve certain things and to re-look at how effectively we can co-ordinate with municipalities.

While coordination is certainly a valuable area of learning, the imperative to make specific plans for a crisis of this unprecedented nature is an equally important but unacknowledged lesson of the disaster.

The focus on disaster-risk reduction primarily in terms of the strictly environmental implications of climate change and the 2010 World Cup has undermined recognition of the potential for large-scale and complex humanitarian risks deriving from socio-economic and political factors. This might explain why a number of previous violent displacements of foreign nationals, albeit on a more local scale, were not perceived as early-warning signs of a potential disaster.

**Context of Government’s Disaster Management Response**

The aims and responsibilities of disaster management seem well understood by government:

- The Gauteng Department of Local Government website confirms the department’s responsibility to coordinate and lead disaster management “in order to make sure the municipalities have common standards and norms on how to deal with disaster (...) in their communities.”

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41 Gauteng ready to deal with disasters in integrated coordinated way. 21 November 2007.  
43 Budget Vote Speech 2008/9: presented by Gauteng MEC for Local Government Ms Qedani Dorothy Mahlangu – 13 June 2008 –  
• The same website states that the “introduction of the new disaster management legislation enhanced the ability of the department to initiate development of instruments and approaches to enable communities and broad municipalities to operate better.”

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• At the municipal level, the Johannesburg city website (www.joburg.org.za) indicates that its DM directorate exists to “ensure that every disaster is anticipated and that there are plans in place to deal with any eventuality,” serving to “minimise loss of life, injury and loss or damage to property.”

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• The City describes DM as “a coordination function whereby personnel has to ensure that departments have contingency plans and are ready to respond to any hazards that happen in their departments.”

Despite this apparent awareness, this report has illustrated failings in exactly the areas central to the purpose and importance of disaster management: an absence of norms and standards, an absence of effective instruments for community/municipality cooperation, unpreparedness to deal with a novel disaster situation, and an inability to prevent death, injury and loss and damage to property.

Several reasons can be suggested for the difficulties in fulfilling the disaster management mandate:

• In practice, as noted, there had been no prior contingency planning in South Africa for a complex humanitarian disaster of the nature experienced in May 2008.


• Disaster management planning in terms of the DMA was incomplete in many locations and, where it had been completed, was largely untested by May 2008, given that the NDMF was only finalised in 2005. In some locations, May 2008 was the first time the newly established DMC had been activated.

• Where a familiar disaster-management routine existed, it did not serve either government or beneficiaries well in this context, for a range of reasons. This was the case for the Cape Town DMC, which is well tested in responding to localised flooding and shack fires, with a well-rehearsed disaster response routine.

Typically, the familiar Western Cape scenario entails the short-term provision of shelter and cooked food for South African nationals in community halls close to the areas where they normally reside. Disaster management personnel are accustomed to the response routine, as are the beneficiaries to their roles as recipients of (sometimes annual) assistance. Government coordination of disaster response within this paradigm is therefore relatively straightforward, with all parties to the process understanding their roles and responsibilities and what constitutes reasonable expectations and outcomes. To the extent that civil society is involved in this established routine, it is for the most part in the form of known service providers who are contracted by government. A small number of organisations regularly provide assistance, such as SARCS, the Mustafaddin Foundation, Gift of the Givers, the Trauma Centre, and so on.

In the May disaster, however,

• The size of the beneficiary population was unprecedented.
• Beneficiaries were for the most part non-nationals, which meant that important aspects of familiar modes of provisioning, communication and organisation were redundant.
• The period for which assistance was required far exceeded anything ever experienced before.
• The involvement of international humanitarian assistance agencies and a wider range of civil society actors in the disaster response heightened the operational unfamiliarity for South African disaster management structures.

South Africa is left with the need for DM to develop response preparedness for disasters caused by migration and by other triggers of social or political violence.

Problems in Government Cooperation and Coordination

The DMA provides for a governmental disaster response that is characterised by effective coordination between the various spheres of government. However, in practice, the contrary was the experience of both partners and beneficiaries in the humanitarian crisis following the violent attack of foreign nationals in May 2008. In both Gauteng and the Western Cape, the delivery of humanitarian assistance suffered greatly from a marked lack of co-ordination between the different spheres of government. An OCHA report dated May 24 noted of Gauteng that:

There is an immediate need to rationalise co-ordination structures in order to systematically identify needs, gaps and required capacities. This is particularly relevant at the local level where the NDMC has already recognised that it does not have the capacity to staff all local JOCs.

Some specific problems that arose in the arena of cooperation and coordination are covered below.

At national level

In terms of leadership:

- There was a delayed reaction, poor coordination and lack of leadership at the national level, drawing parallels between South Africa’s national response to the displacement of foreign nationals and the United States’ response to Hurricane Katrina in 2005.
- It took a week for the national JOC to be activated, “indicating that on the operational and tactical level there was no coordination between the roleplayers.”
- “Because NATJOC was not functioning from the start and no formal liaison with the National Disaster Management Centre exists, guidelines from national level were unclear.”
- The delay in critical decisions at national level made it difficult for local officials and international organisations to act.
- It was not clear which national ministry took the lead – Safety and Security, Home Affairs, or the Ministry of Local and Provincial Government;
- The early response was left entirely to the local and, later, provincial level.
- Separate structures were established at provincial level that then worked in isolation. In Gauteng SAPS and DM each activated operational centres, between which there was reportedly no liaison.

In terms of communication:

- The NDMC website provided poor information on the disaster. The last available weekly report of “Recent and Potentially Hazardous Events for South Africa” on the website at the end of September 2008 was dated 10-16 May 2008, and the alert on the Alexandra attacks took last place on a list of four national and international disasters. No further information on the disaster was available, raising questions as to the extent to which the NDMC was engaging in the full range of its responsibilities in the coordination of the crisis – most obviously those in relation to communication.
- With the exception of the Department of Home Affairs, national government was largely absent from the public discourse on the response to the victims of violence.
- There was scant direction from national ministries on the extent of the national obligation to provide protection and acceptable levels of humanitarian assistance. Without this, provincial and local (municipal) government were free to act out their differences rather than create a consensus for action in what was a novel and complex context for the provision of disaster relief. This was particularly the case in the Western Cape, where cooperation and coordination between the Province and the

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Municipality of Cape Town was curtailed by longstanding hostilities between the Premier of the Western Cape and the Mayor of Cape Town and their respective administrations.

- Finally, for some commentators, **doubts were raised as to government priorities** when on May 24 the Deputy Foreign Minister announced a donation of R1.5m to assist victims of the disaster following the Chinese earthquake on May 12 while not clear funding had been dedicated to the ongoing humanitarian response within South Africa.

**Among all spheres of government** (with special reference to the Western Cape)

- **Until mid-June, there was a lack of cooperation between the City and the PDMC.** Cooperation between the City of Cape Town and the Province of the Western Cape commenced with a very public dispute over the relative merits and viability of providing accommodation for IDPs in community halls or in specifically constructed camps.

  Following the declaration of a state of disaster by the Province on June 3, overall responsibility for directing the disaster response transferred from the municipality to the province. But the stand-off between the Premier of the Western Cape and the Mayor of Cape Town persisted until the agreement, under intense pressure from civil society and others, to form a Joint Task Team on June 14. Thereafter there was tacit accommodation of the necessity for the two spheres of government to coordinate their respective contributions to the humanitarian relief effort.

- However, on-the-ground experience and observations suggested that, with significant exceptions, there was **lingering resentment and reluctance of a number of officials at all levels of the administration to put aside partisan loyalties** in the interests of mounting a professional response to the humanitarian crisis. There were suggestions that officials from certain provincial competencies did not want to be associated with delivering on-the-ground services in camps established by the city administration.

- **Concern about the will of government and of individual government officials to act was a matter of debate** throughout the disaster response. Some took the view that government was paralysed by its concern, on the one hand, to avoid alienating South African nationals and, on the other, to avoid international condemnation for failure to meet its humanitarian obligations to the IDPs. An experienced INGO observer argued:

  > They [government] do have the capacity and experience of dealing with disasters. If they have a disaster in a neighbouring country they will help (...) In this particular disaster, they didn’t want to do it.

- Representatives from both government and civil society argued that **lack of capacity undermined effective disaster coordination by government.** OCHA reported on May 24 that, in view of a gap in information management, NDMC had requested UN assistance in training staff deployed or appointed to the local JOCs to collect appropriate indicators and data that would allow better analysis and targeting. The wide range of requests made by different government actors for technical assistance and training (as reported in the context Chapter on humanitarian agencies and INGOs) indicate recognition of major expertise gaps.

- **The effect of contracting private suppliers for the planning, organising, coordinating and control of IDP sites on coordination between government and civil society in Gauteng is not clear.** SARCS, which worked at many of the Gauteng CoSS, suggested that there was high turnover and/or circulation of DMS site managers, which was to the detriment of optimal site coordination. Some civil society actors observed that the employment of private contractors limited accountability to that between the partners of the contractual relation – that is, to DMS and PDMC or local government. As a result of using private contractors, a significant reserve of institutional learning has been lost by government DM structures. This has implications for effective coordination in future humanitarian disaster scenarios.
Problems Relating to Disaster Management Structures and Legislation

- A discussion between government officials on the current disaster referred to frustration about confusion over who was responsible for what in this type of disaster. It was suggested that there was a need to define xenophobia, its consequences and the disaster-management implications of those consequences. Flood, fire and disease were each described as having a “mother department”, but this was not so for an outbreak of violence. Probably as a result of this, events leading to the disaster in question were often described as acts of violence, but not as a disaster in terms of the DMA as it is currently operationalised.

  The lack of clear chains of command allowed personal agendas to obstruct professional accountability. This affected the ability of site managers to coordinate the management of sites, affecting in turn the provision of services to IDP beneficiaries. As one site manager put it: “We have it all, the resources, etcetera. But the problem is implementing it. It’s about people’s egos; power struggles; about people talking the talk, but not walking the walk.” Supporting this observation, a UN official in the Western Cape noted that the relief effort was hampered by poor definition of roles and responsibilities and the apparent confusion between different departments as to where responsibility for the different aspects of provision lay.

- An important aspect of the operation of the disaster management process is the nature of the powers inhering in the role of the Head of Disaster Management. A humanitarian disaster response expert with considerable international experience observed that the reporting structure meant that the Head of Disaster Management (HoDM) did not have the appropriate managerial powers to demand delivery from different government departments involved in the disaster response effort. Individual officials assigned to the JOCs maintained their reporting obligations in respect of the disaster component of their responsibilities to the head of their own departments. Where individual officials did not have the will to deliver, HoDMs did not have the power to enforce delivery or, failing that, to replace the official. In effect, HoDM’s were limited to a coordination role which they could not enforce.

  For delivery to be effective in an emergency context, the reporting structure should change to override bureaucratic procedures and supersede previous chains of coordination in favour of direct accountability to HoDMs. Department representatives on the JOC should therefore be directly accountable to the HoDM for delivery of departmental services to the disaster response effort.

- The Director General of the Department of Provincial and Local Government observed in July 2008 that one brake in the advancement of DM programmes was the limited recognition afforded DM as a function by government structures at all levels. To some extent this no doubt reflects the fact that DM is not an income stream. However, as long as DM is regarded as merely a cost, government and civil society will be hostage to the greater cost of unattended threats and inefficient responses.

- A key gap in the DMA at an operational level relates to funding and procurement.

  Although, in terms of the DMA, the declaration of a state of disaster is intended to facilitate more rapid procurement protocols, timely and consistent provision were often not accommodated by funding arrangements. There were reports of serious financial difficulties from some of the contracted caterers in the Western Cape as they were not being paid sufficiently frequently to sustain their purchases.

  As late as October 2008, provincial and municipal officials were still waiting for an indication as to whether they would receive reimbursement from national government (as provided for in the DMA) in relation to their disbursements on the disaster response. Concerns were voiced by DM officials about the inflexibility of the national budget cycle in responding to applications for grants for reimbursement of expenditure on humanitarian assistance. Once again, existing funding systems designed for environmental disaster response, where grants for infrastructure repair and replacement

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47 Opening remarks at the Disaster Management Indaba: Ms Lindiwe Msengana-Ndlela, DG of Dept of Provincial and Local Govt – Wens 9 July 2008
48 It was reported in October 2008 that decisions from national government in respect of applications for grants in relation to expenditure following flood damage in Eden in the Western Cape in November 2007 were still awaited. It was anticipated that this would only be available following the annual September/October budget adjustment process to be conducted by the DPLG.
are paid from national resources in tranches according to an agreed schedule of work, are inappropriate for large-scale humanitarian relief exercises. In the latter case, expenditure cannot wait for approval processes that are delayed by the constraints of budgetary cycles.

The decision to contract out site management to the private company Disaster Management Services (DMS) in Gauteng was reported to be based, at least in part, on a desire to **circumvent the delays that would be experienced through having to rely on government procurement protocols**. Rather than have DBSA funding paid directly to provincial government, DMS were contracted as agent and project coordinator to manage funds on behalf of DBSA and assist PDMC with relief requirements. Funds were transferred by DBSA directly to dedicated accounts established by DMS, to be used to acquire services authorised in planning documents produced by DMS. When DBSA funding was exhausted, the arrangement was maintained by Gauteng local government, which continued funding support of DMS on the same terms as had been the case with DBSA.

DMS were required to create **systems and support processes for purchasing and contracting suitable support services** and associated activities, as well as financial accountability protocols. DMS reported to DBSA on August 28 that financial controls were adhered to and spending was done in accordance with support requirements for identified needs. The financial accountability and procurement procedures developed by DMS should be considered for adoption by government DM structures for their potential in improving the operational support aspects of disaster response.

DMS made a number of **recommendations that have implications for government’s ability to effectively manage coordination** in the event of repeat events of similar characteristics. These include the need for:

- Improvements in protocols for effective communication,
- Improvements in decision-making procedures,
- Improved coherence in mechanisms for the transfer of responsibilities from one government sphere (or department) to another,
- Improved definition of roles, functions, responsibilities and procedures,
- A review and revision of protocols, processes and procedures for cooperation and interaction with all different stakeholders within different spheres of government and civil society.\(^{49}\)

Clearly, further commitment must be invested into the ideas contained in Gauteng Local Government MEC Mahlangu’s budget statement on June 18, 2007, in which she stated:

> In co-ordinating disaster related issues in the province, we have and continue to support municipalities to implement the Disaster Management Act and ensure that there is proper synergy and co-ordination between the provincial and municipal disaster management centres.\(^{50}\)


\(^{50}\) [www.gautengonline.gov.za](http://www.gautengonline.gov.za)
GOVERNMENT COORDINATION AND COOPERATION RECOMMENDATIONS

PREPAREDNESS PLANNING SHOULD ADDRESS EARLY WARNING FOR HUMANITARIAN DISASTERS RESULTING FROM CIVIL CONFLICT AND SOCIAL VIOLENCE THROUGH:

- Procedures and mechanisms to enhance the quality, dissemination of and access to relevant warnings.
- Community capacity to monitor changes at community levels, possibly through community development workers (CDWs), in partnership with foreign nationals or other dangerously stigmatised residents of communities.
- A centralised capacity should be developed, at both municipal and provincial levels, to monitor and interpret reports of tensions, conflicts and acts of aggression or violence against foreign nationals or other stigmatised groups, in order to consolidate information on threats to their security. Minimum requirements for the recording of such information should be agreed. It should no longer be possible to dismiss possible early-warning symptoms as “just crime.” GIS-based incident mapping should assist early warning and planning initiatives.
- Authorities, individuals and communities in risk areas should be well prepared, ready to act and equipped with the knowledge and capacities for effective disaster management to reduce impacts and losses.
- A nationally coordinated community awareness programme should be developed to support risk avoidance for commonly encountered generators of conflict, and supported by public-private partnerships and media.

THE CAPACITY FOR TIMELY PROVISION OF COORDINATED EMERGENCY ASSISTANCE FOR COMPLEX HUMANITARIAN DISASTERS SHOULD BE IMPROVED THROUGH:

- A review of operational support procedures, including funding, finance, procurement, warehousing and inventory control, stock ledgers, and logistics. There should, in particular, be a review of supply chain management policies and regulations applicable to the procurement of goods and services, taking account of the flexibility required to respond to rapidly changing on-the-ground circumstances and needs in complex humanitarian disasters.
- Adoption of agreed standards for humanitarian disaster assistance in accordance with internationally agreed norms, as set out in the Sphere Handbook, to be operationalised at national, provincial, municipal and local levels to ensure standardised approaches and clear identification of roles and responsibilities. Particular attention should be given to identifying the locus of primary responsibilities by identifying lead functional agencies tasked with each of the activities associated with humanitarian relief. In this respect, the prospect of future humanitarian disasters involving large numbers of both nationals and non-nationals should be borne in mind.
- The development of a standardised relief management programme (including procedures for the distribution of humanitarian relief) to be operationalised at national, provincial, municipal and local levels:
  - Identify expertise gaps and address them without delay.
  - Evaluate and clarify decision-making procedures to uphold effective execution of support actions and maintain coherence when transfer of command moves from one government department or sphere to another.
  - Maintain coordination mechanisms for prevention and response programming at the provincial levels to ensure coordination between provinces.
  - Ensure linkages with existing national coordination mechanisms and sustain cooperation and interaction with stakeholders in different spheres of government and civil society.
- Formulation of guidelines and standardised procedures, including for:
  - The design of generic templates for conducting needs assessments (including initial assessments and sector-specific follow-up assessments), loss assessments, registration, ration cards, etc.
  - Standardisation of information-reporting systems and establishment of a disaster information database to be activated for use by government and civil society at the onset of an emergency to provide up-to-date data,
  - Site-management protocols and relief-distribution protocols.
- Agreement on the means and minimum requirements of communication in the initial emergency stages and pursuant disaster.
- Identification of skills and protocols to maintain information flow and provision of training to ensure that protocols can be met.
- Establishment of mechanisms to enforce discipline during disaster responses to maintain regular information flows between spheres of government; government departments; and government and civil society actors.
- Identification of disaster-management focal points in communities at risk, possibly CDWs.
- Community-based focal points should be made aware of the mechanisms and procedures for reporting relevant events in their communities which may occur or have already occurred.
- Consideration of providing communication mechanisms linked to a centralised reporting point for communities at risk. This could be in the form of a dedicated freefone service for cellphone users.

- A review of disaster-response funding arrangements and grant application procedures to accommodate the immediate disbursement demands of responding in a timely and effective manner to complex humanitarian disasters.
- A renewed commitment by all departments in each sphere of government to identify and support their roles and responsibilities in planning and provision to achieve an integrated, uniform and coordinated disaster response for humanitarian disasters.
- A renewed commitment by government DM structures to engage in consultation and support participation with a wide range of civil society actors for planning for and responding to humanitarian disasters.
- A thorough post-event contingency planning process that embraces the consultation and participation requirements for all government, international community and civil society stakeholders, including vulnerable and affected communities, as provided for in the DMA and the NDMF.

**Government and International Agencies: Coordination and Cooperation**

International agencies found themselves working in unfamiliar circumstances, particularly insofar as internally displaced populations would normally be nationals and not, as they were in South Africa, foreign nationals.

- **UN agencies, in particular, were limited to a consultation role**, giving technical assistance to government, with an uncharacteristically minor on-the-ground disaster response delivery role.

- In effect, **absence of policy relevant to the circumstances for both UN and government was a frustrating obstacle** to putting a comprehensive disaster response in motion. As a UN agency official observed, the initial focus of government appeared to be on the identity-documentation status of victims rather than concern for speedy and effective delivery of humanitarian assistance to IDPs.

- **Technical expertise was reported to have been shared with DM structures** at various levels on a range of issues. These included the conduct of health assessments, nutrition monitoring, data collection, budgeting, physical site selection and planning, international humanitarian standards, camp coordination and management, a review of areas of support for early recovery, and harmonisation of provincial and municipal disaster-management responses.

- **Joint assessment exercises were conducted by various UN agencies**, at the request of DM structures, of sites in both Gauteng and the Western Cape in May, June and July.
International agencies should provide relevant skills and expertise training to government and civil society actors in matters relating to humanitarian disaster planning and response and the relevant international norms and standards.

Government should improve procedures to facilitate speedy processing of visa applications for international humanitarian experts. Consideration should be given to mechanisms designed to improve the entry into South Africa of essential skilled personnel at the onset of emergency situations and prior to a formal declaration of disaster.

International agencies should review their roles and responsibilities, and the procedures to be adopted in fulfilling those roles and responsibilities, in the provision of humanitarian disaster relief to internally displaced non-nationals with an array of documented and undocumented immigration statuses.

**Government and Civil Society: Coordination and Cooperation**

*It is often difficult to arouse interest in DM until a disaster occurs, which is too late. (…) Paramount is inter-agency cooperation, and this will require some mind changes, alterations of a tendency to institutional isolationism, and joint command, and control, as well as operations, and the soothing of the bruised egos that inevitably will ensue.* *MacFarlane, 2003, p.138*

International best practice for humanitarian assistance and the relevant South African disaster legislation provide for civil society to partner government in the delivery of humanitarian assistance. In principle, the interface for coordination and cooperation between government and civil society is the various government and civil society structures established for that purpose. The extent to which this actually came about in an effective manner during the post-May 2008 disaster varied. The joint engagement of government and civil society in participation forums was for the most part ad hoc and inconsistent.

International experience suggests that effective operational coordination of government with NGOs is often strained, not least in view of the self-appointed mandate of many NGO organisations which may afford them moral legitimacy but no (or at least limited) legal status in the humanitarian effort.

**Problems in Coordination and Cooperation**

Relations between civil society and government in South Africa were characterised by tensions and mistrust during the response to the events of May 2008. For instance:

- **Civil society took different approaches to government across the two provinces.** To use a broad generalisation, prominent actors in Gauteng civil society began with the role of helpmate, whereas in the Western Cape, prominent actors assumed the role of watchdog. Key civil society role-players in Gauteng stated that, from the commencement of the disaster, civil society set out with the assumption that government was capable of delivery, with assistance from civil society. In contrast, it is arguable that, in the Western Cape, the initial assumption was that government was unlikely to deliver unless cajoled into doing so.

- Irrespective of the relative merits of these divergent approaches, the result in both cases was that the coordination and cooperation between civil society and the government left much to be desired. In Gauteng, civil society was simply excluded from much of the planning and decision making – offers of assistance and requests for participation were ignored or actively rebuffed. Referring to litigation over the province’s reintegration planning, doubts were voiced regarding the commitment of civil society organisations who were viewed as seeking discussions at a late stage in the response effort while government had “been managing this all the time.” Deflecting from government’s self-reported priority focus on speedy reintegration of IDPs, civil society interventions were viewed as having led to excessive
time and resources being spent “on shelters and fighting each other.” The civil society organisations concerned, on the other hand, report that repeated requests for consultation, over time, had been unanswered.

• In the Western Cape there was greater inclusion of civil society in discussions around the co-ordination of the delivery of humanitarian assistance, but the confrontational stance of some of the role-players from civil society was cited as a barrier to fostering cooperative relationships. Equally, the persistent refusal of government officials to engage with verbal and written requests for consultation, particularly in the early stages of the disaster, was the experience of major sectors within civil society in the Western Cape.

• FBOs in the Western Cape did have access to provincial government, particularly in terms of reintegration programmes and possible reimbursement of expenses. However, to the extent that information on the outcomes is formally available, it would appear little was achieved and that the bulk of the considerable welfare and reintegration work undertaken by FBOs in the Western Cape was independent of government coordination or support.

• Another issue that arose in attempts to coordinate between government and civil society was irritation on the part of some government officials, some of them senior, at having to account to what they viewed as junior and poorly informed personnel working in the NGO sector. Particularly in the Western Cape, the disdain for civil society volunteers was often freely expressed by government officials. Although their early role in the logistical support of delivering emergency assistance was recognised and appreciated by government officials, as the disaster progressed and volunteers became more involved in advocacy around IDP demands for acceptable levels of assistance, government officials became increasingly antagonistic. In both Gauteng and the Western Cape, this antagonism was most vividly demonstrated in the various “lock-outs” of volunteers from IDP sites.

• There was widespread confusion in civil society as to which department at which level of government was responsible for providing which service – not surprising in the context of similar confusion within government structures.

• In addition, it was difficult for civil society to understand authority structures and relationships between departments and different DM structures. Confusion was compounded where overall responsibility for the disaster was transferred from one sphere of government to another. Thus, there is a need on the part of civil society for government to better meet the public education requirements of the DMA through making readily available more comprehensive information on the relationships of different DM structures and their relative roles and responsibilities. The NDMC website would be an ideal vehicle for comprehensive and cost-effective dissemination of such information. Civil society organisations would then be in a position to brief their staff and volunteers, to the advantage of all concerned.

Successes in Coordination and Cooperation (Special Reference to Gauteng)

There were also isolated reports of good coordination between government and civil society at the local level, in the JOCs. For the most part these reports come from Gauteng sites, where IDPs were living in their initial community shelters for several weeks. Despite the shortcomings of these arrangements, there are reports of effective coordination between, on the one hand, a range of government security and welfare services and, on the other, civil society organisations. Although more research would be necessary to identify the critical features that contributed, initial observations – particularly in relation to reports from Jeppe police station and Primrose Park – suggest that the following factors are critical to the success of these arrangements:

• Visionary leadership, whether from government officials or civil society actors.

• Daily meetings of all stakeholders, including IDP representatives, to assess needs met and needs arising, and plan accordingly.
Establishment of effective data capturing systems for a comprehensive set of data, and commitment to daily updating.

A comprehensive inclusion of IDPs in decision making and in effecting the management of the camp (for example, as ‘peace marshals’, and as members of sanitation committees, food committees, distribution committees, etc).

Mechanisms to Support Improved Cooperation and Coordination

Despite the various challenges noted, it remains that throughout the DMA and the NDMF there is an emphasis on joint consultation and cooperation between government and civil society actors. There is clear identification of communication and information dissemination as one of the key means to bring about the integrated, uniform and coordinated disaster response envisioned by the legislation. The definition of roles and responsibilities, planning and preparedness exercises, and the completion of monitoring and evaluation requirements, all require the participation of a broad range of government and civil society stakeholders, including the communities at risk.

The challenge for complex humanitarian disaster planning is to balance a defined and effective preparation for possible disaster onset with the need for a flexible and responsive framework able to respond to circumstances with consequences that are particularly difficult to predict. In planning to respond to complex humanitarian disasters it is clear that **much greater participation and consultation is required between government and civil society in order to achieve the kind of response anticipated in the DMA** and required by international humanitarian standards. Government DM structures and civil society actors need to cooperate on:

- Response preparedness and its review,
- Risk assessment and early warning systems,
- Mechanisms to genuinely promote participation, and
- Information sharing on an ongoing basis.

In some instances there are, on paper, apparently comprehensive mechanisms to support all these activities as collaborative ventures with civil society. For example, the publicly available *City of Cape Town Municipal Disaster Risk Management Framework* presentation, dated June 2006\(^{51}\), suggests that considerable planning and development expertise has gone into providing a wealth of opportunities for participation and information sharing between government DM structures and civil society. In reality, very few of the organisations and communities involved in the recent humanitarian disaster have had any engagement whatsoever with any of these forums, databases, training schemes and other resources to support coordination and cooperation between government and civil society in disaster response. The discrepancy between the existence of these resources and their lack of actual use raised doubts about government’s will to engage with civil society partners in the humanitarian disaster response. As a senior community worker in Gauteng observed:

> If Provincial government really had the political will to work with us, we could have done much more and been more effective. It is very helpful if they will work with you and not keep this silent, secret “we have the information” stance. **Interview, September 2008**

GOVERNMENT AND CIVIL SOCIETY COORDINATION AND COOPERATION

RECOMMENDATIONS

TO SUPPORT IMPROVED LEVELS OF COORDINATION BETWEEN GOVERNMENT AND CIVIL SOCIETY:

- There should be a commitment from state DM structures in all spheres of government to the meaningful participation of a range of representatives from civil society, including those from vulnerable communities, in relevant government DM planning and coordination forums. Where they exist, consideration should be given to the participation of a broad range of NGOs, CBOs and FBOs on disaster management advisory forums.

- Government should take steps to raise awareness within broader civil society of DM structures, their accountability relationship to one another and their individual functions and spheres of responsibility. The information on DM websites for all spheres of government should be substantially improved in order to assist this process. To facilitate this, DM terminology should be standardised.

- The DM database of stakeholders should be augmented to include the civil society organisations that have assisted in the current crisis and have the potential to assist in provision of humanitarian relief in the event of future humanitarian disasters. This should include organisations experienced in working with foreign nationals in South Africa. Civil society organisations should be invited to submit relevant information. The databases should be publicly available, as provided for in the DMA.

- Consider identifying a focal point in government DM, at each sphere of government, to be responsible for fostering coordination and cooperation between civil society and government for the purposes of humanitarian disaster response. The functions and authority attached to the position should be clearly defined. An important aspect of the role should be ensuring the return-flow of information from civil society to government with a view to reducing misunderstandings, delays and the potential for litigation.

- Government and civil society should work on building mutual trust and accountability to improve cooperation in humanitarian disaster response. A better shared knowledge of the technical, material and other resources and limitations of all partners, in both government and civil society, would foster recognition of the challenges and potential gains in creating and maintaining broad-based cooperation and coordination between diverse organisations and institutions.

- Respect and recognition of the important contribution of volunteer workers, particularly from civil society, should be reflected in engagement between government and civil society in order to benefit from volunteers’ knowledge of on-the-ground conditions.

- Civil society and DM structures in all spheres of government and should engage, at the earliest opportunity, in a post-event information sharing and lessons-learned exercise to identify best practices that support effective cooperation and coordination between government and civil society.

- Regular joint government and civil society contingency planning exercises should be conducted to share, review and revise protocols, processes and procedures for possible future humanitarian disasters. Of particular importance in this respect is for government, in close consultation with civil society, to develop the framework and information templates to feed into the victim/beneficiary electronic database so that, at the onset of a disaster, data from civil society takes a form that can be readily incorporated into the central government database.

- Civil society organisations should engage with the Integrated Development Plan public consultation process to respond to the Disaster Management Plan component of the Integrated Development Plan.

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**Civil Society: Internal Coordination and Cooperation**

> NGO's need a collective voice to participate in national policy debates and national aid planning to ensure recognition of their role in civil society and raise issues of specific concern to them.
> Van Brabant, 1997, p.5

Although it is often observed that NGOs working in humanitarian assistance are competitive and poorly coordinated, they are equally able to effectively cooperate and, where necessary, take the lead in
humanitarian assistance.\footnote{Van Brabant, Koenraad, 1997, \textit{The Coordiantion of Humanitarian Action: the case of Sri Lanka. December. Relief and Rehabilitation Network Paper. Overseas Development Institute, London.} \url{www.oneworld.org/odi/rrn/}} Despite differences between agencies in terms of the nature of the target populations they serve, their sectoral focus or operating principles (such as material assistance, protection, conflict mediation or advocacy), there remain ample grounds for cooperation. Cooperation supports division of labour and learning between agencies. It has the potential for the development of a more informed collective positioning, thereby reducing opportunities for agencies to be played off against each other.

\textit{In the Western Cape}

Coordination among civil society actors was better in the Western Cape than in Gauteng, but despite considerable achievements there remained concerns about limitations to that coordination and cooperation. The issues raised by civil society actors included:

- **From both ends of the activist/non-activist spectrum, there was intolerance and lack of understanding of the value of coalitions that embraced a diverse membership adhering to different operational styles.** Although there was overt acknowledgement of the complimentarity of different approaches, in practice actors with less of an activist approach retreated or withdrew altogether from participation.

- **Individual organisations within civil society engaged in “flag planting” exercises** that are so often a feature of humanitarian disaster-response scenarios. Most typically, this involved organisations overstating the extent of their engagement in particular interventions or failing to acknowledge other role players who had contributed to interventions.

- **Both government and the larger civil society organisations gave insufficient recognition to how limited the resources and capacities of some civil society organisations were.** This was particularly the case for the NGOs who have traditionally served the needs of refugee communities in Cape Town, most of which are small organisations with very limited funding.

- **There was an element of what one development worker referred to as “NGO tourism,”** where organisations came to meetings to see what was going on and agreed to be part of a task team, but did not follow through commitments to contribute to the coordination of the response. Ultimately, this undermines and, where prevalent, completely disables aspects of coordination initiatives.

The province also experienced its share of other challenges:

- **There was considerable tension within civil society over the preferred method of engagement with government actors.** There were organisations that adopted a confrontational activist stance and those that preferred a more measured approach to working with government.

- **Some quarters of government continually argued that the entities claiming to be speaking for civil society in the Western Cape were not representative of civil society as a whole,** but merely a small group of confrontational organisations following their own agendas. This claim was used to attempt to dismiss the calls from civil society forums for improvements in the coordination of disaster assistance. What is not easy to assess – and certainly not evident to government – is the extent to which some civil society organisations were content to let other organisations do “the dirty work” of public criticism and advocacy for change, which bear the related risks of being alienated from future collaborations and potential programme funding.

- **It would have been easier to make a necessary distinction between the civil society forums in the Western Cape, hosted respectively by the SAHRC and TAC, if their names had not been so similar.** In hindsight, it would have helped if there had been time to make the distinctive mandates of the civil society forums clear to both government and civil society organisations from the outset, thereby reducing the opportunity for confusion, whether deliberate or otherwise.
Nonetheless, despite their shortcomings, the civil society coordinating forums in the Western Cape were invaluable to both government and civil society itself, not least in filling the enormous gap in securing and circulating information. Furthermore, there can be no doubt that those role-players identified as confrontational were instrumental in galvanising broader civil society to hold government better accountable.

- **The broader civil society would have benefited from an improved flow of information from FBOs** to assist in monitoring the scale of the problem, ongoing needs and changing circumstances. FBOs had their own coordinating structures in the Western Cape. Coordination with broader civil society was possibly limited to some extent due to the way churches worked within their own community-based networks of volunteers and providers that existed prior to the May 2008 crisis. Many FBOs were largely self-sufficient in sourcing their needs. However, they did suffer from volunteer fatigue and, for some churches, their funds were severely depleted by providing for IDPs without government or dedicated donor funding.

- **Learning in the early days of the response would have benefited from inclusion on the civil society coordination forums of an experienced refugee-assistance sector representative** able to commit to and, more importantly, accomplish regular attendance. The refugee service providers network in Cape Town did not participate in the coordination effort. Organisations within the network, most of which are relatively small local NGOs and CBOs, were totally overwhelmed with the volume of on-the-ground work. Without a dedicated coordinator, the network did not have the capacity either to convene itself nor to contribute to coordinating forums. This was to the detriment of beneficiaries – particularly in the early stages of the response – as most of the civil society actors involved in coordination had very little experience of working with refugees and asylum seekers.

**Gauteng**

A range of civil society commentators in the province have commented on the **poor coordination in civil society in the Gauteng** during the disaster, but there is little consensus on why this was the case.

The lack of dedicated funding for the coordination function was certainly an important factor. However, since there remained an unutilised funding facility offered to SAHRC/IEC by DBSA, there would appear to be more complex reasons than simply the lack of funding. Whether these reasons lie in the nature of civil society, Gauteng provincial and local government structures, the IDP population or, indeed, the UN and INGO interventions in the province, is difficult to ascertain without further in-depth analysis. Certainly, there was no organisation in Gauteng with experiential, human and material resources comparable to the Cape Town office of TAC that was willing to assume the coordinating role in the Western Cape.

Civil society coordinating structures in Gauteng were very different from those in the Western Cape. Some observations from experiences during the Gauteng response are laid out below.

- **The SAHRC, which convened initial civil society coordination meetings and claimed a coordination role, was not successful in building and sustaining effective coordination mechanisms.** Criticism levelled at SAHRC’s coordination role include that working groups established at the SAHRC meetings received limited logistical support; meeting minutes were distributed with long delays; well-managed information exchange processes were not developed and so meetings were long, repetitive and not goal-oriented. Attendance at meetings soon dwindled as operational organisations stated their need to focus on ‘action’ rather than ‘talk.’

- **CSVR, mandated by the SAHRC, initially took on a coordination role for civil society’s humanitarian interventions (excluding legal and advocacy interventions) but, with NGOs (most of whom had limited capacity) engaged in on-the-ground activities, CSVR found itself doing the coordination without assistance.** Unable to sustain this, it switched, within a matter of weeks, to a monitoring role. CSVR’s experience points to the need for considerable resources and a broadly recognised mandate in order to be able to successfully coordinate the humanitarian response of civil society. In effect, there was no single
organisation in Gauteng that had the resources to sustain the coordination. The fact that it happened in the Western Cape was partly due to the existence of sufficient capacity within a single organisation. But it was also, crucially, due to the provision of funding specifically for the purpose. For the most part, civil society organisations cannot divert resources from other programmes to support a coordination function.

- The second, and more durable, coordinating forum in Gauteng was the Protection Working Group. Consisting predominantly of UN agencies and INGOs, the PWG lacked significant participation from South African civil society. Coordination was limited largely to sharing information from monitoring activities among forum members, and designing protection protocols.

There are indications that the membership profile and mode of operation of the PWG may have played some role in reducing the scope for local civil society to act in a coordinated manner. It is salient to note that in the Western Cape a decision was taken, after an initial meeting, that a PWG would not significantly add to the coordination of the disaster response effort. In part this was due to (a) poor response to meeting invitations and (b) to the assumption, in recognition of this, that organisations were too busy and without sufficient resources to participate in and sustain another civil society forum. It should also be noted that, in the Western Cape, there is no permanent presence of UN agency officials.

- Civil society advocacy mechanisms in Gauteng were few, although individual legal NGOs were active and, particularly in the matter of camp closures and the reintegration program, CoRMSA took the lead in attempting to hold the government accountable.

Across provinces

Issues arising across provinces lead to a number of lessons for civil society:

- Elements of civil society in both provinces observed that government officials often seemed to expect civil society to act as a coordinated whole, presenting a united front with a consensus on viewpoint and operational style. In reality, it is unrealistic to count on seamless cooperation of a diverse range of organisations being achieved, let alone sustained.

- It is arguable that, in contrast to the broader civil society forums, the sectoral forums within civil society played a more successful coordinating role within the limits of their areas of service provision. The most obvious were those concerned with the provision of health (in the Western Cape) and with psychosocial support (in Gauteng and the Western Cape).

- Human rights advocacy NGOs have the resources – established networks of volunteers and influential patrons, cohorts of energetic student interns, lobbying expertise, and institutional culture – to participate in the frequent meetings that became a feature of attempts to improve the coordination of the humanitarian response. In a situation of resource constraint, it is to be expected that advocacy NGOs are better placed than operational NGOs to take leading roles in government-civil society coordination forums. This is particularly so in South Africa where there is a long history of activist civil society groupings.

- In both Gauteng and the Western Cape, forums and individual organisations were let down by potential partners who gave initial commitments to take on specific responsibilities but did not keep them – most often without acknowledging that they were withdrawing.

In this respect, early establishment of Terms of Reference (ToRs) or Memorandums of Understanding (MoUs) would have assisted in clarifying the parameters of coordinating forums and in holding members of the forum accountable to those parameters. Effective ToRs give direction to the work of a coordination forum; serve as a basis for claiming legitimacy for what is, essentially, a self-appointed mandate; and assist with containing tensions between the different objectives of member organisations. ToRs could also have been used to help clarify the extent of the commitment demanded of member organisations and the nature of accountability that such a commitment entailed.
The Principles of Partnership (PoP) developed by the Global Humanitarian Platform provide the appropriate terms in which to conduct relations between humanitarian assistance organisations. PoP links ethical obligations and accountability to beneficiary populations with the recognition of diversity and interdependence within the humanitarian community. Equality, transparency, result-oriented coordination, responsibility and complimentarity are the guiding principles. Partner organisations – whether associated through formal or informal coordinating relationships – are bound to respect their own and other organisations’ mandates, obligations, independence, constraints and commitments. Dialogue and timeous consultation and information sharing are conducted in such a manner as to accommodate constructive disagreement. Transparency (including financial transparency), and a determination to both prevent and appropriately discipline abuse, foster trust and co-accountability among partner organisations. Similarly, an undertaking by any organisations to commit only to what they have the resources, competencies, skills and capacity to deliver is an essential component of responsible partner relationships.

- A lack of regular internal monitoring reportedly hampered coordination within individual organisations, particularly at the height of the crisis. As much as it is difficult to schedule the time for such activities, several aid workers commented that their work, and that of their organisation, suffered for lack of regular debriefing, review and strategising, particularly as circumstances changed so rapidly. Not only did the extent and the type of needs change, but current capacity and existing knowledge within organisations changed.

- To encourage future cooperation and coordination in the NGO sector, as in all spheres of government, organisations and structures working for and/or representing foreign migrants need to participate as part of the mainstream deliberation for community development and vulnerability reduction. Currently, civil society organisations catering for the needs of foreign migrants – particularly refugees and asylum seekers – remain in a ghetto, to some extent self-imposed. There needs to be greater emphasis by all organisations within civil society to incorporate issues relating to foreign migrants, refugees and asylum seekers into the debates on service delivery and socio-economic marginalisation. The broader familiarity with current issues and concerns of foreign migrants that this will foster can only assist coordination should similar circumstances arise in the future.

- There is a grave need for contingency planning for social conflict and disaster response on the part of civil society organisations. Contingency planning should take place within organisations, within civil society as a whole and in a joint exercise between civil society and government DM structures.

- It is critical that civil society conducts a comprehensive joint review of lessons learned from the recent disaster to feed into the contingency planning process. A crucial aspect of this should be consideration of the preferred means of achieving a coordinated response from civil society for humanitarian assistance. In all likelihood, this would be through some kind of coordinating structure or structures.

- It is difficult to predict what kind of coordination structures are effective in which contexts. Whether such structures are established in the form of networks, alliances, consortiums or coalitions therefore depends on the overall objectives. However, experience suggests that “the substance and format of coordination are better identified before an emergency and not in the centre of it” (Van Brabant p.22).

- Aside from an agreed forum for coordination, effective coordination is dependent upon sufficient technical expertise, to support both standardisation and coordination, and to enhance collective learning. Ultimately “making co-ordination happen is very largely dependent on the motivation and skills of individuals” (Van Brabant p.21), along with a considerable investment of time. In this respect, it is difficult to surmount what the International Council of Voluntary Agencies (ICVA) term the “personality problem” whereby the humanitarian system “continue[s] to rely on the luck of getting a good group of people together to provide a good response.”

- What was clear from civil society cooperation and coordination of the disaster response in the Western Cape was the critical importance of pre-existing networks. Both TAC/ALP and the FBOs were able

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immediately to call upon a network of supporters to contribute a wealth of resources, including time, skills, equipment, services, material and financial donations, pro-bono legal expertise, media coverage, and other necessities, not least of which was commitment to the project.

CIVIL SOCIETY COORDINATION AND COOPERATION RECOMMENDATIONS

- Establish a civil society coordination forum for humanitarian disaster planning and response in each province as soon as possible. It is suggested that the SAHRC call the initial meeting in each province to commence the process.
- Civil society coordination forums should have Terms of Reference (ToR), which should be periodically reviewed, as changed priorities dictate. Coordination forums should consider adopting the Principles of Partnership as a basis for their operation.
- Each civil society coordination forum should decide on a distinctive name that clearly defines its purpose and becomes known and readily identifiable to international agencies, government and other actors involved in humanitarian disaster response.
- Coordination forums should be established within a framework that is sufficiently flexible to allow the forum to maintain its relevance and readiness for activation to respond to different humanitarian disaster response demands. Essential features of structure, function and operation of the forum that need to be agreed include:
  - Structure: the mechanism for coordination and the extent to which it is formalised; the optimum size of the forum; the manner in which leadership will be selected and conducted; and the nature of membership.
  - Function: the role of the forum and its objectives in terms of membership and broader mandate.
  - Operation: the maximisation of capacity through funding and dedicated personnel; means of and extent of information sharing.
- Civil society coordination forums for humanitarian disaster response should seek to support as wide a representation from civil society as possible. In particular, efforts should be made to ensure active participation of a range of FBOs, CBOs and NGOs with experience in providing for refugees and immigrants, with representatives from vulnerable communities (both nationals and non-nationals). Coordination forums should be modelled in such a way that they embrace the participation of both operational and activist human rights organisations.
- Consider seeking funding for establishment, maintenance and possible disaster activation support costs.

ROLES AND RESPONSIBILITIES

1: Information Sharing

- Civil society coordination forums should have at the core of their mandate a commitment to information sharing. Better knowledge of the context and improved disaster response expertise will assist civil society agencies in positioning themselves more effectively to defend their role and place in the face of doubts or criticisms from the public, government officials or other actors.
- Provincial coordination forums should create mechanisms to share information and expertise between provincial forums; to coordinate identification of skills gaps and joint access to training; and to lobby national government and international humanitarian agencies for information, training and support.
- Civil society forums should consider appointing focal points tasked specifically with liaison responsibilities across civil society and with government DM structures.
- Civil society coordination forums should seek to improve the flow of information for disaster management, both within civil society and between civil society and government DM structures. This should entail improving skills and discipline to maintain regular flows of verifiable information in standardised formats.
- Each provincial civil society coordination forum should establish a centralised database to assist in mounting a humanitarian disaster response. This should include, but not be limited to, details of NGO and non-NGO service providers, suppliers, shelters, warehouses, volunteers, and media services.
A website and/or listserv should be established for dissemination of disaster planning and response information. In the event of an emergency, the website should have the potential to take postings from members of the public.

2: Response Planning

- Civil society coordination forums should assist government DM structures with meeting their primary responsibility role in the coordination and management of disaster response in humanitarian disasters. In this respect, civil society coordination forums should seek to agree priorities for civil society disaster response in consultation with government DM structures.
- Members of the civil society coordination forums should adopt cooperation and coordination with a comprehensive range of civil society partners as an explicit core policy. One of the intended outcomes should be to have NGOs and other organisations providing for foreign migrants participate as part of broader civil society.
- Civil society coordination forums should work on policy and operational issues to plan for humanitarian disaster response. The objective should be to pay systematic attention to the standardisation of methodologies for assessments, and guidelines and procedures; and to joint planning for emergency response (including norms and standards, shelter, supplies and purchases, targeting and distribution). These exercises should be conducted in consultation with government DM structures to ensure mutual compatibility.
- Civil society organisations should share training toolkits developed for this disaster: for example, the SAHRC training for volunteer monitors (including one for use in mosques), a rights toolkit developed for rights training for IDPs, and the Trauma Centre training for psychosocial volunteers.

3: At Onset of Emergency/Disaster

- Civil society organisations and individual volunteers should make a realistic assessment of what resources they have to commit to the relief effort and for how long they can sustain that level of assistance. Organisations should communicate this information to the coordinating authority or organisation. Individual volunteers should communicate this to the organisation with which they seek to be affiliated.
- Civil society organisations should make time for regular review of their strategies to ensure that they are responding to real needs, and of their interventions in the context of current capacities, knowledge and strengths. Organisations should seek to engage in a continuous process of reflection on changing needs and realities and adapt their services accordingly.
- Civil society organisations should hold regular debriefing sessions for their staff and volunteers to provide them with opportunities to share their experiences and learning with colleagues and the organisation, and to receive support and guidance on their continued participation in the coordination and delivery of the relief effort.

4: Post-disaster

- Individual civil society organisations should conduct a process of closure with organisations that have partnered with them in aspects of the disaster response at the dissolution of that partnership.
- A post-disaster “lessons-learned” evaluation exercise should be completed as soon as possible for civil society actors involved in the humanitarian disaster response in provinces where there was displacement of foreign nationals following events of May 2008.
International Agencies: Coordination and Cooperation

UN agencies and INGOs working in South Africa during the disaster following events of May 2008 have pre-existing coordination and cooperation protocols. The efficacy of coordination between these organisations will not be addressed in this report. Evaluation of the coordination and cooperation of international agencies with government is also outside the scope of this report as there was insufficient access to government officials to have the necessary input for such an exercise. However, as noted elsewhere in this report, there was considerable exchange between government and international agencies, with varying levels of success in terms of the outcomes.

Coordination and cooperation between international agencies and civil society varied in its extent and value.

- For the UN agencies, **UNICEF and OCHA** were the most prominent in providing technical advice and training to civil society actors and supporting programmes for local NGOs to deliver services to IDPs.

- Coordination and cooperation between international agencies and civil society did not achieve optimum levels insofar as there were claims, already discussed, that UN organisations were unaccustomed to the kind of interactions demanded by partners in civil society in South Africa.

  To some extent this bears witness to the fact that – at least in the view of some of the South African civil society actors – **UN agencies need to better understand the nature of civil society in South Africa** in order to sustain improved levels of coordination and cooperation. In the view of a community worker in Johannesburg,

  *Whenever the international agencies bypass the local agencies who have the knowledge it causes tensions – [as local civil society] you understand the system and you know how government works. It causes chaos because you have to sort out the mess. They act without consultation.* **Interview, September 2008**

- As has been indicated elsewhere in this report, there was a great deal of civil society disappointment in the nature of the engagement of UNHCR with the needs and demands of IDPs.

- Moreover, there was some concern about the willingness and/or capacity of some the **UNHCR’s NGO implementing partners** to play their part in the coordination of the civil society response.

- Of the various **INGOs** contributing to civil society coordination and cooperation, **Oxfam** was prominent in its support of operational programmes and advocacy in both Gauteng and the Western Cape. Oxfam funding to TAC was central to the achievements of the civil society coordination forum in the Western Cape, as was funding to CSVR for the coordination of psychosocial support in Gauteng.

- **The expertise and logistical capability of MSF was also supportive of the civil society coordination effort** insofar as its personnel were able to provide information, particularly in terms of urgent needs, on conditions at sites where IDPs were staying. MSF also provided valuable input to South African civil society organisations in terms of health assessments, health-related protocols and training.

- **IFRC, through its local partner, SARCS, was one of the mainstays of international non-governmental assistance to IDPs, particularly in Gauteng. Coordination and cooperation with civil society appears to have been largely confined to the sites in which IFRC/SARCS was providing assistance and where there was liaison among the various organisations working in the site.**

  Some civil society commentators observed that it had been difficult to assess what the IFRC/SARCS had done and cited **the international mandate of the Red Cross Movement** as an inhibitory factor to coordination and cooperation with civil society in South Africa – particularly in view of the complicated political environment within which provision to foreign nationals was being conducted.

  In addition, **SARCS’ contractual relationship with government DM structures imposed constraints** on the extent to which the organisation was able to cooperate with a range of civil society actors in different aspects of the disaster response.
As discussed in Chapter 8, civil society actors, particularly in Gauteng, observed that it appeared that government officials were more inclined to consult with and act on the advice of UN and INGO personnel, at the expense of including local civil society representatives. Accordingly, the exclusion of key on-the-ground informants led to some poor decisions on the part of DM structures.

It is open to question whether the apparently exclusive relationships between UN and INGO officials and government DM structures in Gauteng contributed to the difficulty that CS in Gauteng appeared to have in establishing and maintaining effective coordination structures. Certainly, a more concerted effort on the part of UN agencies to facilitate engagement between government and civil society would have been welcome. In the event, in many instances UN agencies and INGOs became government’s preferred partners and its tool for claiming legitimacy, thereby avoiding wider consultation with civil society.

INTERNATIONAL AGENCIES COORDINATION AND COOPERATION RECOMMENDATIONS

- UN agencies and INGOs should work to support an improved level of participation of local civil society stakeholders in government DM structures in order to bring about meaningful and effective participation of civil society stakeholders in the coordination of the disaster response.
- The Protection Working Group format needs to be reviewed in order to identify a model that is more supportive of South African civil society participation in disaster-response coordination.
- Consideration should be given to providing funding from international agencies for the establishment and maintenance of civil society coordination structures, both to maintain preparedness and to improve coordination in the event of full activation at the onset of a disaster.
- UN agencies and INGOs should seek ways to reduce the turnover of international consultants so as to better support ongoing disaster response skills and programmes.
- UN agencies and INGOs should devise means to more widely distribute needs assessments and situation reports, both to assist the broader coordination effort and to reduce the misinformation that circulates between government and civil society.
- Civil society organisations participating in humanitarian disaster response would greatly benefit from additional training on the principles of the Sphere Handbook and on technical aspects of operational and support services for humanitarian disaster relief.

IDP Communities: Coordination and Cooperation

The voices of IDPs themselves should not be forgotten in evaluating coordination and cooperation, as the disaster experience demonstrated.

- The civil-society-appointed IDP liaison officer in the Western Cape was critical in facilitating not only the cohesion of the JRLC but also in assisting with resolution of leadership conflicts within sites and sensitising civil society structures in the conduct of constructive and appropriate engagement with IDP communities. It would have been helpful to have a counterpart from Government and for the two liaison officers to work in collaboration to create bridges and raise levels of understanding among civil society and government officials of the best way to foster cooperation with the IDP leadership. High levels of mutual distrust – particularly between non-nationals and government – make it imperative that there are IDP liaison officers from civil society as well as government as each can play a role in supporting the other in building bridges to understanding and cooperation.
- In both Gauteng and the Western Cape, lack of communication from government and the UN (specifically the UNHCR), and poor site management decisions fostered distrust and an unwillingness to cooperate on the part of IDPs in several sites. While Western Cape government officials tended to suggest that this was fostered by civil society activists, it should be borne in mind that intransigence was a feature of IDP populations in specific sites in both provinces.
IDP’s apparent “politicisation” was used by many government and some civil society actors to suggest that they were making unreasonable demands and that their cooperative group action to demand alternatives was somehow illegitimate. However, without effective communication mechanisms to produce tangible negotiated results, camp-based foreign nationals often found themselves with little option but to make their demands known through strident and visible action.

In a number of these scenarios it was claimed that certain IDP leaders or groups were intimidating others to uphold the non-cooperative stance being adopted by dominant national groups, which was not the case in all instances. Where intimidation claims came to light and support was given to IDP leadership structures to recognise and respect divergent views within their communities, they were generally resolved. Once again, in the Western Cape, the civil society IDP liaison officer, being a foreign national himself, was ideally placed to acknowledge the reality of inter-national tensions and to assist with negotiating peaceful outcomes.

It is to be noted that, at least in the Western Cape, IDP leaders’ cooperation in finding negotiated solutions improved as they were afforded the opportunity to engage directly with senior government officials – specifically over the closure of the camps. Not only did the levels of mutual distrust between IDP leadership and government leaders decrease, but IDP leaders became more adept at productive engagement with government officials for genuine problem solving. Such learning can be useful for the future participation of foreign nationals in South African society.

There were two fundamental lessons to be learned from engagements with IDP leadership structures in the Western Cape.

Firstly, it is essential that democratically elected leadership structures are established in the sites as soon as practically possible.

Secondly, there needs to be serious investment in communication of relevant information to IDPs. In this respect, the potential for misunderstanding should never be underestimated. Extremely inaccurate assumptions were made about IDP communities’ pre-disaster knowledge of South African bureaucratic protocols, of government, of international humanitarian assistance regimes and a range of other issues that shaped communication between IDP communities, on the one hand, and government and civil society on the other.

Equally, the need for translation was rarely met. Translators should always be provided when officials communicate with IDP communities. Ideally, to support as objective as possible a translation, translators should not themselves be IDPs. Without diligent attention to ensuring understanding, the potential for coordination and cooperation with and within the IDP community is fundamentally undermined.

One area where the broader beneficiary population – foreign nationals in general – are not involved in coordination and cooperation is in the matter of participation in the development of local disaster management plans. Appreciation of the right of local communities to participate in the development, implementation and evaluation of local disaster plans (see Annexure D) should be extended to foreign nationals. As with citizens, foreign nationals deserve the “improved levels of service such as early warning systems that are more people-centred and improved participation in disaster recovery programmes” called for by the Director General of the Department of Provincial and Local Government.

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54 Opening remarks at the Disaster Management Indaba: Ms Lindiwe Msengana-Ndlela, DG of Dept of Provincial and Local Govt – Wens 9 July 2008
IDP COMMUNITIES COORDINATION AND COOPERATION RECOMMENDATIONS

- To support effective coordination and cooperation in the delivery of humanitarian assistance democratic IDP leadership structures should be established in each site as early as practically possible.
- An IDP liaison officer should be appointed – at least one in each affected province – to help support the development of IDP leadership coordination and the cooperation of that leadership with other civil society stakeholders.
- Regular, accurate, comprehensive and relevant information should be provided to IDP communities to assist their participation in the disaster response.
- Translators should be provided to ensure accurate communication between government, civil society and international agency officials, on the one hand, and IDP communities on the other.
- IDP leadership should be empowered in its role through training in human rights; South African legislation; the requirements of good governance; government structures; and leadership skills.
- Foreign nationals should be included in DM preparedness planning at community and local government levels for humanitarian disasters from community conflict.

Conclusion: Coordination and Cooperation among Service Providers

In conclusion, the post-May disaster response evidenced some remarkable examples of coordination and cooperation within and between the various sectors. Some of these were spontaneous, and some grew through experience in the course of the four months following the disaster. Equally, there were many attempts at coordination that were clumsy and/or unprofessional, with expensive results. In far too many instances, investment in coordination and cooperation was completely neglected. In some instances government officials appeared to distrust IDP and civil society input, while in others “there was not enough time.” At other times, lack of coordination and cooperation resulted from inaccurate assumptions about the beneficiaries, inexperience in responding to complex humanitarian disasters, or competition among stakeholders.

There was a marked sense of unfamiliarity that pervaded attempts at cooperation and coordination. Broadly speaking, government units, civil society organisations and the beneficiary populations were unaccustomed to communicating with each other.

One clear conclusion to be drawn is that a disaster of the magnitude and complexity of that experienced following the displacement of foreign nationals in May 2008 requires the best possible coordination and cooperation between the whole range of state and non-state actors, including the beneficiaries. Where cooperation and cooperation was lacking or absent, there were misunderstandings, frustrations and wastage. Not only did this create increased suffering on the part of IDPs but it amplified the cost of humanitarian assistance. Where there was successful coordination and cooperation between diverse stakeholders, skills and resources were shared to achieve improved levels of disaster response.

Where distrust and resistance characterised relations among sectors, the need to acknowledge the legitimacy of a range of actors and styles of engagement in civil society is a lesson for elements of both government and civil society.

Equally, IDP leadership is an imperfect structure and simple rejection of IDP forums as illegitimate overlooks the role that government and civil society play in how those forums come to be structured in the first place. The sooner genuine energy is put into comprehensive broad-based and sustained participation in disaster-response coordination, the less opportunity there is for commodification of information and the resort to obstructive and coercive actions on the part of elements of IDP leadership.

On the other hand, means must be found for civil society actors to coordinate their interface with government in such a manner that forums have a clearly defined purpose and are more representative of
the range of civil society institutions and their different styles of engagement. In this latter respect, the haste with which forums were established meant that they operated without Terms of Reference or, for the most part, a mandate or distinctive name.

Equally, the framework in which the state’s disaster response is delivered needs clarification and improvement. This involves improvements in preparedness planning to support the speed and relevance of emergency responses to complex humanitarian disasters. Institutional capacity needs addressing, particularly in terms of standardisation of guidelines and protocols – not least in the establishment of norms and standards for humanitarian assistance and for effective communication. Government DM capacity should also be developed to support cooperative relations with civil society stakeholders, both before and during a disaster response.
The previous sections of this report have focused on the immediate humanitarian relief effort to IDPs taking shelter in government sponsored sites. While certainly not separate from that effort, justice, legal status and assistance issues in support of durable solutions for IDPs, whether within communities in South Africa or outside South Africa, are of a different order. Durable solutions, in this context, means measures to re-establish the long-term safety and self-sufficiency of people who have been displaced.

While simultaneous to the humanitarian relief effort, the measures to ensure justice and durable solutions extend well beyond the life of initial assistance and IDP shelters. The legal and political challenges of implementing durable solutions for the IDP populations in this crisis are also more complex than those encountered in providing humanitarian relief in the IDP sites. Moreover, while the responsibility for the provision of humanitarian relief can be shared between government and civil society, the mandate for the provision of justice and durable solutions lies largely with government.

The scope and timing of this report do not allow for a comprehensive evaluation of durable solutions. We strongly recommend that further monitoring take place in the months to come regarding the success of ‘reintegration’ programmes and justice and documentation issues arising from the May violence. However, in the interests of showing how these issues intersect with the provision of humanitarian relief, an outline of key issues, together with some illustrative examples, follows as a basis for further discussion.

**Deportation and “Voluntary” Repatriation**

While the violence was ongoing and in its immediate wake, the arrest and deportation of undocumented migrants by police, including some who had sought shelter after being attacked and displaced, continued. Furthermore, tens of thousands of foreign nationals fled South Africa, mostly returning to their countries of origin in the region. Both deportation and the return to country of origin were problematic in terms of the protection of rights and the provision of humanitarian assistance.

**Deportation**

- In cases of violence against foreigners before May 2008, undocumented migrants seeking shelter in police stations have been arrested and deported. This occurred, for example, at Itireleng near Laudium in February 2008.
- The Minister of Home Affairs repeatedly asserted publically that victims of violence would not be deported regardless of their immigration status (on May 15, 16, 20, and June 4). This was reaffirmed by the Chief Director of the DHA Inspectorate, and later the Deputy General who notified legal NGOs that victims of the violence would not be deported.
- However, the high-level message did not seem to be communicated to police and immigration officials on the ground. According to Lawyers for Human Rights, the arrest and deportation of undocumented persons continued as normal in Gauteng, without regard for whether arrested persons were victims of the attacks. A particularly high-profile example was the case of 32 victims who sought assistance from police after being attacked and robbed in Olifantsfontein on May 15 and who were deported from the police station at which they had sought shelter.
- On July 11, the UN reported that South Africa had deported 17,000 Zimbabweans in the past 40 days, despite assurances to the contrary by the Department of Home Affairs.
Lawyers for Human Rights advocated on behalf of several groups of foreign victims of the attacks who had been arrested for deportation, leading to their release.

Concerns in relation to deportation in the context of violence against foreigners included:

- The arrest and deportation of victims of violence by the state suggests to perpetrators of the violence that their actions in removing (undocumented) foreign nationals from their communities are justified.
- By removing some victims and witnesses of violence from the country, deportation also undermines attempts to bring perpetrators to justice through the courts, entrenching a perception of impunity for violence against foreigners.
- The continuation of arrest and deportation sends the message to persons threatened by or affected by violence that state institutions, especially the police, cannot be trusted to protect basic rights to life, dignity and justice, and so encourages either non-reporting or vigilante responses to threats.
- The continuation of standard arrest and deportation procedures suggests that government officials on the ground failed to make the shift from an immigration enforcement to a humanitarian perspective, influencing all aspects of localised disaster responses.
- While there are several legal NGOs which regularly monitor the arrest and deportation of foreign nationals, these were so overwhelmed by the needs of the larger disaster response that their normal monitoring mechanisms could not comprehensively document and intervene in the arrest and deportation of persons affected by the violence. Only ad hoc interventions were made.
- The most serious concerns relate to the involuntary repatriation of persons as well as threats of deportation which were made by DHA and camp officials to any camp residents who refused to sign camp registration documents and temporary permit documents waiving their rights in terms of the Refugees Act.

Repatriation

- Many embassies, including the Zimbabwean and Mozambican governments, provided a repatriation service to their nationals. This was predominantly offered in the first weeks after the violence, often directly approaching their citizens at the sites of initial shelter such as police stations. By May 23, the Mozambican government had reported that 15,300 of its nationals had already been repatriated. By May 27, this number had risen to an estimated 27,500.
- IOM was involved in arranging safe passage for IDPs back to their countries of origin.
- On June 11, it was reported that the UN had agreed to assist the City of Cape Town in repatriating 2,000 non-nationals who had requested such assistance.
- Gift of the Givers reportedly also assisted in repatriating a number of people, paying for transport as well as a week’s worth of food for their return.

Concerns in relation to ‘voluntary’ repatriation included:

- Repatriation assistance was provided by many different organisations, embassies, and individuals and so was wholly uncoordinated.
- There is very little information available about the voluntariness of the repatriation operation, as there was virtually no monitoring of repatriation either by civil society or government.
- There was also no monitoring of services provided to repatriated persons on arrival in their countries of origin. Many had been living in South Africa for a long time and so had limited or no resources or networks to return to in their countries of origin.
- From a psychosocial perspective, victims were not in an appropriate state of mind to make sound, considered decisions so close in the aftermath of violent attacks, particularly for those who decided to return to countries where they may have faced persecution.
- Refoulement and the safety of returning persons to certain countries was not monitored by either governmental or UN agencies in the context of Embassy- or NGO-arranged repatriation.
By removing some victims and witnesses of violence from the country, repatriation possibly undermined attempts to bring perpetrators to justice through the courts.

The repatriation-assistance transportation, which was mainly by bus, was organised very quickly and seemingly without much consultation with people about what assistance they needed.

Some opportunistic individuals provided transport services in order to profit from the displacement rather than as an effort at providing humanitarian services.

**DEPORTATION AND REPATRIATION RECOMMENDATIONS**

- Emergency response protocols should include the principle that victims of violence should be protected and assisted without reference to their immigration status. In the case of violent displacement which includes non-nationals, general arrests and deportations on the basis of immigration offences should cease immediately and proceed only after confirmation from specified DHA structures.
- Victims of violence should receive psychosocial support before deciding whether or not to repatriate.
- Embassies should consult with the South African government on the planned response to a displacement and ensure that candidates for voluntary repatriation are fully informed of their options and the possible consequences before making a decision.
- IDPs should be discouraged from returning to countries where their life or liberty may be at risk. Any effort to prevent refoulement (even if “voluntary”) will require concerted efforts to inform and assure IDPs of the measures that will be put in place to ensure their continued protection in South Africa. Where doubts exist about their safety in South Africa, government should consult with the UNHCR on the possibility of resettlement to a third country.

**Justice**

Justice in humanitarian emergencies is crucial for several reasons. Firstly, access to justice confirms to victims that their rights are respected by the state and can provide a sense of closure for traumatised persons. Second, where justice is done, and significantly where justice is seen to be done, it combats the perception that foreign nationals can be attacked with impunity. It is therefore an important ingredient of preventing future outbreaks of violence.

While the picture regarding the reality of the state’s legal responses to the xenophobic violence remains unclear and requires further research and monitoring, some of the issues can be identified.

- The National Prosecuting Authority announced one week after the start of the violence that it would set up **special courts to try the perpetrators of violence in Gauteng Province**. This measure was intended to fast-track justice and thus increase migrant confidence in courts. There were some concerns articulated by those within the human rights community to the institution of fast-tracked special courts, but in any case it appears that such courts were never instituted in Gauteng. This is largely because few prosecutions were actually embarked upon. LHR is not aware of any successful cases that have been finalised through a fast-track process.
- Three **special courts were established in the Western Cape** to fast-track the cases of accused perpetrators.
- The **provision of criminal proceedings against perpetrators within normal court process** was the alternative avenue towards justice, through which most cases were channelled.
- On 25 August it was reported by the Ministry of Safety and Security that 1 446 charges had been laid related to the May violence, and that a total of 421 cases were pending countrywide in connection with the attacks. Cases were recorded in all Provinces: North West (seven), KwaZulu-Natal (52), Free State (15), Gauteng (139), Western Cape (164), Eastern Cape (43), Northern Cape (one). The report states that all the cases had been “postponed pending further investigations, bail applications and
applications for legal aid.”\textsuperscript{55} These were the same reasons reported for delayed case processing in June, suggesting that no progress had been made in two months.\textsuperscript{56} It has not been possible to ascertain how many of these cases proceeded to trial and how many were later dropped.

- The Ministry noted that another 82 people had been released after charges against them were dropped. Reasons for dropping charges included:
  - requests by the complainants for the cases to be withdrawn (where victims have been reintegrated into the communities), and
  - complainants/victims or crucial witnesses had left the country or could not be found.”
- Based on research done by the Wits Forced Migration Studies Programme (FMSP) into the causes of the violence, residents of the communities from which foreigners were displaced believe that none of the perpetrators from their areas were brought to justice, confirming the general perception of impunity in relation to violence against foreign nationals.\textsuperscript{57}

Concerns in relation to the provision of justice

There are several explanations why few, if any, criminal or civil cases were successfully brought against perpetrators of the violence:

- Many perpetrators were arrested immediately after the violence, but most were released from police stations very soon after their arrest. There were several reports that community leaders banded together and marched to police stations to inform the authorities that detainees held were not involved – despite at least some evidence to the contrary. Demands for immediate release were granted.
- In a number of instances, community pressures were successfully brought to bear on prosecutors to effectively suspend prosecutions by not proceeding beyond an “investigation” phase. In particular, reports were received that pressure was brought to drop criminal charges in return for communities’ participation in reintegration initiatives.
- Very few victims were willing to place criminal or civil charges against known perpetrators. As with other cases of violence against foreigners, this was partly due to a lack of confidence in the police and justice system (confirmed by the release of arrested perpetrators, in this case) and also due to fear of additional reprisals by perpetrators and their associates once victims returned to the communities from which they had been displaced.
- Another issue is that some victims and witnesses were repatriated or encouraged to leave the country without any arrangements being made for their return in order to attend to any pending court processes.
- There has been no consistent and transparent monitoring of what happened to arrested perpetrators, either from government or from civil society.
- Research by Wits FMSP suggests that at least some perpetrators are well known in their communities, but that police have not made an effort to independently investigate cases.
- Government prosecutors, while making public statements about the importance of justice and lauding the work of police in arresting perpetrators, did not appear to put in place effective systems to support the justice process. In the absence of victims coming forward to lay claims, claims could have been laid by the state on their behalf, in the interests of combating the perception of immunity for crimes against foreign nationals. This was not done.
- A Legal Working Group was established in Gauteng through the SAHRC-led civil society coordination process, in order to offer legal representation to persons who had been threatened with deportation, had been deprived of liberty or had lost their documents. While these services were indeed provided by four organisations – the Legal Resources Centre (LRC), LHR, Wits Law Clinic and SAHRC legal services,
all having existing experience of providing legal advice to foreign nationals – this assistance was largely uncoordinated. The group had also planned to pro-actively approach victims of the attacks to inform them of their rights to criminal or civil proceedings against perpetrators and to take depositions, but this failed due to lack of leadership and cooperation from governmental actors. Furthermore, lack of capacity did not allow the group to monitor the prosecution of arrested perpetrators.

- The question of civil cases towards compensation for lost goods and business, and the question of general compensations for the victims of the violence, was raised by civil society organisations, but was not taken up by government.

In sum, legal responses to the xenophobic violence faced the same hurdles as the application of justice (or lack thereof) in previous cases of violence against foreigners where perpetrators are almost never charged or convicted.

### JUSTICE RECOMMENDATIONS

- The National Justice Department and the Gauteng and Western Cape provincial Departments of Community Safety and Security should compile a public report on the arrest and prosecution of perpetrators of violence against foreigners, accounting for why there were so few successful prosecutions.
- In cases where wide-spread violence is the cause of a humanitarian disaster, provisions for justice must be an integral element of the humanitarian response.
- Provision should be made for the speedy investigation and processing of both criminal and civil cases stemming from wide-spread violence.
- Where victims of violence are reluctant to place criminal or civil claims, the state should take up cases in the interest of preventing impunity.
- Before the voluntary repatriation or deportation of any affected persons, they should be informed about their right to place charges against perpetrators and supported in making statements and remaining in or returning to South Africa to appear in court.
- The Justice Department should practice oversight of police stations involved in arrests and investigations, to ensure that accused perpetrators are not released for illegitimate reasons.
- Both government and civil society should set up mechanisms to monitor the cases of persons arrested in the course a humanitarian disaster, with government committing to transparently report on the progress and outcome of all cases.

### Documentation

Issues concerning the documentation of people displaced by the violence were among the most complex, confused and contentious during the disaster response. Many of the documentation-related issues were specific to this disaster since most of those displaced were not South African citizens, but some of the camp-registration issues were more generic.

People had different kinds of documentation when they were displaced, from South African citizenship to permanent residence, refugee permits, asylum seeker permits, work permits, passports with visitors visas. Some had no documentation giving them legal status in South Africa. Even before the May 2008 violence, accessing documentation and the implications of not having documentation were among the most stressful elements of living in South Africa as a foreign national. The barriers to accessing the asylum system and the experience of police harassment and deportation of undocumented migrants are well documented.58  

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lack of clear communication regarding documentation in the wake of the May violence therefore augmented existing tensions and distrust between foreign nationals and the South African government concerning documents.

There are four logically and legally distinct documentation-related issues in such a disaster situation, each applying to different target groups:

1. Replacement of lost or damaged documentation
   Applies to those who previously held documentation

2. Fast-tracking IDPs’ access to DHA’s asylum process
   Applies to those who are eligible for asylum but were previously not able to access DHA

3. Registration to facilitate camp access controls and the distribution of humanitarian aid
   Applies to all IDPs receiving humanitarian assistance and shelter

4. Granting (temporary) permits to formerly undocumented displaced persons in order to protect them from arrest and deportation, and to provide a measure of security during the humanitarian intervention
   Applies, potentially, to all IDPs, including those not receiving assistance or shelter

Elements 1, 2 and 4 were important for facilitating IDPs’ ability to re-establish independent lives in South Africa after the end of humanitarian assistance, while element 3 was integral to the humanitarian assistance process itself.

In the aftermath of the May violence against foreign nationals, goals 2 and 3 were combined and confused with each other, leading to sometimes violent confrontation between IDPs and the state.

**Replacement of lost documentation**

- DHA was responsible for the replacement of lost documentation.
- In the Western Cape, the Legal Resources Centre collected information from IDPs at the CoSS concerning their previous documentation and monitored DHA’s process in replacing it.

**Fast-tracking new asylum and refugee documentation**

- As part of the Rapid Status Determination (RSD) process, DHA officials visited CoSS around the country in the last weeks of September and collected statements from IDPs wishing to apply for asylum status. Their status determination process was then fast-tracked and decisions were issued within weeks rather than through the normal status determination process.
- While this initiative to enable access to the asylum system is laudable in principle, in practice the implementation was severely criticised by many actors, notably Amnesty International.  
  
- In the Western Cape, a meeting was held between DHA and civil society representatives prior to the commencement of the process where undertakings were made by DHA on how the RSD would be conducted. It was agreed that civil society representatives would be granted access to monitor the process, that translators would be provided, that there would be on-site photocopiers for copies of documents to be provided where documents were removed; and that the process would be adequately explained to candidates by officials and through the provision of pamphlets and information materials in the official languages of the different refugee populations. It was stated that the Appeals process would be conducted at the sites and that the status determination process was not compulsory for site

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residents. It was subsequently admitted that there would not be time to provide translations of pamphlets, although it was said that English versions would be provided. There was no similar consultation with civil society in Gauteng.

- In the event:
  - Monitors were provided by SAHRC, ALP/TAC, UCT Law Clinic and SSLSJ.
  - Monitors reported that residents were generally not well informed;
  - The only translators were those provided by civil society or by the residents themselves;
  - There were no pamphlets and little evidence of communication about the process between DHA personnel and site residents, and limited understanding of the appeals process;
  - Tents in which the interviews were conducted were crowded and provided no opportunity for discussion of confidential information. Interviewees complained that it was noisy, that the process was rushed and that interviewers did not accurately record the information being given to them;
  - There were reports that IDPs were not aware that the process was voluntary;
  - Tensions were observed between DHA officials and IDPs who spoke limited or no English;
  - Some Somali applicants reported that they understood the process to be one linked to their request for repatriation.

- 98% of the asylum seekers whose applications were processed through the fast-track system received rejection letters. Their applications were rejected on the basis of being unfounded or manifestly unfounded. Amnesty International and South African legal organisations state that many of these rejections are likely to be based on faulty decision-making criteria.

- While rejected asylum seekers have the right to appeal, this right was effectively denied for most IDPs residing in CoSS in both Gauteng and the Western Cape:
  - Lawyers for Human rights and other legal organisations were repeatedly denied access to CoSS residents in Gauteng and so could not provide legal assistance;
  - There was no effective communication to IDPs about the appeals process and where appeals should be lodged;
  - There was a lack of understanding of the distinction between ‘manifestly unfounded’ and ‘unfounded’ rejections and the relevant processes. Many of those whose applications had been rejected as unfounded did not understand that their current status was valid until such time as they had a result from their appeal hearing;
  - The costs of travelling from CoSS to Refugee Reception Offices are high;
  - In some cases the rejection letters were issued without the accompanying 30 day permit (in which time they could lodge an appeal);
  - DHA attempted to reduce the amount of time available to IDPs for submitting additional information to the Standing Committee on manifestly unfounded rejections from the legislated 14 days to two days;\(^60\)
  - Delays in delivering status determination results to some site residents held up their reintegration process, including, for some, their application for reintegration packages.

Camp access, aid distribution registration and temporary permits

- There was no consistent process of IDP registration at the initial shelters and police stations in either Gauteng or the Western Cape, nor in the early weeks of the CoSS. This contributed to difficulties in:
  - Estimating the number of people requiring aid in each location and overall;
  - Monitoring equitable aid distribution, especially of NFI such as bedding;
  - Providing security to IDPs through effective access controls to sites.

- Camp access registration in both Gauteng and the Western Cape was haphazard and confusing.
  - In some CoSS in Gauteng, residents were issued with coloured arm bands to enable access control. While effective to some extent, concerns were expressed that:

\(^{60}\) Ibid.
Some residents at some sites did not receive arm bands timeously and so were excluded from some services;
For those camp residents who moved outside the CoSS during the day (including those who were working, going shopping or children going to school), IDPs expressed concern that the colourful and visible arm bands (which could not be removed) clearly identified them as foreign to anyone wishing to attack them again;
The arm bands did not serve the dual purpose of registering forms and amounts of aid received in the camps (as a camp-identification card might have done).

At the beginning of July, as preparation for the provision of temporary permits in the Western Cape, numbered UNHCR coupons were issued by government officials, some wearing ‘Department of Housing’ uniforms, to residents at camps. There was confusion about the purpose or applicability of these coupons. Some officials were reported to have told camp residents that individuals attending work were ‘not refugees’ and would not be eligible for the coupons. Rumours circulated amongst the IDPs that the coupons were precursors to UNHCR taking applications for resettlement. UN officials subsequently admitted that it was ill-advised to have used UNHCR tokens for this process.

- As with other documentation, the provision of temporary permits to IDPs in CoSS was characterised by planning and communication gaps. Furthermore, there was no consistency between Gauteng and the Western Cape on how the permits would be issued and applied.
- On 2 July, DHA announced that temporary permits would be issued to all camp residents in Gauteng, with registration starting on 6 July and permits remaining valid until 30 November. 6000 such permits were reportedly issued in Gauteng in July. However, there was significant confusion about the nature and coverage of these temporary permits.
  - On 10 July, DHA stated that temporary permits would be issued only to those IDPs without prior documentation as a means of temporarily legalising their stay in the country and that IDPs with valid existing documentation need not register for the new ID cards.
  - However, the GPG decided to issue the permit to all IDPs in the CoSS as a means of consistently registering all CoSS residents and enabling access control and aid distribution.
  - The registration process for the temporary permits was plagued by communication failures by the GPG, UN and camp managers, leading to resistance by IDPs and to a repressive response by the government in some camps.
  - IDPs were told by camp managers and the GPG that registration for permits was compulsory and that failure to register would result in eviction from the camps and possibly arrest and deportation from the country. At Glenanda camp, for example, residents without a permit were not allowed entry to the camp and were not served food from mid-July.
  - Although DHA representatives stated in the media and at meetings with CoSS residents that the temporary permits would not cancel or replace any valid prior documentation (such as permanent residence, work permits, asylum or refugee permits), the permit application forms which IDPs were required to sign stated otherwise. The “Individual Data Collection Form” stated that “[a]s a holder of an exemption certificate issued by the Department of Home Affairs, I understand that I cannot apply for the following: Social Grants, Government Housing, South African Identity Documents and Passports.” IDPs with asylum and refugee status therefore believed they were being required to sign away their existing rights.
  - At Glenanda Camp (also known as Rifle Range Road), IDPs organised to refuse the registration process, which they stated was depriving them of rights rather than providing protection. The GPG imposed a deadline of 21 July for the Glenanda registration process, by which time only 900 out of the 1850 CoSS residents had registered. GPG then arrested those who had refused to register, including women and children and many with existing refugee documents, and transported them to

61 These permits were issued on the basis of the 2002 Immigration Act, Section 31(2)b, allowing the Minister of Home Affairs to grant exemption permits to specific, limited periods of time.
the Lindela Repatriation Facility, where attempts were reportedly made to revoke their existing refugee status and have them deported. Lawyers for Human Rights intervened and prevented their deportation, but the group received no further assistance from GPG or UNHCR.

- Finally, there was confusion about the duration of the temporary permit and the conditions under which it could be revoked. While originally issued as valid for six months, in August government authorities publicly stated that the purpose of the permit was not to necessarily allow individuals protection against deportation and the right to remain in the country for the full six months, but to only allow time to enter another process, for example the asylum process.64

- In **Western Cape**, temporary permit registration also caused conflict and confusion.
  - DHA experienced problems in verifying who were genuine residents of some of the sites. The lists used excluded some individuals who were long-term residents in the camps. In order to assist with the verification of genuine members of the resident community at sites, community leaders were put in charge of who should be allowed access to the registration office at the camp site. Although it was recognised that this process was not ideal, no better alternatives were found.
  - Individuals who missed the first round of registration—most obviously, those who were at work—were given a second chance to register.
  - In some sites the registration process caused tension between residents. In Youngsfield, for example, there was a divide between Somalians (who wished to register) and Congolese and Rwandans (who did not)
  - Throughout the process, there was incomplete understanding of the registration process. Although it had been stated that people with refugee status did not need to register with the cards, some chose, nonetheless to do so, reportedly because the cards were viewed as preferable due to the fact that they had a 13-digit number on them (similar to the 13 digits of a South African ID number).
  - Civil society organisations—most notably PASSOP—raised concerns about IDPs who had reintegrated back into communities. The point was made that civil society organisations had assisted government by encouraging IDPs to return to communities and now those who had left the camps were at a disadvantage to those remaining in camps in terms of documentation.
  - There was initially very little communication to inform IDPs or civil society organisations on the registration process and the applicability of the temporary registration card. The WC PDMC released ‘Operational Plan for the Registration of Internally Displaced Persons’ on 16 July. However, questions remained as to what use the information on the registration application form might be put; whether the new cards would be used to control access to sites; and options for being issued with replacement documents prior to the expiry of the 6 month temporary permits. The LRC raised the concern that officials, in informing IDPs of their options, were insensitive to the prohibitions on forced repatriation. In broader terms, there was no public education on the temporary cards, with the result that institutions such as banks did not recognise the documents.
  - On 24th July the JRLC sent a memorandum to the Minister of Home Affairs complaining of lack of communication regarding the purpose of the registration; the use to which information collected will be put; options for people who have already left the camps; and the lack of interpreters to assist in the process. They called for registration to be optional and for an improvement in the provision of standard documentation.
  - On the 11th August the DHA advised that IDPs who had proof that the were *bona fide* inhabitants of a site prior to the commencement of the registration process would be registered for the temporary permits at the Refugee Reception Centres. Further, site residents who had valid documents would be issued with a temporary card as proof that the holder is indeed a bona fide inhabitant and to capture the necessary registration information. This information, it was advised, would be used to determine the status of the displaced foreigner; to facilitate the reintegration or repatriation process; and to assist IDPs to regularise their stay.

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**DOCUMENTATION RECOMMENDATIONS**

- Documentation processes in humanitarian disasters must clearly separate documentation for the purpose of facilitating the equitable distribution of humanitarian aid from documentation intended to establish legal residence in a country.
- One of the basic principles of humanitarianism is non-discrimination. This includes non-discrimination on the basis of nationality and legal status. Documentation status should therefore not be used as a means of allocating humanitarian assistance.
- Simple and standardised registration processes should be put in place as soon as possible after the start of an emergency to enable the equitable distribution of aid and access control to sites of shelter and protection.
- Where IDPs have lost important identity documents (including IDs and birth certificates for citizens and passports and permits for non-citizens) every effort should be made by government to replace these documents as soon as possible.
- Where IDPs include persons without legal status in the country, temporary legal status should be provided for the duration of the disaster response in order to reduce vulnerability to arrest and deportation. This legal status should be separate from documentation concerning the distribution of humanitarian aid, and should have clear timeframes and conditions for revoking status.
- Temporary status provided during disasters should in no way compromise or reduce the rights held by persons with existing legal status.
- Communication with IDPs concerning planned documentation procedures must be clear, timely, and in appropriate languages and media. Consistency between verbal and written communication, and between statements from different government and non-governmental actors is paramount.

**Reintegration**

A key difficulty for most humanitarian assistance interventions is when and how they end. This case was no different in that the closure of the CoSS and the ‘return’ of IDPs to ‘normal life’ in communities was among the most contentious elements of the entire disaster response.

At the time of writing (end November), all the formal CoSS in Gauteng and Western Cape had been closed and people displaced by the May violence were no longer receiving humanitarian assistance from the state (even though some were still receiving limited assistance from diverse civil society organisations, notably FBOs). Government and civil society agreed from the outset that “reintegration” was the preferred long-term solution for IDPs, but as the humanitarian intervention was ongoing there were substantial disagreements concerning the definition, timing and modalities for achieving reintegration. Furthermore, some IDPs disagreed with the options they felt they were being given by government and to some extent by civil society.

It is too early to evaluate the reintegration process, and it would require a substantially broader research methodology than was possible for this report. It is therefore strongly recommended that a comprehensive evaluation of the reintegration process be conducted in 2009. This section therefore only outlines some of the issues which arose in facilitating or encouraging reintegration during the process of humanitarian assistance and camp closure and does not make conclusions on the success of failure of reintegration per se.

The **assumption behind reintegration as a durable solution** to displacement is that IDPs will be safe on their return into communities, e.g. that the state can maintain its responsibility to protect IDPs within mainstream life rather than through a special dispensation. A second assumption is that IDPs can be self-
sufficient, or at least have the same chance at self-sufficiency as before their displacement. For the assumptions of safety and self-sufficiency to apply, there are several conditions. When these conditions are in place, reintegration is enabled, while without them reintegration is hindered. By September, when the CoSS were closed, most of these conditions were not in place.

- **Cessation of violence against foreigners in communities and no impunity for perpetrators of violence.** In many areas, perpetrators of the violence were living in the shacks and houses from which foreign nationals had been displaced, were occupying their businesses and using the goods that had been looted from them. The return of IDPs therefore posed direct threats to these beneficiaries of the violence. Before the closure of the camps, there were several reported cases in both Gauteng and the Western Cape of IDPs returning to their previous communities and being threatened or attacked again. In a related point, IDPs expressed fear of returning to communities where the individuals who they knew had attacked them were still living.

  While the national, provincial and municipal governments stated repeatedly that it was safe for IDPs to return to communities, no measures had been taken since May to address the conditions which allowed the violence to happen in the first place. Such measures would have been to strengthen the ability or will of police to protect foreign nationals and to prevent the escalation of mob violence, and to strengthen the ability of community-based structures and forums to prevent violence by addressing conflicts and perceptions of conflict as they arise.

- **Documentation.** IDPs without legal status, given the early withdrawal of the temporary permits as discussed above, entered communities with the fear of being arrested and deported by the police.

- **Livelihood basis.** Most IDPs who remained in the CoSS until the end had no livelihood basis since they had lost their employment or the resources for self-employment through the violence. They therefore had no money or sources of money for rent, food, transport or to re-establish a business. In contrast to citizens who have been displaced by nature disasters, foreign nationals displaced by violence did not have strong social or family networks to fall back on for accommodation or start-up capital, but had to rely entirely on money they could earn themselves.

- **Trauma.** IDPs’ levels of traumatisation by the violence differed, depending on whether they had been directly attacked or threatened, and on whether they had experienced traumatic experiences in the past. For highly traumatised persons, reintegration is much more difficult and requires different support mechanisms.

IDPs remaining in the sites by August and September represented the least able to return to communities. According to a PGWC official involved in the reintegration programme, many of the long term site residents proved to be people who had been in the Western Cape for a relatively short time prior to their displacement and did not have either the material resources nor the social networks to make the necessary bridges back into communities. Single women with children were especially vulnerable. The profile of IDP remaining in Gauteng camps was similar. Their need for formal and ongoing support in making plans to exit the camps was acute.

**Reintegration Assistance**

- **Self-integration.** Many IDPs left the formal shelters and CoSS independently as time passed and therefore took responsibility for their own “reintegration.” Some returned to their original communities while many found accommodation in other parts of the city or country. This was interpreted by some governmental actors as a sign that it was safe and possible for all IDPs to integrate, without recognising the different experiences among IDPs and the different conditions in different communities. Furthermore, government sometimes took credit for having ‘reintegrated’ several...
thousand IDPs before the closure of the camps when in fact the IDPs had taken the initiative themselves and had received no assistance from government.

- **Government**
  - Government officials in both Gauteng and Cape Town underestimated the extent of the violence in its early stages, stating they IDPs could be reintegrated within weeks or a month of the attacks.
  - Gauteng and Western Cape government officials declared at the end of July that *reintegration had been successfully facilitated* in several settlements where violence had occurred, including Diepsloot, Tembisa, Thokoza, Alexandra, Masiphulelele, Mohlakeng and Gugulethu informal settlement. In some areas, municipal government actors facilitated meetings with community leaders and community-based groups (often religious groups and community policing forums) in advance of the camp closure and there were some highly publicised public events to welcome IDPs back into communities (for example in Masiphumelele). However, there were rarely governmental measures in place to monitor the continued relationship between IDPs and communities after their return and there have been reports of renewed threats and attacks in some of the areas where reintegration had been previously hailed as successful.
  - Gauteng provincial government publically dismissed the contention that it had any responsibility to ensure proper and sustainable support for the reintegration of IDPs who remained in the CoSS in September. GPG communication with IDPs concerning camp closure and reintegration was erratic. On 31 July, camp managers did not know whether the camps would remain open after 1 August, since contracts for catering and camp management ran out on 1 August and they had received no notice from the GPG to extend the contracts. There was similar *lack of communication* concerning planned camp closure on 15 August, 30 August and 30 September. The lack of a comprehensive reintegration strategy led to a court challenge by civil society (see below). In spite of the court challenge, the GPG proceeded to close the camps without putting a sufficient reintegration assistance strategy in place.
  - GPG’s approach to IDPs unwilling to leave the CoSS was to treat them as criminals and trespassers rather than to consult on their support needs in order to be able to re-establish independent lives.

- **UN & INGOs**
  - UNHCR provided funding for *reintegration grants* to IDPs remaining in the Gauteng camps in mid-August. These grants were administered through the Jesuit Refugee Services, and only recognised asylum seekers, refugees and Zimbabwean nationals were eligible. Amounts ranged from R1500 for a single person to c. R2500 for a family. These amounts were not enough, however, to pay both a deposit and rent for a month, while leaving enough money for food and other necessities. In spite of these limitations, IDPs who received reintegration packages were forced to leave the CoSS.
  - UNICEF provided some additional reintegration grants for IDPs not covered by UNHCR/JRS grants.
  - SARCS provided a small food packet to the last people remaining in the Gauteng CoSS

- **Civil society**
  Domestic civil society played a range of roles in relation to reintegration including community mobilisation and monitoring of government through litigation.
  - There were several areas where local civil society groups, often FBOs, started *long-term engagements with local communities* and returning IDPs. The spoke and effectiveness of such initiatives should be the focus of a separate evaluation since important lessons for the prevention and early resolution of conflict can be learned from them.
  - Responding to the threatened closure of the CoSS in Gauteng on 15 August, civil society organisations, notably CoRMSA and the Wits Law Clinic, brought an urgent application to the Pretoria High Court in early August with the demand that the camps remain open until GPG had developed and communicated a comprehensive reintegration strategy. When the Pretoria High Court rejected the case, it was taken to the **Constitutional Court** which ruled on 21 August that the camps must remain open without any reduction in services until the court ruled otherwise.66 The

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66 Mamba and other versus the Minister of Home Affairs and others, CCT 65/08
The ruling also required ‘meaningful engagement’ between the parties to the case – government departments, CoRMSA and Wits Law Clinic – concerning the development of a reintegration plan. The ruling confirmed that existing camps could be consolidated and that persons how received reintegration assistance from JRS could be asked to leave the camps. In spite of the ruling, GPG began reducing services in the camps, did not engage meaningfully with civil society or IDPs and did not publish or communicate a clear reintegration assistance plan. The camps were closed on 30 September directly in contravention of the Constitutional Court ruling.

**REINTEGRATION RECOMMENDATIONS**

- A comprehensive evaluation of the reintegration process should be conducted in mid-2009 by an independent body, with government’s commitment to take into account the evaluation’s findings. It is important to include an evaluation of civil society initiatives to sustainably rebuild relationships and conflict resolution mechanisms between South Africans and foreign nationals in communities affected by violence.
- Any humanitarian intervention should include an explicit set of criteria for an end to the provision of assistance, and these criteria should be communicated transparently and well in advance to all stakeholders, including beneficiaries of assistance. There should be a monitoring mechanism in place to transparently establish whether the conditions set out for the termination of assistance have been reached.
- Reintegration assistance should take into account the specific needs of individuals, including trauma, and not only consist of standardised cash disbursements. Where grants are provided, these should be calculated to allow recipients to fulfil specified needs (such as pay rent and restart a business).
- Monitoring should continue after the formal end of a humanitarian intervention to ascertain whether IDPs remain protected and whether they are able to rebuild self-sustaining lives.
CHAPTER 11: CONSOLIDATED RECOMMENDATIONS

This chapter consolidates all the detailed recommendations made throughout the report, section by section. While some of the recommendations are addressed specifically to either governmental, civil society or international actors, most apply to all actors working together in a disaster situation.

Before the detailed recommendations, we set out a few key recommendations concerning the structures and processes that should be put in place immediately by government, civil society and international actors to improve preparedness for forthcoming emergency responses to displacement.

**Key Recommendations and Action Points**

**TO GOVERNMENT**
- Conduct an evaluation of the governmental disaster response to the May 2008 violence. This evaluation should include the actions of all levels of government (municipal, provincial and national) and especially the interactions between them. The findings of this evaluation should be made public and discussed with civil society.
- Review the National Disaster Management Framework in relation to its applicability to civic disturbances and displacement due to violence.
- Include civil society representation on governmental DM structures both prior to and during disasters and develop clear protocols for information exchange and coordination with civil society.

**TO CIVIL SOCIETY**
- Establish a standing disaster management structure or network dedicated to early warning, capacity building, information sharing and – in the case of an ongoing disaster – coordination, communication and monitoring. This structure should also act as the mechanism through which civil society representatives on governmental DM structures are identified and/or held accountable.
- Engage constructively with governmental DM structures towards the development of clear protocols for information exchange and coordination both prior to and during disasters.
- Find ways of building an operational domestic disaster response capacity within civil society, especially expertise and experience in the provision of material and personal welfare. Such capacity can either be built through new programmes within existing civil society organisations, or else through the establishment of new institutions.

**TO INGOs AND UN AGENCIES**
- Assist government and civil society to build DM capacity by offering ongoing and ideally joint training in international humanitarian standards, and by facilitating practical learning experiences in other parts of the region and continent.

**TO GOVERNMENT, CIVIL SOCIETY and INTERNATIONAL ACTORS**
- Conduct a joint evaluation of the post-emergency reintegration process and mechanisms.
Material Welfare

Site planning

Recommendations to supplement the Sphere guidelines on material welfare issues follow. However, all readers should refer to the Sphere Handbook, particularly the sections Common Standards; Shelter and Settlement; Water supply, Sanitation and Hygiene Promotion; and Non-Food Items on the following issues:

- Location of sites,
- Refuse,
- Water Supply, Sanitation and Ablution,
- Suitability of accommodation (structure and layout, and additional facilities),
- Laundry, and
- Power supply.

LOCATION OF SITES

- In assessing site location, include proximity to communities of origin, schools and workplaces. Where transport routes are unsuitable, provide shuttles to key transport nodes.
- Include IDP leadership, stakeholders with local knowledge, and adjacent communities in consultation before finalising site choice.

LAUNDRY

- Where practicable, provide a laundry area with adequate drying lines.
- Where communal sinks for laundry are absent, provide each family unit with a large plastic laundry bucket.
- Provide each family unit with a pack of clothes pegs.
- Women and adolescent girls should be provided with an area specifically set aside for washing underwear and sanitary cloths in privacy.
- Inform IDPs of appropriate methods of grey-water disposal.

LIGHTING

- In physical planning of sites, provide for adequate lighting of living areas, public areas and ablution facilities.
- Regularly check and maintain lighting equipment.

POWER SUPPLY

- Provide safe power supplies for cellular phone charging as soon as possible after a displacement.
- Provide generators if sufficient grid connections are not available.
SECURITY: ACCESS CONTROL

- Establish clear protocols for systematic access control to sites and communicate them to all residents and personnel. This should include a system of identity cards or passes for residents and accredited service providers, implemented at the earliest opportunity.
- Establish a protocol for central accreditation of service providers and volunteers for access. Procedures for establishing accreditation should be clear and simple to follow.
- Volunteers working on sites must be affiliated with, or seek affiliation with, an organisation that is accredited by the site manager for the provision of services to site residents.
- The access protocol should define the conditions under which an accredited organisation may be barred from the site, and should specify the need to inform the organisation in advance.
- Monitor the effectiveness of the access protocol in consultation with IDPs.
- Establish a procedure for rapid registration of IDPs who arrive at the site after initial registration and for IDPs transferred to the site from other sites.
- Establish an agreed procedure for entry of ad-hoc visitors, in consultation with IDPs.
- Monitor all access points on a 24-hour basis using security personnel.
- Conduct regular security patrols of site perimeters.
- Train gender-diverse security staff to meet the standards of the access protocol.

SUITABILITY OF ACCOMMODATION: ADDITIONAL FACILITIES

- If possible, provide dedicated spaces for receiving visitors, engaging in recreational activities, holding meetings, and engaging in religious or spiritual practice, in consultation with IDPs.
- Consider allocating a specific area for feeding children, particularly if targeted feeding is planned.

Provisioning

Recommendations to supplement the Sphere guidelines on provisioning issues follow. However, all readers should refer to the Sphere Handbook, particularly the sections Non-Food Items, Food Aid and Nutrition, on the following issues:

- Food and nutrition,
- Bedding, and
- Clothing and other NFIs.

GENERAL PROVISIONING

(GENERAL RECOMMENDATIONS THAT RELATE TO FOOD, BEDDING AND NON-FOOD-ITEM PROVISIONING)

- Centralise the collection and distribution of material donations (food and NFIs).
- Encourage the public to deliver material donations to identified collection points in order to facilitate centralised management of the collection and distribution of goods by Disaster Management.
FOOD AND NUTRITION

- Develop an approach to food provision in an humanitarian emergency based not on an idea of charity and dependence but on the rights of IDPs and the goal of advancing self-sufficiency.
- Standardise procedures concerning the provision of food across sites in terms of quality, quantity and time of delivery.
- Assess food aid needs as early as possible in the response process (see Annexure B).
- Complete a process of registration as early as possible (see Annexure B). Consider issuing ration cards to aid food distribution. Ration cards should specify the name, tent number, name of head of family, and total number in the family. There should be a stamp or mark to prevent forgery.
- Make all stakeholders aware of the norms and standards governing food provision from the outset. Informing populations of their entitlements assists with reducing abuses and contributes to self-policing.
- Food serving points should have a separate entrance and exit.
- To minimise waiting times consider serving several queues at the same time. Provide personnel for crowd control and to check cards, in addition to distributing the food.
- Where IDPs are cooking for themselves, provide basic kitchen sets and cooking pots for each family unit.
- Provide sufficient water and fuel for independent cooking.
- Limit the use of fires to designated areas for safety reasons. Discourage the use of open fires, and make fire-fighting equipment available on the premises.
- Ensure contracts with organisations providing food are sufficiently flexible to allow for changes in the form, method and content of food assistance.

CLOTHING AND OTHER NON-FOOD ITEMS

- Record provision of bedding on the registration card of each IDP.
- Donations of toiletries and sanitary goods should be made to a central donation point identified by Disaster Management in order to (a) ensure that collection and distribution are efficient, and (b) support disaster management procurement planning. Details of the central donation point should be widely publicised to assist an effective and efficient distribution process.
- Consider appointing an experienced agency, such as the Salvation Army, or a suitable recycling depot, to manage clothing collection and sorting.
- Access to clothing should be gender equitable.
- Maintain a consistent and adequate supply of sanitary materials, including soap and underwear, and ensure that female staff distribute these materials to women and girls.
- Keep a comprehensive centralised record of distribution of non-food items to ensure that residents across all sites receive not only adequate but comparable supplies.
- Set up a mechanism for centralised reporting of clothing and other NFI needs as soon as practically possible and diligently record the satisfaction of those demands to ensure efficient distribution of supplies.

Personal Welfare

Recommendations to supplement the Sphere guidelines on personal welfare issues follow. However, all readers should refer to the Sphere Handbook, particularly the sections Shelter and Settlement; Water Supply, Sanitation and Hygiene Promotion; Nutrition; and Health Services, on the following issues:

- Privacy,
- Health support,
- Psychosocial support, and
- Child Welfare.
**PRIVACY**

- Ensure that tents are treated as private homes and that permission to enter is explicitly sought.
- Make prior briefing\(^{67}\) and consultation a precondition of entry to sites for members of the media and those bringing cameras on-site.
- No recordings of IDPs should be made without permission.
- Service providers should avoid bringing people with no service delivery function onto sites.

**HEALTH SUPPORT**

- Health NGOs should establish a sectoral coordinating structure to organise monitoring of health provision into sub-districts that parallel health service districts. They should aim to build strong relationships with the Department of Health (DoH) at district level through the identification of civil society points-persons to deal with each set of city/provincial sub-district managers. Each point-person should establish what sort and level of information sub-districts need to act on a request. They should monitor the DoH’s response to requests.
- Monitor on-site health services to ensure provision is respectful and non-discriminatory.
- Ensure that on-site health facilities are clearly identifiable to IDPs and their existence communicated through the site coordinator and designated communications personnel. Ensure that hours of provision are as regular and consistent as possible, possibly using a raised flag to indicate when healthcare services are open.
- Ensure sensitive, early identification of IDPs requiring chronic medication.
- Where off-site medical attention is necessary, provide reliable and safe transport both to and from off-site facilities.
- In the case of marginalised groups such as migrants, ensure ongoing education of health service providers about the group’s equal rights to healthcare.

**PSYCHOSOCIAL SUPPORT**

**GENERAL**

- Integrate understanding of the particular mental health (MH) needs of IDPs into all sectors of the humanitarian response, at all phases of its delivery.
- Recognise the high levels of trauma prevalent in IDP populations, and the potential for secondary trauma in refugee IDP populations.

**COORDINATION**

- Establish a single coordination structure, with a mandated lead agency (or agencies). Government and civil society stakeholders should be represented and roles and responsibilities defined at local and regional levels.
- Mental health and psychosocial support providers should support a coordinated disaster response and seek to work in complementary relationship with partner organisations, in accordance with the ethical practices and accountability requirements of the Principles of Partnership (PoP) developed by the Global Humanitarian Platform.
- Make information-sharing among partner organisations and other relevant humanitarian actors a guiding principle of service provision.

\(^{67}\) Briefings should cover the vulnerability of displaced populations, the illegality of photographing children in distress, the need to request permission to interview, photograph or enter the homes of IDPs, and a suggested method of approaching IDPs in a sensitive manner that respects their dignity and privacy. Media should be advised of the dangers of sensationalising IDPs’ lives or of disseminating information that may expose them to further vulnerability.
SITE MANAGEMENT

- Site management should support and promote the provision of psychosocial support services at sites. To this end, they should:
  - Provide clear information on the availability of psychosocial support services.
  - Provide a dedicated space for private counselling for individuals or groups.
  - Prevent arbitrary barring of psychosocial support workers from sites.
  - For large sites, encourage an organisation with experience in community MH (or a person attached to such an organisation) to take on specific responsibility for the coordination of psychosocial services on the site, to channel information, and to protect the displaced.

- Recognise the value of social and spiritual activities in promoting the mental wellbeing of IDPs. Actively encourage and support activities which have a unifying popular appeal, and over which the IDPs themselves have a measure of control on the choice and nature of activity (art, music, drama, sport, child care, etc).

- Site management should be aware that current realities have a significant effect on the MH of IDPs and that psychosocial counselling will not substitute for the harmful effects of information poverty, inadequate living conditions, and lack of participation in processes that define the current and future opportunities of IDP site residents.

ASSESSMENT, MONITORING & EVALUATION

- Conduct assessment of MH and psychosocial needs using culturally appropriate tools designed for use in emergencies in the local context.
- Coordinate assessments between service providers to avoid duplication.
- Develop strategies, indicators and tools for monitoring and evaluation and disseminate them to partner organisations.
- Disseminate assessment, monitoring and evaluation information among partner organisations and appropriate stakeholders.

STANDARDS

- Ensure that psychosocial service provision aims to be compatible with the provisions of the IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings.
- Regularly monitor provision of psychosocial support to ensure that it reaches agreed standards. Put procedures in place to protect the IDP community from potentially harmful practices.
- Make psychosocial support non-stigmatising, culturally relevant and available to all individuals (especially survivors of violence). Where appropriate, make psychosocial support available for children, in consultation with their caregivers.
- Establish effective systems for referring and supporting severely affected people.
- Funders and programme planners should take account of the fact that, while numbers of IDPs may reduce as a disaster progresses, a concentration of extremely vulnerable people is likely to remain in sites until the very end, being the least able to find alternative solutions.

PARTICIPATION

- Establish psychosocial support services in participatory, safe and socially appropriate ways that protect people’s dignity and strengthen social support and self-help mechanisms.
- Interventions should facilitate conditions for appropriate communal, cultural, spiritual and religious healing practices.
- Encourage provision for the special needs of young children and their caregivers, including the provision of opportunities for appropriate activities that support children’s need for self-expression. Pressure should be brought upon education authorities to recognise the psychosocial benefits of facilitating the early return of schoolchildren to school.
- Psychosocial support should help people to identify their own priorities and sustainable strategies for protection and security.
PSYCHOSOCIAL SUPPORT (cont.)

- Psychosocial support workers should assist government officials and other service providers in understanding and accommodating the difficulty for victims of violent displacement of making major life decisions while in the midst of loss and grief.
- Undertake mass communication on constructive, positive coping methods and activation of social networks. The details of this should be developed with stakeholders.

PERSONNEL

- Where possible, ensure psychosocial workers and volunteers have some understanding of the cultures of the IDPs, as well as of mental health provision in the state public health system.
- Ensure that all counsellors have been trained in the general ethics of counselling.
- Ensure that all support workers and volunteers sign an agreed code of conduct.
- Ensure that support workers and volunteers are supervised and regularly monitored.
- Ensure that psychosocial support workers and volunteers have regular debriefing sessions, at least weekly.

EDUCATION NEEDS

- Complete an educational needs assessment as soon as possible to identify the numbers of children, their current school grades, and the school at which they are registered.
- Take steps to register children who are not yet registered at any school.
- Restore children’s full-time attendance at school as soon as possible. If it is considered unsafe for them to travel on public transport, arrange dedicated school transport, with informal on-site schooling provided only as a temporary measure where this is not possible.
- Due consideration of parents’ and children’s fears and anxieties about schooling should be acknowledged and accommodated in planning and decision-making processes.
- Allow IDP families to participate in decisions regarding the education of their children. Identify education representatives or, for larger sites, form an education committee, to participate in identifying and negotiating for their education needs. Representation should aim at gender equality.
- Children of families who have fled their homes may have lost their uniforms and basic school equipment. Make arrangements for replacement of these items to avoid further stigmatisation and educational disadvantage accruing on their return to school.
- Ensure that meal times accommodate the school travel schedules of children so that they do not miss meals – especially breakfast. Include items for school lunches in food provisioning.
- Ensure that all teachers working at sites are trained in the prevention of sexual exploitation and abuse, and have signed a code of conduct.
- Where possible, obtain UNICEF lap desks for schoolchildren living in crowded sites.
- Encourage schools adjacent to IDP sites to provide support in terms of materials and expertise to on-site schooling facilities.
- The Department of Education should ensure that special provision is made for IDP children not to be penalised for their enforced absence from school and for every assistance to be provided for learners to make up for the school time lost.

SOCIAL NEEDS

- Set aside recreational spaces where children may play in safety, observed by their carers.
- Create safe and supportive environments for children to develop networks, explore their problems, learn about their rights, develop strategies to protect their safety and health, develop leadership, and play. Provide adolescents with access to spaces that are separate from those set aside as “child-friendly spaces.”
- Provide age- and culturally appropriate recreational activities for children. While maintaining sensitivity to cultural norms for the protection of girl children, girls should be encouraged to participate.
- Consider assigning responsibilities to adolescents in camps to counter feelings of idleness and worthlessness; for example, peer education or leadership of activities for younger children.
UNACCOMPANIED MINORS AND VULNERABLE CHILDREN

- Conduct a rapid assessment to identify priority child-protection concerns and necessary inputs and/or programmatic responses. Consult children in the process. Enable women within the IDP population to assist with the assessment.
- Identify separated children and attempt to reunite them with their families or habitual caregivers.

Protection

Recommendations to supplement the Sphere guidelines on protection issues follow. However, all readers should refer to the Sphere Handbook, particularly the sections Common Standards and Food Security, when dealing with security and livelihoods. As protection encompasses the entire humanitarian effort, the entire Sphere Handbook should serve as a guide.

SECURITY

- Ensure that there is sufficient policing by male and female police staff in both IDP sites and communities of integration. Significantly increase the numbers of female police personnel (ideally to gender parity) to enhance the protection of women and girls.
- Mobilise communities to protect themselves through positive community policing initiatives that promote inclusivity in protection.
- Establish a well-publicised, easily accessible and fully accountable system for reporting further acts of violence and intimidation to SAPS and other law-enforcement personnel.
- Regularly patrol all site facilities, and particularly toilet and ablution areas.
- Contractors providing security personnel should ensure that staff are clearly identifiable at all times and that they adhere to agreed procedures in terms of their hours, schedules of work, and signing-in and -out routines.
- Conduct regular monitoring and spot checks of the performance of security staff. This should include regularly monitoring to ensure maintenance of a respectful and non-discriminatory engagement with site residents, visitors and workers.

LIVELIHOODS

- A variety of initiatives could support IDPs in maintaining their livelihood opportunities. For instance:
  - Provide transport to safe sites of intersection with public transport networks.
  - Appeal to employers to hold positions open, pending the return of IDP workers.
  - Facilitate early inspection by IDPs of their residential or work premises to assess viability of return.
- State security structures should be particularly vigilant in protecting business and residential premises temporarily vacated by IDPs.
- Put mechanisms in place to assist IDPs in negotiating the return of illegally occupied businesses and divested owners in taking the necessary legal action.
- To the extent that it is possible in emergencies of unknown duration, consider livelihood programming where vulnerable families are identified in scenarios involving medium- to long-term shelter of IDPs. The promotion of income-generating activities during site residence provides a bridge towards return to independence and should form part of reintegration planning. Livelihood programming should take account of the needs of the most vulnerable – especially female single-headed households, the disabled, and unaccompanied young people.
Accountability between Service Providers and Beneficiaries

Recommendations to supplement the Sphere guidelines on protection issues follow. However, all readers should refer to the Sphere Handbook, particularly the section Common Standards when dealing with issues of accountability.

ACCOUNTABILITY: COMMUNICATION

- Communicate relevant information on the disaster-response plans from government regularly, clearly, consistently, coherently and in a variety of ways with a broad range of representatives of civil society, IDPs and affected communities of South Africans.
- Civil society organisations should similarly commit to regular, clear, consistent and coherent communication of information with regard to their humanitarian assistance and advocacy activities.
- All parties should take all possible steps to verify information prior to its communication.
- Communicate with IDPs clearly (taking into account language differences) and empathetically. Officials communicating directly with IDPs should ensure that listeners have understood the message conveyed. Use translators to ensure that information is accessible to all.
- Disseminate information through the most appropriate means. Adopt measures to ensure that messages can flow freely to all groups, fostering meaningful dialogue. Information and awareness-raising about site management and other site issues (especially registration and integration) should be provided equally to women and girls; men and boys.
- Provide IDPs with as comprehensive as possible a range of information concerning ongoing developments relevant to their current and future wellbeing. To this end, television, radio and/or newsprint media should be supplemented with a regular newsletter-type publication that provides specific, locally relevant information and advice. Ongoing provision of current information should be regarded as a norm of humanitarian assistance and as integral to maintaining dignity, supporting mental health and eventually reintegrating IDPs. Ways in which information should be disseminated include, but are not limited to, media; on- and off-site meetings; question-and-answer sessions; newsletters; notices.
- Civil society organisations — particularly NGOs — should commit to making publicly available a summary of funds received and expenditure made in delivering humanitarian assistance to the victims of the disaster. They should also communicate the mandate they have (or have assumed) in the humanitarian intervention.
- Forums established to represent civil society individuals and organisations should create records of their meetings. These should be publicly available and should be circulated to stakeholders with as little delay as possible. Consider facilitating this through an internet-based distribution system.
- Devise mechanisms, in consultation with IDPs, to support the routine sharing of information between IDP leadership and the communities they represent.

ACCOUNTABILITY: CONSULTATION AND PARTICIPATION

- Consultation and participation should not be confused with, nor substituted by, communication.
- Ensure consultation with and participation of IDPs is meaningful, with opportunities for IDPs to present their views, be listened to, and participate in the formulation of plans and solutions to problems.
- Consultation with and participation of IDP representatives should take place at all levels of decision making in the different spheres of government and in civil society.
- One-off joint consultations between IDP leadership and government structures should be preceded by adequate notice and a draft agenda. Subsequent to the meeting, feedback should be provided on the progress or otherwise in terms of the commitments given at the meeting.
- Comprehensive consultation and participation of IDPs should take place for site planning and decision making, including in connection with site and service planning, and day-to-day site management (including sanitation and refuse management, site security, health, food and NFI provision and distribution, prevention of sexual violence and GBV, education, and so on).
Regular site governance meetings, attended by IDPs, site management and service providers, should be held – ideally daily. IDPs should be encouraged to give feedback. Encourage active listening and learning from feedback, and joint decisions on priorities and ways of working.

The development and maintenance of representative IDP leadership structures should be supported by all government and civil society stakeholders – particularly at site level – to enable effective consultation and participation. Attention should be given to ensuring the participation of representatives of vulnerable groups, particularly women and adolescent girls and boys, and to strengthen their leadership capacities to facilitate meaningful participation. This might entail creating opportunities for specific vulnerable groups to be consulted and to participate in exchanges of information separately.

Foreign-national IDPs should have the opportunity to meet with UNHCR officials as a community not less than once a week.

Government and civil society stakeholders should make arrangements for regular consultation and participation in shared forums for the purposes of disaster contingency planning and, during a disaster, humanitarian response coordination.

Civil society should establish forums in which consultation and participation for a comprehensive range of relevant stakeholders is sustained for both disaster contingency planning and, during a disaster, for the humanitarian response coordination.

International agencies should support improved participation of civil society stakeholders and vulnerable-community or IDP leadership structures with government structures for humanitarian disaster planning and response.

UN agencies should promote understanding of the UN system, the mandates of the various UN agencies in South Africa, and the roles of the various agencies in humanitarian disaster response.

**ACCOUNTABILITY: MONITORING AND REDRESS**

**ACCREDITATION AND ACCESS CONTROL**


Access control should be managed so that only service providers who have accreditation and are willing to respect the rules of the site are allowed entry. See “Code of Conduct” below.

**CODE OF CONDUCT**

The conduct of all government and civil society workers (paid or unpaid) working at designated sites should be bound by a common site-based Code of Conduct, the terms of which should provide protections that reflect at least the basic principles set out in relevant internationally accepted instruments of humanitarian assistance.

Take steps to ensure that the Code of Conduct is understood and signed by each person working at the site. Where necessary, provide training to help workers understand the implications of their codes of conduct in relation to the provision of humanitarian assistance for IDPs.

Civil society organisations should ensure that all workers receive proper orientation before entering a site.

Establish investigation procedures for alleged breaches of conduct at all sites. Make all workers and IDP residents aware of investigation procedures and the procedures for reporting a complaint about the conduct of an individual working at a site.

Assure all workers and IDPs that their complaints will be acted upon in an accountable fashion, without discrimination or retribution.

IDPs may need assistance in identifying the focus of their complaints and understanding how to lodge them.

Government and civil society agencies should have their own internal mechanisms to respond to allegations of misconduct among their personnel.

Conduct reviews and evaluations of programmes and individual performance at regular intervals during and after the disaster to ensure continuing relevance and compliance with accountability requirements to beneficiaries and partner organisations and fellow workers.
Coordination and Cooperation among Service Providers

Recommendations on coordination and cooperation issues follow. However, all readers should refer to the *Sphere Handbook*, particularly the section *Common Standards*, when dealing with these issues.

**GOVERNMENT COORDINATION AND COOPERATION**

**PREPAREDNESS PLANNING SHOULD ADDRESS EARLY WARNING FOR HUMANITARIAN DISASTERS RESULTING FROM CIVIL STRIFE THROUGH:**

- Procedures and mechanisms to enhance the quality, dissemination of and access to relevant warnings.
- Community capacity to monitor changes at community levels, possibly through community development workers (CDWs), in partnership with foreign nationals or other dangerously stigmatised residents of communities.
- A centralised capacity should be developed, at both municipal and provincial levels, to monitor and interpret reports of tensions, conflicts and acts of aggression or violence against foreign nationals or other stigmatised groups, in order to consolidate information on threats to their security. Minimum requirements for the recording of such information should be agreed. It should no longer be possible to dismiss possible early-warning symptoms as “just crime.” GIS-based incident mapping should assist early warning and planning initiatives.
- Authorities, individuals and communities in risk areas should be well prepared, ready to act and equipped with the knowledge and capacities for effective disaster management to reduce impacts and losses.
- A nationally coordinated community awareness programme should be developed to support risk avoidance for commonly encountered generators of conflict, and supported by public-private partnerships and media.

**THE CAPACITY FOR TIMELY PROVISION OF COORDINATED EMERGENCY ASSISTANCE FOR COMPLEX HUMANITARIAN DISASTERS SHOULD BE IMPROVED THROUGH:**

- The construction and maintenance of a comprehensive and inclusive database on service providers and other civil society organisations with relevant expertise in providing humanitarian assistance in complex emergencies and human rights protection for foreign nationals, including NGOs, FBOs, CBOs. The database should be available for broad-based public access, as provided for in the DMA.
- A review of operational support procedures, including funding, finance, procurement, warehousing and inventory control, stock ledgers, and logistics. There should, in particular, be a review of supply chain management policies and regulations applicable to the procurement of goods and services, taking account of the flexibility required to respond to rapidly changing on-the-ground circumstances and needs in complex humanitarian disasters.
- Adoption of agreed standards for humanitarian disaster assistance in accordance with internationally agreed norms, as set out in the *Sphere Handbook*, to be operationalised at national, provincial, municipal and local levels to ensure standardised approaches and clear identification of roles and responsibilities. Particular attention should be given to identifying the locus of primary responsibilities by identifying lead functional agencies tasked with each of the activities associated with humanitarian relief. In this respect, the prospect of future humanitarian disasters involving large numbers of both nationals and non-nationals should be borne in mind.
- The development of a standardised relief management programme (including procedures for the distribution of humanitarian relief), to be operationalised at national, provincial, municipal and local levels:
  - Identify expertise gaps and address them without delay.
  - Evaluate and clarify decision-making procedures to uphold effective execution of support actions and maintain coherence when transfer of command moves from one government department or sphere to another.
  - Maintain coordination mechanisms for prevention and response programming at the provincial levels to ensure coordination between provinces.
  - Ensure linkages with existing national coordination mechanisms and sustain cooperation and interaction with stakeholders in different spheres of government and civil society.
GOVERNMENT COORDINATION AND COOPERATION (cont.)

- Formulation of guidelines and standardised procedures, including:
  - The design of generic templates for conducting needs assessments (including initial assessments and sector-specific follow-up assessments), loss assessments, registration, ration cards, etc,
  - Standardisation of information-reporting systems and establishment of a disaster information database to be activated for use by government and civil society at the onset of an emergency to provide up-to-date data,
  - Site-management protocols, and
  - Relief-distribution protocols.

- Enhancement of capacity for genuine communication between government, civil society and communities, to be addressed by:
  - Agreement as to the means and minimum requirements of communication in the initial emergency stages and pursuant disaster.
  - Identification of skills and protocols to maintain information flow and provision of training to ensure that protocols can be met.
  - Establishment of mechanisms to enforce discipline during disaster responses to maintain regular information flows between spheres of government; government departments; and government and civil society actors.
  - Identification of disaster-management focal points in communities at risk; possibly CDWs. Community-based focal points should be made aware of the mechanisms and procedures for reporting of relevant events in their communities which may occur or have already occurred.
  - Consideration of providing communication mechanisms linked to a centralised reporting point for communities at risk. This could be through a dedicated service for cellphone users.

- A review of disaster-response funding arrangements and grant application procedures to accommodate the immediate disbursement demands of responding in a timely and effective manner to complex humanitarian disasters.

- A renewed commitment by all departments in each sphere of government to identify and support their roles and responsibilities in planning and provision to achieve an integrated, uniform and coordinated disaster response for humanitarian disasters.

- A renewed commitment by government DM structures to engage in consultation and support participation with a wide range of civil society actors for planning for and responding to humanitarian disasters.

- A thorough post-event contingency planning process that embraces the consultation and participation requirements for all government, international community and civil society stakeholders, including vulnerable and affected communities, as provided for in the DMA and the NDMF.

GOVERNMENT AND INTERNATIONAL AGENCIES COORDINATION AND COOPERATION

- International agencies should provide relevant skills and expertise training to government and civil society actors in matters relating to humanitarian disaster planning and response and the relevant international norms and standards.

- Government should improve procedures to facilitate speedy processing of visa applications for international humanitarian experts. Consideration should be given to mechanisms designed to improve the entry into South Africa of essential skilled personnel at the onset of emergency situations and prior to a formal declaration of disaster.

- International agencies should review their roles and responsibilities, and the procedures to be adopted in fulfilling those roles and responsibilities, in the provision of humanitarian disaster relief to internally displaced non-nationals with an array of documented and undocumented immigration statuses.
GOVERNMENT AND CIVIL SOCIETY COORDINATION AND COOPERATION

To support improved levels of coordination between government and civil society:

- There should be a commitment from state DM structures in all spheres of government to the meaningful participation of a range of representatives from civil society, including those from vulnerable communities, in relevant government DM planning and coordination forums. Where they exist, consideration should be given to the participation of a broad range of NGOs, CBOs and FBOs on disaster management advisory forums.
- Government should take steps to raise awareness within broader civil society of DM structures, their accountability relationship to one another, and their individual functions and spheres of responsibility. The information on DM websites for all spheres of government should be substantially improved in order to assist this process. To facilitate this, DM terminology should be standardised.
- The DM database of stakeholders should be augmented to include the civil society organisations that have assisted in the current crisis and have the potential to assist in provision of humanitarian relief in the event of future humanitarian disasters. This should include those organisations experienced in working with foreign nationals in South Africa. Civil society organisations should be invited to submit relevant information. The databases should be publicly available, as provided for in the DMA.
- Consider identifying a focal point in government DM, at each sphere of government, to be responsible for fostering coordination and cooperation between civil society and government for the purposes of humanitarian disaster response. The functions and authority attached to the position should be clearly defined. An important aspect of the role should be ensuring the return-flow of information from civil society to government with a view to reducing misunderstandings, delays and the potential for litigation.
- Government and civil society should work on building mutual trust and accountability to improve cooperation in humanitarian disaster response. A better shared knowledge of the technical, material and other resources and limitations of all partners, in both government and civil society, would foster recognition of the challenges and potential gains in creating and maintaining broad-based cooperation and coordination between diverse organisations and institutions.
- Respect and recognition of the important contribution of volunteer workers, particularly from civil society, should be reflected in engagement between government and civil society in order to benefit from volunteers’ knowledge of on-the-ground conditions.
- Civil society and DM structures in all spheres of government and should engage, at the earliest opportunity, in a post-event information sharing and lessons-learned exercise to identify best practices that support effective cooperation and coordination between government and civil society.
- Regular joint government and civil society contingency planning exercises should be conducted to share, review and revise protocols, processes and procedures for possible future humanitarian disasters. Of particular importance in this respect is for government, in close consultation with civil society, to develop the framework and information templates to feed into the victim/beneficiary electronic database so that, at the onset of a disaster, data from civil society takes a form that can be readily incorporated into the central government database.
- Civil society organisations should engage with the Integrated Development Plan public consultation process to respond to the Disaster Management Plan component of the Integrated Development Plan.
- Establish a civil society coordination forum for humanitarian disaster planning and response in each province as soon as possible. It is suggested that the SAHRC call the initial meeting in each province to commence the process.

- Civil society coordination forums should have Terms of Reference (ToR), which should be periodically reviewed, as changed priorities dictate. Changes to the ToR must be communicated to organisations the forum claims to represent. Coordination forums should consider adopting the Principles of Partnership as a basis for their operation.

- Each civil society coordination forum should decide on a distinctive name that clearly defines its purpose and becomes known and readily identifiable to international agencies, government and other actors involved in humanitarian disaster response.

- Coordination forums should be established within a framework that is sufficiently flexible to allow the forum to maintain its relevance and readiness for activation to respond to different humanitarian disaster response demands. Essential features of structure, function and operation of the forum that need to be agreed include:
  - Structure: the mechanism for coordination and the extent to which it is formalised; the optimum size of the forum; the manner in which leadership will be selected and conducted; and the nature of membership.
  - Function: the role of the forum and its objectives in terms of membership and broader mandate.
  - Operation: the maximisation of capacity through funding and dedicated personnel; means and extent of information sharing.

- Civil society coordination forums for humanitarian disaster response should seek to support as wide a representation from civil society as possible. In particular, efforts should be made to ensure active participation of a range of FBOs, CBOs and NGOs with experience in providing for refugees and immigrants, with representatives from vulnerable communities (both nationals and non-nationals). Coordination forums should be modelled in such a way that they embrace the participation of both operational and activist human rights organisations.

- Consider seeking funding for establishment, maintenance and possible disaster activation support costs.

**ROLES AND RESPONSIBILITIES**

1: Information Sharing

- Civil society coordination forums should have at the core of their mandate a commitment to information sharing. Better knowledge of the context and improved disaster response expertise will assist civil society agencies in positioning themselves more effectively to defend their role and place in the face of doubts or criticisms from the public, government officials or other actors.

- Provincial coordination forums should create mechanisms to share information and expertise between provincial forums; to coordinate identification of skills gaps and joint access to training; and to lobby national government and international humanitarian agencies for information, training and support.

- Civil society forums should consider appointing focal points tasked specifically with liaison responsibilities across civil society and with government DM structures.

- Civil society coordination forums should seek to improve the flow of information for disaster management, both within civil society and between civil society and government DM structures. This should entail improving skills and discipline to maintain regular flows of verifiable information in standardised formats.

- Each provincial civil society coordination forum should establish a centralised database to assist in mounting a humanitarian disaster response. This should include, but not be limited to, details of NGO and non-NGO service providers, suppliers, shelters, warehouses, volunteers, and media services.

- A website and/or listserv should be established for dissemination of disaster planning and response information. In the event of an emergency, the website should have the potential to take postings from members of the public.
CIVIL SOCIETY COORDINATION AND COOPERATION (cont.)

2: Response Planning

- Civil society coordination forums should assist government DM structures with meeting their primary responsibility role in the coordination and management of disaster response in humanitarian disasters. In this respect, civil society coordination forums should seek to agree priorities for civil society disaster response in consultation with government DM structures.

- Members of the civil society coordination forums should adopt cooperation and coordination with a comprehensive range of civil society partners as an explicit core policy. One of the intended outcomes should be to have NGOs and other organisations providing for foreign migrants participate as part of broader civil society.

- Civil society coordination forums should work on policy and operational issues to plan for humanitarian disaster response. The objective should be to pay systematic attention to the standardisation of methodologies for assessments, and guidelines and procedures; and to joint planning for emergency response (including norms and standards, shelter, supplies and purchases, targeting and distribution). These exercises should be conducted in consultation with government DM structures to ensure mutual compatibility.

- Civil society organisations should share training toolkits developed for this disaster: for example, the SAHRC training for volunteer monitors (including one for use in mosques), a rights toolkit developed for rights training for IDPs, and the Trauma Centre training for psychosocial volunteers.

3: At Onset of Emergency/Disaster

- Civil society organisations and individual volunteers should make a realistic assessment of what resources they have to commit to the relief effort and for how long they can sustain that level of assistance. Organisations should communicate this information to the coordinating authority or organisation. Individual volunteers should communicate this to the organisation with which they seek to be affiliated.

- Civil society organisations should make time for regular review of their strategies to ensure that they are responding to real needs, and of their interventions in the context of current capacities, knowledge and strengths. Organisations should seek to engage in a continuous process of reflection on changing needs and realities and adapt their services accordingly.

- Civil society organisations should hold regular debriefing sessions for their staff and volunteers to provide them with opportunities to share their experiences and learning with colleagues and the organisation, and to receive support and guidance on their continued participation in the coordination and delivery of the relief effort.

4: Post-disaster

- Individual civil society organisations should conduct a process of closure with organisations that have partnered with them in aspects of the disaster response at the dissolution of that partnership.

- A post-disaster “lessons-learned” evaluation exercise should be completed as soon as possible for civil society actors involved in the humanitarian disaster response in provinces where there was displacement of foreign nationals following the events of May 2008.
INTERNATIONAL AGENCIES COORDINATION AND COOPERATION

- UN agencies and INGOs should work to support an improved level of participation of civil society stakeholders in government DM structures in order to bring about meaningful and effective participation of civil society stakeholders in the coordination of the disaster response.
- The Protection Working Group format needs to be reviewed in order to identify a model that is more supportive of South African civil society participation in disaster-response coordination.
- Consideration should be given to providing funding from international agencies for the establishment and maintenance of civil society coordination structures, both to maintain preparedness and to improve coordination in the event of full activation at the onset of a disaster.
- UN agencies and INGOs should seek ways to reduce the turnover of international consultants so as to better support ongoing disaster response skills and programmes.
- UN agencies and INGOs should devise means to more widely distribute needs assessments and situation reports, both to assist the broader coordination effort and to reduce the misinformation that circulates between government and civil society.
- Civil society organisations participating in humanitarian disaster response would greatly benefit from additional training on the principles of the Sphere Handbook and on technical aspects of operational and support services for humanitarian disaster relief.

IDP COMMUNITIES COORDINATION AND COOPERATION

- To support effective coordination and cooperation in the delivery of humanitarian assistance it is imperative that democratic IDP leadership structures are established in each site as early as practically possible. Steps should be taken to have as broad a representation as possible on leadership structures, including representatives from vulnerable groups.
- An IDP liaison officer should be appointed – at least one in each province – to help support the development of IDP leadership coordination and the cooperation of that leadership with other civil society stakeholders.
- Regular, accurate, comprehensive and relevant information should be provided to IDP communities to assist their participation in the disaster response.
- Translators should be provided to ensure accurate communication between government, civil society and international agency officials, on the one hand, and IDP communities on the other.
- IDP leadership should be empowered in its role through training in human rights; South African legislation; the requirements of good governance; government structures; and leadership skills.
- Foreign nationals should be included in DM preparedness planning at community and local government levels for humanitarian disasters resulting from community conflict.
Justice and Assistance for Durable Solutions

Recommendations concerning non-humanitarian elements of the disaster response follow, including deportation and repatriation, justice, documentation and reintegration.

**DEPORTATION AND REPATRIATION**

- Emergency response protocols should include the principle that victims of violence should be protected and assisted without reference to their immigration status. In the case of violent displacement which includes non-nationals, general arrests and deportations on the basis of immigration offences should cease immediately and proceed only after confirmation from specified DHA structures.
- Victims of violence should receive psychosocial support before deciding whether or not to repatriate.
- Embassies should consult with the South African government on the planned response to a displacement and ensure that candidates for voluntary repatriation are fully informed of their options and the possible consequences before making a decision.
- IDPs should be discouraged from returning to countries where their life or liberty may be at risk. Any effort to prevent refoulement (even if “voluntary”) will require concerted efforts to inform and assure IDPs of the measures that will be put in place to ensure their continued protection in South Africa. Where doubts exist about their safety in South Africa, government should consult with the UNHCR on the possibility of resettlement to a third country.

**JUSTICE**

- The National Justice Department and the Gauteng and Western Cape provincial Departments of Community Safety and Security should compile a public report on the arrest and prosecution of perpetrators of violence against foreigners, accounting for why there were so few successful prosecutions.
- In cases where wide-spread violence is the cause of a humanitarian disaster, provisions for justice must be an integral element of the humanitarian response.
- Provision should be made for the speedy investigation and processing of both criminal and civil cases stemming from wide-spread violence.
- Where victims of violence are reluctant to place criminal or civil claims, the state should take up cases in the interest of preventing impunity.
- Before the voluntary repatriation or deportation of any affected persons, they should be informed about their right to place charges against perpetrators and supported in making statements and remaining in or returning to South Africa to appear in court.
- The Justice Department should practice oversight of police stations involved in arrests and investigations, to ensure that accused perpetrators are not released for illegitimate reasons.
- Both government and civil society should set up mechanisms to monitor the cases of persons arrested in the course a humanitarian disaster, with government committing to transparently report on the progress and outcome of all cases.
**DOCUMENTATION**

- Documentation processes in humanitarian disasters must clearly separate documentation for the purpose of facilitating the equitable distribution of humanitarian aid from documentation intended to establish legal residence in a country.
- One of the basic principles of humanitarianism is non-discrimination. This includes non-discrimination on the basis of nationality and legal status. Documentation status should therefore not be used as a means of allocating humanitarian assistance.
- Simple and standardised registration processes should be put in place as soon as possible after the start of an emergency to enable the equitable distribution of aid and access control to sites of shelter and protection.
- Where IDPs have lost important identity documents (including IDs and birth certificates for citizens and passports and permits for non-citizens) every effort should be made by government to replace these documents as soon as possible.
- Where IDPs include persons eligible for protection under the asylum system, access to this system should be provided in a way which guarantees fair and correct status determination as well as access to all the normal legal protections and appeal processes.
- Where IDPs include persons without legal status in the country, temporary legal status should be provided for the duration of the disaster response in order to reduce vulnerability to arrest and deportation. This legal status should be separate from documentation concerning the distribution of humanitarian aid, and should have clear timeframes and conditions for revoking status.
- Temporary status provided during disasters should in no way compromise or reduce the rights held by persons with existing legal status.
- Communication with IDPs concerning planned documentation procedures must be clear, timely, and in appropriate languages and media. Consistency between verbal and written communication, and between statements from different government and non-governmental actors is paramount.

**REINTEGRATION**

- A comprehensive evaluation of the reintegration process should be conducted in mid-2009 by an independent body, with government’s commitment to take into account the evaluation’s findings. It is important to include an evaluation of civil society initiatives to sustainably rebuild relationships and conflict resolution mechanisms between South Africans and foreign nationals in communities affected by violence.
- Any humanitarian intervention should include an explicit set of criteria for an end to the provision of assistance, and these criteria should be communicated transparently and well in advanced to all stakeholders, including beneficiaries of assistance. There should be a monitoring mechanism in place to transparently establish whether the conditions set out for the termination of assistance have been reached.
- Reintegration assistance should take into account the specific needs of individuals, including trauma, and not only consist of standardised cash disbursements. Where grants are provided, these should be calculated to allow recipients to fulfil specified needs (such as pay rent and restart a business).
- Monitoring should continue after the formal end of a humanitarian intervention to ascertain whether IDPs remain protected and whether they are able to rebuild self-sustaining lives.
**Beneficiary:**
Term describing people for whom humanitarian assistance is provided.

**Camp:**
Term used for those (mostly) large sites where some or all of the residents were housed in tents. Notwithstanding government policy rejecting the establishment of permanent camps for refugees in South Africa, and the UNHCR’s preference for avoiding the term ‘camp’ in the context of events covered by this report, the practical reality of some of the “Centres of Safe Shelter” (CoSS) set up for the protection of displaced people supports the use of the term. (See also “site” below).

**Civil Society:**
Term describing diverse groups and organisations, formal and informal, working for a variety of purposes but operating outside direct state control. In this report civil society includes local non-governmental organisations, community-based organisations, faith-based organisations, social movements, labour organisations, informal networks, universities, legal associations, independent activists and human rights defenders, and individual citizens. The Chapter 9 institutions, such as the South African Human Rights Commission, the Commission for Gender Equality and the Independent Electoral Commission, are included in civil society even though they are quasi-governmental. Given that the nature and mode of operation of civil society in South Africa is strongly shaped by the history of the liberation movement, in this report international NGOs are not included in the term “civil society”, despite the fact that in most circumstances they would be considered as such. Where INGOs played a role they are specifically referred to.

**Humanitarian Assistance:**
There are varying understandings of the scope of humanitarian assistance. The elements of a basic humanitarian response are contained in the *Sphere Project’s Humanitarian Charter and Minimum standards in Disaster Protection* (referred to in this report as the *Sphere Handbook*): water, sanitation, and hygiene promotion; nutrition and food aid; shelter, settlement and non-food items; and health services. However, increasingly, humanitarian assistance covers a more complex range of responses that seek to go beyond supplying aid by also facilitating communities’ own relief and recovery priorities. In this view, humanitarian assistance includes the provision of identity documents and permits and the pursuit of durable solutions such as reintegration, repatriation and resettlement to a third country (where applicable). (See “protection” below).

**Internally Displaced Person:**
In terms of the *United Nations Guiding Principles on Internal Displacement* (1988), internally displaced persons (IDPs) are those persons forced or obliged to “flee their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.” IDPs can be citizens or non-citizens, as long as they are forcibly displaced from their places of habitual residence.

The individuals who fled their homes in May 2008 and subsequently required humanitarian assistance were almost without exception non-nationals. All had been living in South Africa prior to their displacement. Among them were refugees, asylum seekers, temporary visitors and undocumented migrants. Some of the migrants had lived in South Africa for many years. Some of the foreign nationals were married to South African citizens and thus themselves had South African permanent residence or citizenship. A few of those affected were native-born South African citizens. In view of the diversity of the displaced population they are referred to throughout this report either as internally displaced persons or as foreign nationals. Records suggest that the foreign nationals who were displaced in Gauteng and the Western Cape were all of African origin.
Protection:
The International Committee of the Red Cross (ICRC) defines protection as encompassing “all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, nationality, national or ethnic origin, language or gender.” Protection activities may include responsive action, remedial action and environment-building, which may be carried out concurrently. Protection activities include any activity which:

- prevents or puts a stop to a specific pattern of abuse and/or alleviates its immediate effects;
- restores people’s dignity and ensures adequate living conditions through repatriation, restitution, and rehabilitation,
- fosters an environment conducive to respect for the rights of individuals in accordance with the relevant bodies of law.

Refugees, Asylum Seekers and Migrants:
Accurate use of terminology is important when considering the rights of migrants in South Africa as different categories of migrants have different rights. See Annexure A for an explanation of the different categories of migrants.

Site:
In contrast to the term “camp” (see above), “site” refers to any place, whether temporary or permanent, where displaced people were provided with shelter. It includes (but is not restricted to) community halls, disused school buildings, mosques, churches, church halls, sports facilities, holiday chalets, private houses and areas where tents had been erected for the purpose of housing IDPs.

Vulnerable Groups:
In order to ensure that humanitarian assistance and protection reaches all sectors of the IDP population and provides necessary levels of assistance and protection to individuals who have particular needs, policy and planning for disaster response needs to identify and provide for vulnerable groups. There are different dimensions of vulnerability. Individuals or groups may be vulnerable due to factors that are:

**Physiological:** infants; young children; pregnant women and lactating mothers; sick, disabled and elderly people.

**Social:** unaccompanied minors, some woman-headed households, some single-parent families, and physiologically vulnerable people without family networks (disabled, elderly, sick, etc).

**Political:** members of oppressed or ostracised groups; destitute individuals.

**Economic:** people without livelihood opportunities or well-resourced family and social support networks.

Xenophobic Violence:
The events of May 2008 have come to be referred to widely as xenophobic violence. Xenophobia is often defined as the hatred of foreigners on the basis of unfounded stereotypes or perceptions. In this report, we prefer to refer to violence against foreigners, since this describes the targets of the violence without imputing a particular motivation to the perpetrators of the violence.
**ANNEXURE A: CATEGORIES OF MIGRANTS IN SOUTH AFRICA**

**Migrant:**
any person who currently resides at a different place from where they were born; or any person who has recently moved from their habitual place of residence. In South Africa there are domestic migrants who move within the country (for example from rural to urban areas), and international migrants who cross borders when they move.

**Refugee:**
‘Refugee’ is an oft-misused term, because it has several different meanings:

- The first is an administrative meaning, which is a person who has been granted asylum and given refugee status by the host state.
- The second is a broader legal meaning, which is a person who ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.’ (UN 1951 Convention, and SA 1998 Refugee Act).
- Another broad legal meaning is ‘every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality’ (OAU 1969 Convention, and SA 1998 Refugee Act).
- A person can be a refugee, according to the UN and OAU definitions, even if a host state has not formally granted that person refugee status.
- The definition of a refugee is explicitly related to the experience of political persecution. While the term ‘economic refugee’ is sometimes used by the media to describe persons fleeing extreme hardship, this is not a legal term.

**Asylum Seeker:**
A person who has lodged a formal claim for asylum with the Department of Home Affairs and is waiting for the claim to be processed and a decision on her/his refugee status to be made.

**Non-citizen:**
A person who does not have South African citizenship.

**Foreign national:**
A person who is originally from another country. This term is very vague and does not have any legal meaning, since many people who were born outside South Africa and have been in the country for many years now have citizenship.

**Economic migrant:**
A person who has come to South Africa mainly for economic reasons. Many economic migrants are legally in the country, with work permits, corporate permits, or as traders or shoppers. Unlike refugees, economic migrants enjoy the protection of their home countries.

**Undocumented migrant:**
A person who is in South Africa without legal documentation. Some refugees (see above) are undocumented because they have not yet been able to lodge an application for asylum with the DHA, due to administrative delays at DHA. They are not illegally in the country, since they have a right to apply for asylum. Undocumented migrants are often mistakenly treated as illegal migrants.
Illegal immigrant:
A person who is in South Africa without legal permission according to the Immigration Act. Many undocumented migrants are economic migrants and do not qualify for asylum. A person who remains in South Africa once their permit to stay in the country (for example to study, work, or visit as a tourist) has expired and who has not renewed or replaced their permit with an alternative one is an illegal immigrant.

Domestic migrant:
By far the largest number of migrants in South Africa are domestic migrants, who move within the country, often from rural to urban areas. Although as citizens they have legal documents, they face many of the same difficulties in accessing public services and employment as foreign migrants. They also pose similar challenges for municipalities and government departments planning public service provision.

Laws applicable to international migrants in South Africa:

International Legal Instruments on migrant and refugee rights which SA has signed:
- OAU 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa
- SADC Protocol on the Facilitating of Movement of Persons

Domestic Legal Instruments which apply to non-citizens:
- The Constitution, especially Chapter 2 (the Bill of Rights)
- The 2002 Immigration Act (amended in 2004)
- The 1998 Refugee Act (currently being amended)
- Labour rights legislation
- Child rights legislation
- Health care access legislation
The broad issues for monitoring and evaluation were established prior to the commencement of the study, based on a review of international norms and standards with, where appropriate, adaptation to the current South African context. Monitoring of the actual emergency relief effort and welfare and protection provision on the ground commenced on 3 June 2008, and was scheduled to culminate with this report on 31 August 2008. However, given the ongoing status of the disaster at the end of August, the monitoring was extended to 30 September. Given the geographical focus of the xenophobic attacks within the Provinces of Gauteng and the Western Cape, the monitoring was confined to these two provinces.

The focus of the monitoring and evaluation exercise spanned issues of material welfare of displaced persons (including important aspects of site planning and provisioning), of personal welfare and of protection (in terms of physical security and livelihood protection). As a result of the monitoring of the delivery of the disaster response it was possible to evaluate relationships between service providers and beneficiaries in terms of levels of accountability and in terms of levels of co-ordination and co-operation.

In terms of actors involved in the process of the response, monitoring and evaluation activities scrutinised civil society, government (at municipal, provincial and national levels), beneficiary populations and international agencies and, importantly, their interactions in delivering that response. To this extent, particular attention was paid to the development of coordination and communication structures, and the evolution of barriers and facilitation mechanisms (political, institutional, etc.) for effective humanitarian relief and related interventions. On-the-ground community-based responses were only included to the extent that they impacted on the effectiveness of organised responses and sustainable vulnerability reduction.

Data Sources

The following diverse data sources were monitored:

- a range of meetings and events convened by government (national, provincial, municipal and local), civil society and international actors for the purposes of planning, information sharing, co-ordination and training.
- documents (including minutes, summaries and correspondence) from meetings and workshops and from web-based information networks
- situation reports prepared and released by local and national NGOs and international humanitarian agencies (see Annex F)
- media, including print, radio and television

In addition, interviews were conducted with selected individuals from government, civil society, the international humanitarian assistance community and beneficiary representatives. A total of 34 interviews were conducted in the Western Cape and Gauteng (see below for list of interviews). The statements and accounts of many more individuals involved in the response, both as providers and as beneficiaries, were recorded (by shorthand) at meetings. Interviews, for the most part, lasted for between 1 and 2 hours. They comprised open-ended discussions responding to three main themes:

- respondent’s own (personal or institutional) experience of responding to the disaster
- respondent’s experience of working with other actors, both within their own sector and from other sectors, and
- respondent’s observations on lessons learned and recommendations for improvement of future humanitarian disaster relief in South Africa
Evaluation

In conducting the evaluation, the intention at the outset was to focus primarily on civil society humanitarian assistance provision and the accountability, coordination and cooperation dynamics that created the context in which assistance was delivered. However, given the state’s acknowledged lead role in the provision of humanitarian assistance, the evaluation necessarily had to include government provision in the disaster response, and the relationship between the response of government and that of civil society.

Limitations

The enormous complexity of the emergency itself and of the humanitarian response to it – let alone its duration - could not have been foreseen at the time that the parameters to this monitoring and evaluation exercise were set. Nor could it have been foreseen that conditions in the two provinces in question would have been so different. The resources initially foreseen as appropriate have proved a constraint on the extent to which the planned inclusive focus of the monitoring was attainable in practice on the ground.

The lead researcher conducting this project was based in Cape Town and therefore had good coverage of a broad range of initiatives and developments in the Western Cape. Within the time scale available, coverage of parallel developments in Gauteng was only possible at a remove. This imbalance has been exacerbated by the existence of less shared data from actors in Gauteng, which is in sharp contrast to the Western Cape.

There was insufficient time to make any significant direct engagement with IDPs. However, we were fortunate that in the Western Cape IDPs were very active in many of the civil society forums from a relatively early stage in the events. Their views are therefore taken into account through their submissions (both oral and written) in various fora. In the case of Gauteng, the voice of IDPs is notably absent from the monitoring and evaluation. Similarly, there have been insufficient resources to engage with community-based structures and individuals in places where violence occurred in the manner envisaged at the planning stages of the project.

Another limitation arises from the extent to which government officials were prepared to make themselves available for interview or to provide information about their involvement in the response. In part this was due to key officials finding it difficult to put time aside for interviews when they were involved in continuing on-the-ground work. It was also, for some government officials at least, considered inappropriate to make an individual response to the kind of evaluatory questions being asked without having the opportunity, first, to review the disaster response internally so that a consensus departmental view could be developed. Finally, the deep suspicion of civil society and the general irritation with which some senior government officials appeared to view the participation of civil society in the disaster response appeared to guide their refusal to commit to giving interviews.

In the light of the above comments, the current report is incomplete in four dimensions:

- in a concentration on formal rather than informal responses,
- in a richer engagement with on-the-ground developments in the Western Cape than with parallel developments in Gauteng,
- as the reintegration process was ongoing at the time when monitoring and evaluation was stopped, this extremely important phase of the delivery of humanitarian assistance and protection to IDPs has not been covered in detail,
- information on government interventions and consultations is incomplete due to the reluctance of many government actors to share information.
### List of Interviews Conducted

<table>
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<tr>
<th>Date</th>
<th>Interviewee</th>
<th>Sector</th>
<th>Province</th>
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</table>
| 1 July   | Colleen and Nabil Simons  
Contracted to Social Dialogue & Human Rights, Dept. of Premier,  
Provincial Government of the Western Cape | Govt (Province)                             | WC       |
| 13 Aug   | David Biles, TAC (Volunteer Coordinator of Site Monitoring)                 | NGO (Health)                                | WC       |
| 19 Aug   | Braam Hannekom, PASSOP                                                      | NGO (Migrants)                              | WC       |
| 19 Aug   | Lynsey Bourke & Ali Davis, TAC monitors                                    | Monitors                                    | WC       |
| 22 Aug   | Gordon Denoon, OCHA                                                         | UN                                          | WC /GP   |
| 24 Aug   | Tracey Saunders, SAHRC Monitor                                              | Monitor                                     | WC       |
| 26 Aug   | Achmad Kamalie, Western Cape Manager, Islamic Relief                        | FBO                                         | WC       |
| 26 Aug   | Christina Henda, Manager, Cape Town Refugee Centre                          | NGO (IP UNHCR)                              | WC       |
| 28 Aug   | Greg Pillay, Head, DMRC  
Wilfred Schrevian Evan Solomons-Johannes  
Manager: Systems Integration & Special Projects,  
Disaster Risk Management Centre, City of Cape Town | Government (Municipal)                      | WC       |
| 1 Sept   | Muhamud Hirsi, TAC IDP Liaison Officer                                     | Refugee                                     | WC       |
| 5 Sept   | Fatima Khan, Refugee Rights Project Coordinator  
UCT Law Clinic                                                      | NGO (Legal, IP UNHCR)                       | WC       |
| 6 Sept   | Dr Hildegarde Fast  
Deputy Director-General: Strategy, Planning, & Corporate Services,  
Department of Local Government & Housing, W Cape | Government (Province)                       | WC       |
| 8 Sept   | Monica Bandeira, Senior Researcher & Psychologist,  
Trauma and Transition Programme (TTP), Centre for the Study of Violence and Reconciliation | NGO (Mental Health/Coordination)            | GP       |
| 8 Sept   | Tim Wilson, Consultant working for CSVR                                    | NGO (Mental Health/Coordination)            | GP       |
| 9 Sept   | Duncan Breen – Advocacy Officer  
Sicel'mpilo Shange-Buthane (Ms) - Advocacy Officer  
Consortium for Refugees and Migrants in South Africa (CoRMSA) | NGO (advocacy)                              | GP       |
| 9 Sept   | Jean-Pierre Misago, Researcher,  
Forced Migration Studies Programme, University of Witwatersrand | University                                  | GP       |
| 9 Sept   | Dosso Ndessomin, Jacques K. Kamanda, Jose W Mbala, Sarumi A. Tovic, Mr. Tewodros, Coordinating Body of Refugee Communities (CBRC) | CBO                                         | GP       |
| 9 Sept   | Emilio Huertas, Humanitarian Programme Coordinator, Oxfam GB              | INGO (Humanitarian / Advocacy)              | WC /GP   |
| 10 Sept  | Reverend Douglas Torr, Anglican Church, Johannesburg                      | FBO                                         | GP       |
| 10 Sept  | Thable Maphosa, Project Director  
Blaise Nzuizi, Health Co-ordinator, Jesuit Refugee Service | NGO (IP UNHCR)                              | GP       |
| 10 Sept  | Russell McGregor, Provincial CDW Coordinator  
Province of Gauteng                                                        | Government (Province)                       | GP       |
<p>| 11 Sept  | Joyce Tlou, Coordinator of Non-Nationals Programme, SAHRC                  | Chapter 9 (Human Rights)                    | GP       |</p>
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<th>Interviewee</th>
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<tr>
<td>11 Sept</td>
<td>Jonathan Whittall&lt;br&gt;Programmes Director, Médecins Sans Frontières</td>
<td>INGO (Health)</td>
<td>GP</td>
</tr>
<tr>
<td>17 Sept</td>
<td>Sarah Crawford-Browne&lt;br&gt;Head of Service Delivery, The Trauma Centre for Survivors of Violence and Torture, Cape Town</td>
<td>NGO (Mental Health)</td>
<td>WC</td>
</tr>
<tr>
<td>18 Sept</td>
<td>Judith Cohen, &lt;br&gt;Head of Programme: Parliamentary Liaison, South African Human Rights Commission, Cape Town</td>
<td>Chapter 9 Institution</td>
<td>WC</td>
</tr>
<tr>
<td>16 Sept</td>
<td>Kemal Omar &lt;br&gt;Manager, Intergovernmental Rel.&lt;br&gt;Brenda da Silva &lt;br&gt;Sport &amp; Recreation&lt;br&gt;City of Cape Town</td>
<td>Government (Local)</td>
<td>WC</td>
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<tr>
<td>8 Oct</td>
<td>Dr. Elmien Steyn, &lt;br&gt;Deputy Director: Mitigation, Directorate Disaster Management &amp; Fire Brigade Services, Department of Local Government and Housing, Provincial Government of the Western Cape</td>
<td>Government (Provincial)</td>
<td>WC</td>
</tr>
<tr>
<td>13 Oct</td>
<td>Ingrid Kluyt &lt;br&gt;Educator</td>
<td>Volunteer - Education</td>
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**Telephone interviews:**

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<tr>
<td>18 Sept</td>
<td>Jonathan Timm, &lt;br&gt;Communications Specialist, Mvula Trust</td>
<td>NGO</td>
<td>GP</td>
</tr>
<tr>
<td>18 Sept</td>
<td>Christine Knudsen, &lt;br&gt;IDP Protection Advisor, Displacement and Protection Support Section, OCHA, Switzerland</td>
<td>UN</td>
<td>GP</td>
</tr>
<tr>
<td>19 Sept</td>
<td>Piet Matthee, &lt;br&gt;Senior Manager, Deloitte Consulting</td>
<td>Volunteer - Management</td>
<td>GP</td>
</tr>
<tr>
<td>22 Sept</td>
<td>Indra de Lanerolle, &lt;br&gt;Media Consultant and Television Producer.</td>
<td>Volunteer - Media</td>
<td>GP</td>
</tr>
<tr>
<td>23 Sept</td>
<td>Alan Jackson, &lt;br&gt;Methodist Ministries, Cape Town</td>
<td>FBO</td>
<td>WC</td>
</tr>
<tr>
<td>7 Oct</td>
<td>Lennox Garane &lt;br&gt;Development Bank of Southern Africa</td>
<td>Parastatal</td>
<td>GP</td>
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ANNEXURE C: INTERNATIONAL STANDARDS RELATING TO THE PROVISION OF HUMANITARIAN ASSISTANCE TO INTERNALLY DISPLACED NON-NATIONALS

*Code of Conduct for the International Red Cross & Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (1994)*
- Key elements of this Code are incorporated into the Sphere Humanitarian Charter.  

*Guiding Principles on Internal Displacement*
- The Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration. The Guiding Principles explicitly prohibit discrimination between displaced persons on the basis of legal status and so apply to both citizens and non-citizens who have been displaced within the country.

*The Sphere Project. Humanitarian Charter and Minimum Standards in Disaster Response (2004)*
- Include a Humanitarian Charter and a set of Minimum Standards in the areas of water supply, sanitation and hygiene promotion; food security, nutrition and food aid; shelter, settlement and non-food items; and health services. The Charter describes the core principles that govern humanitarian action, reasserts the right of populations affected by disaster to protection and assistance, and reasserts the right of disaster-affected populations to life with dignity. The Standards are accompanied by quantitative indicators which allow for an assessment of whether the standards are being met in practice. Together, the Charter and the Standards provide an operational framework for accountability in disaster assistance efforts. They should therefore not be considered prescriptions and cannot all be achieved immediately in all contexts, but they should be seen as goals to be moved towards and as a basis for evaluation and accountability.
- The Sphere standards also include process standards common to all sectors. These include participation, assessment, response, targeting, monitoring, evaluation, staff competencies and management. In addition, seven cross-cutting issues (children, older people, disabled people, gender, protection, HIV/AIDS and the environment) with relevance to all sectors have been taken into account.
- Sphere Standards Handbook [www.sphere.com](http://www.sphere.com)


- discussions about the definition of protection, modes of action and the complementary roles that could be played by various organisations in protection

[www.globalhumanitarianplatform.org](http://www.globalhumanitarianplatform.org)

*United Nations High Commissioner for Refugees (UNHCR), Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons (2003)*
United Nations High Commissioner for Refugees (UNHCR), Handbook for Emergencies. 2007

United Nations High Commissioner for Refugees (UNHCR), Reproductive Health in Refugee Situations: An Inter-Agency Field Manual. 1999


The Disaster Management Act, 2002 (Act 57 of 2002) (DMA) took effect from 1 July 2004. In terms of the requirement of the Act, a National Disaster Management Framework (NDMF), which serves as the policy framework for disaster management, was published in April 2005. Running throughout the provisions of the DMA is the imperative to implement an integrated, uniform and co-ordinated disaster management policy that focuses on:

- Preventing or reducing the risk of disasters,
- Mitigating the severity of disasters,
- Emergency preparedness,
- Rapid and effective response to disasters,
- Post-disaster recovery.

The DMA provides for the establishment of national, provincial and municipal disaster management centres and for the development of disaster management volunteers. Responsibility for disaster management (DM) activities is allocated to the Minister and Department for Provincial and Local Government (DPLG). At the national level, the DMA provides for the establishment of three structures – the Intergovernmental Committee on Disaster Management, the National Disaster Management Advisory Forum, and the National Disaster Management Centre.

1: **Intergovernmental Committee on Disaster Management** (ICDM): The role of the ICDM is to be accountable to and report to Cabinet on the co-ordination of DM among the spheres of government, and to advise and make recommendations to Cabinet on issues relating to DM. The ICDM should give effect to the principles of co-operative government. Membership should include government officials involved in DM, including relevant cabinet ministers, MECs for each province (selected by the Premier of the province concerned) and members of municipal councils (selected by the South African Local Government Association).

2: **National Disaster Management Advisory Forum** (NDMAF): The NDMAF should engage national, provincial and local government and other disaster management role-players in consultation and co-ordination of actions related to DM. The NDMAF is authorised to advise any organ of state, statutory functionary, NGO or community or the private sector on any matter relating to DM. Membership is to be drawn from a wide constituency, including:

- The Head of the NDMC and Senior representative of national and provincial departments already represented on the ICDM
- Municipal officials selected by the South African Local Government Association
- Representatives of other DM role-players, including those from
  - organised business, the Chamber of Mines, organised labour, the insurance industry, organised agriculture, and statutory bodies regulating safety standards in particular industries
  - traditional leaders,
  - organisations representing DM professions in South Africa and experts in DM designated by the

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68 As provided for in Chapter 3 of the Constitution.
Minister,
- religious and welfare organisations; medical, paramedical and hospital organisations,
- other relevant non-governmental and inter-national organisations and relief agencies,
- institutions that can provide scientific and technological advice or support to DM, and
- persons co-opted to the Forum for a specific period or for specific discussions.

Disaster Management Forums may be established at provincial and municipal or local government levels.

3: **National Disaster Management Centre** (NDMC): The NDMC is tasked with promoting an integrated and co-ordinated system of DM, emphasising prevention and mitigation, by national, provincial and municipal organs of state, statutory functionaries, other role-players involved in DM and communities. The NDMC must:

- Monitor compliance with the DMA and the NDMF and monitor progress with post-disaster recovery and rehabilitation.
- Support and assist in the preparation, alignment and regular review and updating of DM plans and strategies and their coordination and implementation by organs of state and other institutional role-players involved in DM.
- Give guidance to organs of the state, the private sector, NGOs, communities and individuals for prevention and reduction (mitigation) of the risk of disasters.
- Collect and distribute information on disasters, impending disasters and DM.
- Make recommendations regarding:
  - funding of DM and assist with making such funding available,
  - on draft legislation affecting the Act and on the alignment of national, provincial or municipal legislation with the Act, and
  - the declaration of a national disaster.

- Promote DM capacity building, training and education throughout South Africa and promote research into all aspects of DM
- Liaise and co-ordinate its activities with the provincial and municipal DM centres.

In addition, the NDMC may:

- Act as an advisory and consultative body to state organs and statutory functionaries, the private sector and NGOs, and communities and individuals

**Electronic Database:** The NDMC is tasked with maintaining a directory of institutional role-players that are or should be involved in DM and establish effective communication links with contact persons identified by those role-players. An electronic database should be electronically accessible to any person, free of charge. The database should include:

A directory of institutional role-players, including particulars of:

- State role-players
- NGOs and private sector voluntary agencies involved in DM
- DM experts in South Africa
- Private sector organisations with relevant specialised equipment, skills or knowledge
- Foreign NGOs and INGOs involved in DM in southern Africa

A database of disasters and DM issues, including information regarding:

- Risk factors causing or aggravating disasters and means of reducing those risks
- Recurring occurrences that result in loss, but are not classified as disasters by the DMA
Coordinated Disaster Management:

The DMA and the NDMF set out procedures to support the coordination of the disaster response, including the identification of the locus of primary responsibility and disaster management planning requirements.

1: Designation of primary responsibility: Decisions regarding primary responsibility for co-ordination and management of the disaster rest upon the extent of the disaster and the capacity of the relevant sphere of government to respond effectively to that disaster. Primary responsibility for responding to a disaster falls to the relevant local government authorities until such time as the disaster is formally recognised, by the NDMC, as a disaster in terms of the DMA. Thereafter, primary responsibility falls to the municipality (or municipalities in the case of a district or local municipality) for a local disaster or to the province in the case of a provincial disaster. However, irrespective of the classification of the disaster, state structures in other spheres may assist the sphere having primary responsibility to deal with the disaster and its consequences.

2: Disaster Management Plans (DMP): Relevant authorities in all spheres of government must prepare a DMP indicating concepts and principles of DM to be applied in their functional areas, as well as their roles and responsibilities for emergency response and post disaster recovery and rehabilitation.

In essence, the same principles and organisational outline are to be applied to DM at provincial and municipal level as those required at the level of national government. DMPs must be prepared as an integral part of development planning. Reflecting general requirements of DMPs, these must:

- Anticipate the types of disaster that are likely to occur in the province and their possible effects and identify the areas or communities at risk.
- Guide the development of measures that reduce the vulnerability of disaster-prone areas, communities and households and provide for appropriate prevention and mitigation strategies.
- Identify and address weaknesses in capacity to deal with possible disasters.
- Facilitate maximum emergency preparedness.
- Identify contingency plans and emergency procedures in the event of a disaster, providing for:
  - the allocation of responsibilities to the various role-players,
  - co-ordination in the carrying out of those responsibilities,
  - prompt disaster response and relief,
  - the procurement of essential goods and services,
  - the establishment of strategic communication links; and
  - the dissemination of information.

The NDMF states that ‘there should be no confusion as to roles and responsibilities and the procedures to be followed’ (p.112). The response management system must ‘ensure a systematic approach to the effective utilisation of facilities, personnel, equipment, resources, procedures and communication’. There must be ‘clear allocation of responsibilities, mechanisms for strategic, tactical and operational direction and a participative approach to the management of the event’.

In the event of a disaster: Broadly speaking, in the event of a disaster, whichever sphere of government has the primary responsibility for the co-ordination and management should take steps to assist, protect and provide relief to the public; protect property; prevent or combat disruption and deal with the destructive and ‘other effects’ of the disaster. To this end, they may:

- Release available resources, including stores, equipment, vehicles and facilities.
- Release personnel for rendering of emergency services.
• Implement all or any of the provisions of the relevant DMP applicable in the circumstances.
• Evacuate to temporary shelters of all or part of the population from the disaster stricken or threatened area, if such action is necessary for the preservation of life.
• Regulate traffic, movement of people and goods to, from or within the disaster-stricken or threatened area.
• Provide, control and use temporary emergency accommodation.
• Maintain or install temporary lines of communication to, from or within the disaster area.
• Disseminate information required for dealing with the disaster.
• Activate emergency procurement procedures.
• Facilitate response and post-disaster recovery and rehabilitation.
• Take other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster; or steps to facilitate international assistance.

Key Performance Areas: The NDMF identifies four key performance areas:

1. **Integrated institutional capacity**: to address the implementation of the principle of co-operative governance for the purposes of disaster risk management.
2. **Disaster risk assessment**: to address monitoring requirements to set priorities and evaluate efforts to this end.
3. **Disaster risk reduction**: to integrate planning for disaster management and reduction in accordance with approved frameworks, with attention to careful identification of priority disaster risks\(^{69}\) and priority areas of vulnerability.
4. **Rapid, effective and appropriate response and recovery**: to address the need for early warning dissemination; minimising potential impact; implementing immediate integrated and appropriate response and relief measures; and implementing all rehabilitation and reconstruction strategies for post-disaster recovery in an integrated and developmental manner.

In this respect, the **standard response system**, which should be initiated by NDMC and be introduced in all spheres of government, must:

• Identify specific roles and responsibilities for each response and recovery activity included in the operational plans of the various agencies participating in response and recovery efforts
• Provide for mechanisms to determine the level of implementation of response and recovery measures according to the magnitude of the event or disaster and the capacity of an agency to deal with it
• Make provision for the development of partnerships between agencies involved in response and recovery and the private sector, NGOs, traditional leaders, technical experts, communities and volunteers for the purpose of enhancing capacity.

Addressing response and recovery planning requirements includes:

• Identification and allocation of responsibility among organs of state (as bearers of primary responsibility) and stakeholders (as bearers of secondary responsibility) for contingency planning and coordination.
• Contingency plans, response and recovery plans and field operation guides, and regulations and directives for disaster response should be developed and, where appropriate, reviewed annually. Standard operating procedures and checklists should be developed and understood by all stakeholders.

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\(^{69}\) The NDMF defines ‘priority disaster risk’ as: a risk identified as a priority through a scientific evaluative process in which different disaster risks are evaluated and ranked according to criteria determined by the broader socio-economic and environmental context in which the risk is located. The process of determining these criteria should be consultative, and involve scientific, civil society and government stakeholders. (p.233).
Performance Enablers: In each of the performance areas the imperative to consultation with all stakeholders, including vulnerable communities and households, is indicated. To support the key performance areas, the NDMF identifies three enablers:

1. **Information management and communication**: to support integrated communication with all DM role players. This includes a data collection and capturing system, database and information management and information dissemination and communication to support all aspects of disaster risk assessment and reduction and disaster response and recovery.

2. **Education, training, public awareness and research**: Included here is the requirement to promote integrated awareness among all spheres of government.

3. **Funding arrangements for DRM**: to assess requirements and support funding for all aspects of disaster risk assessment and reduction and disaster response and recovery. In this respect, the DMA embraces the possibility of funding for post-disaster recovery and rehabilitation from national, provincial, and local resources, including the possible reallocation of budgets. Local and provincial disasters may have the effects alleviated by contributions from national resources.
ANNEXURE E: ASPECTS OF FOOD PROVISION STRATEGY

For food provision in complex emergencies involving medium to long-term displacement, DM planning needs to define future approaches to food provision.

1: Assessment: the initial assessment gives the basis for identifying the needs – in the first place, whether food aid is required and, if so, how much of what is required for whom. Inherent in such an assessment is the identification of the type and extent of vulnerable groups and their needs. One aspect of assessment is the availability of local resources. For example, are site residents able to purchase food locally to supplement their food aid. The assessment, however conducted, needs to balance the dual requirements of reliability and credibility by involving a range of actors, including IDP representatives, in the assessment process. Decisions on food provision should flow from assessments. It is therefore inimical to this process to have standing contractual arrangements with food suppliers as they limit the necessary flexibility to respond to different situations and to specific emergencies as their dynamics change.

2: Registration: Registration, which may form part of the assessment process, is essential for any food distribution system to be effective. Although registration may not be feasible in the early emergency phase of the response, it should be completed as soon as possible. The form of registration will depend on the size of the populations involved and on choices made over type of food aid and the method of distribution. Depending on these factors, lists of site residents might suffice, or alternative systems of ID or ration cards issued on an individual or family group basis might be preferred. Whatever the chosen method, registration is a continuous exercise, requiring regular verification. Ration cards assist with establishing the population numbers and with reducing the risk for abuse. It is unlikely, however, that any system of registration or ration cards can be made totally impervious to abuse.

3: Targeting: Targeting should identify who is at risk or in need and why. The decisions as to whom to target for food aid are informed by the identified objectives of the intervention program. A decision will need to be made as to whether there will be targeting of vulnerable groups and if so which. Alternatively, it may be decided that existing family and social support networks will be sufficiently effective to embrace the needs of vulnerable individuals. Thereafter, questions of cost and the realities of logistical constraints require a pragmatic approach to decisions on targeting.

IDPs in camps would normally be identified as a target group in its entirety. However, within that population there may be scope for targeting particularly vulnerable groups. Although socio-economic factors are certainly relevant, it is impractical to use them as a basis for sub-group targeting. In the May 2008 disaster there were repeated calls by health professionals and IDPs themselves for systematic targeting of infants, children under five years old, pregnant women and lactating mothers. Other groups who might be included are the elderly and the chronically sick (particularly HIV/AIDS and TB sufferers). Targeting should also seek to redress unequal distribution that comes about through the exclusion of certain individuals, households or groups from receiving food aid. Typically, targeted groups receive additional complementary foodstuffs or, as in the case of young children, are admitted to a feeding program. Inevitably, there will be competing demands. It is useful to engage food relief committees, comprising representatives of the various international and local agencies and IDP representatives in negotiating priorities for targeting.

4: Ration Planning: The nutritional requirement of rations varies according to a range of factors that include population demography, environmental temperature, activity levels, weight, cultural acceptability of different foods, the need for diversity in diet and access to other food sources. For dry food assistance, the economic use of fuel for preparation is a decisive factor. It is likely that an adjustment of the criteria for
Ration planning will be necessary as the disaster response progresses. Wet (cooked) food is normally only distributed in the very early stages of an emergency. It is costly to produce and distribute; it presents hygiene risks; and it is difficult to supply culturally appropriate wet food for culturally diverse populations. It is also difficult to meet the needs of vulnerable groups who need frequent feeding, such as small children, nursing mothers and the chronically sick. The early move to dry food is therefore normally recommended, particularly for assistance of more than one month’s duration. In this case a basic ‘food basket’ is supplied. For populations totally dependent upon food aid, variation of diet is necessary as well as the addition to rations of vitamin and mineral-rich foods and foods to improve palatability. Blended or fortified foods, such as e-pap, might also be included.

Ration planning seeks to satisfy the diverse nutritional needs of food aid recipients. It requires, therefore, a flexible approach and recognition that redistribution of food within the population is a necessary adjustment to meet the different and differing needs of recipients. Despite the intention that rations should serve as a nutritional resource, recipient populations frequently use food aid as an economic resource, particularly after the initial emergency phase of displacement. While donors do not usually support such an activity, it is nonetheless recognised that the sale of food aid may be both necessary and desirable as it can result in improvements in the quality of the diet and/or in access to essential non-food items.

5: Type of distribution system: The decision as to who should receive food at the distribution points varies according to the circumstances. It may be individuals, family heads, community leaders, food committee members, or household representatives. In some instances distribution is to groups constituted for the purpose – as, for example, groups of equal family size, or groups from sections of a camp. There are different views as to whether it is preferable for men or for women to be involved in the distribution of food and, indeed, whether recipients themselves should be directly involved in the distribution. It is, however, recommended that IDP food committee members are involved in the planning and monitoring of the distribution. Guidelines can be given for the membership of food committees – for example, to stipulate that there must be equal numbers of men and women, or that the members of the camp political leadership should not be members of food committees. Where food is distributed to groups for internal distribution, it is essential that there is clear information available to all on family entitlements to rations. Where a ration card system is use, the food is usually distributed to heads of families. Distribution to individuals usually only occurs in the case of cooked food. Once again, what is practical is dictated by the context, including the availability of resources, the size of the population and the phase in the disaster response.

6: Monitoring: Monitoring is an essential component of every stage of the food distribution process. It serves to check on the efficiency of the system of food distribution as well as making sure that the effort and resources invested in food distribution are actually meeting the needs of the recipients. Information from monitoring, which should include reports on food movement and distribution and physical checks and surveys, should be fed back to the responsible authority for immediate consideration. Types of monitoring include:

Food availability status: from the central warehouse to the site storerooms, there should be records of receipts, issues and stock balances. There should be regular verification of the records and regular physical stock inventory counts.

Registration and/or ration cards: Any system of registration or ration cards is open to abuse. Periodically, verification exercises will need to be performed. If extensive abuse is suspected, cards may have to be re-issued.

Food distribution: physical checks should be made of food distributed at distribution sites. Such monitoring should seek to identify groups that are left out of the distribution process, and groups that are under- or over-registered. Food distribution monitoring to assess what each individual actually receives is best
done at the household level, either through formal surveys or through informal visits by, for example, social workers or community health workers.

Acceptability and use of food aid: Focus group interviews and popularity ranking exercises for different foodstuffs, together with observations and interviews at the point of distribution, will assist with monitoring how the food being provided is used and the extent to which it is culturally appropriate. This monitoring should also indicate whether food aid is being sold and what other food items are being purchased. Acceptability of an item often defines how it will be used – whether it will be consumed by the recipient or will be sold or exchanged for other goods.

In view of the above, it is clear that there is much to recommend in terms of contingency planning for food provision in humanitarian disasters of the scale and complexity experienced in South Africa in 2008. A number of the generic difficulties in providing food aid need to be recognised and policy and practice should seek to reduce their occurrence without punishing the whole IDP population. Abuse of food aid is a global phenomenon and is not a specific characteristic of either IDPs or relief workers in South Africa. The possibility that people who are not genuinely victims of displacement will be attracted to camps exists. However, given the conditions in the camps, it is unlikely that all but a very few are attracted for the material benefits. Disputes over the distribution of food and NFIs occur in the course of provision of humanitarian aid globally. Food and NFIs will be sold by IDPs where need and opportunity exist. Better informed planning will address these challenges in a more professional manner.
ANNEXURE F: A SELECTION OF DOCUMENTS USED IN THE COMPIlATION OF THE REPORT

Monitoring Reports: National


DREF Operation: International Federation of Red Cross and Red Crescent Societies, South African Disturbance – 28 May 2008

DREF Operation: International Federation of Red Cross and Red Crescent Societies, South African Disturbance – Update no. 1 – 30 May 2008

DREF Operation: International Federation of Red Cross and Red Crescent Societies, South African Disturbance – Update no. 2 – 8 June 2008

DREF Operation: International Federation of Red Cross and Red Crescent Societies, South African Disturbance – Update no. 3 – 18 June 2008

DREF Operation: International Federation of Red Cross and Red Crescent Societies, South African Disturbance – Update no. 4 – 18 July 2008

DREF Operation: International Federation of Red Cross and Red Crescent Societies, South African Disturbance – Update no. 5 – 15 August 2008


OCHA, Centres of Safe Shelter and Ad Hoc Shelters in South Africa: Monitoring of sites for needs and Gap Analysis, Report No. 3 – 8 July 2008

OCHA, Centres of Safe Shelter and Ad Hoc Shelters in South Africa: Monitoring of sites for needs and Gap Analysis, Report No. 4 – 11 July 2008

OCHA, Centres of Safe Shelter and Ad Hoc Shelters in South Africa: Monitoring of sites for needs and Gap Analysis, Report No. 5 – 17 July 2008

OCHA, Centres of Safe Shelter and Ad Hoc Shelters in South Africa: Monitoring of sites for needs and Gap Analysis, Report No. 6 – 29 July 2008

OCHA, Centres of Safe Shelter and Ad Hoc Shelters in South Africa: Monitoring of sites for needs and Gap Analysis, Report No. 7 – 12 August 2008


OCHA, Situation Report 3 – Violence Against Foreigners in South Africa – 3 June 2008

OCHA, Situation Report 4 – Violence Against Foreigners in South Africa – 11 June 2008

OCHA, Situation Report 5 – Violence Against Foreigners in South Africa – 21 June 2008


Monitoring Reports: Western Cape


Treatment Action Campaign (TAC), AIDS Law Project (ALP) & Civil Society, *Western Cape Displaced People Report 1 - 18 July 2008*

Treatment Action Campaign (TAC), AIDS Law Project (ALP) & Civil Society, *Western Cape Displaced People Report 2 – 21 July 2008*

Treatment Action Campaign (TAC), AIDS Law Project (ALP) & Civil Society, *Western Cape Displaced People Report 3 – 24 July 2008*

Treatment Action Campaign (TAC), AIDS Law Project (ALP) & Civil Society, *Western Cape Displaced People Report 4 – 13 August 2008*

Monitoring Reports: Gauteng


Reports on Foreign Migrants in South Africa:
Consortium for Refugees and Migrants in South Africa.


**Reports on Humanitarian Disaster in South Africa 2008:**


**Minutes & Meeting Notes:**

Department of the Premier, Western Cape. Minutes of the Crisis Summit on Dialogue & Mediation around the Crisis of Displaced People in the Province. 29 May 2008.


Western Cape Department of Health & Metro District Health Services. Summary of Plan of Action Agreed to by MDHS and City of Cape Town Health Department in Response to the Displacement of Foreign Nationals by Xenophobia in the Cape Metro. 26 May 2008

**Press Releases:**

MSF, 30 May – Relocation process in Gauteng

City of Cape Town. Response to TAC Statements on Use of City Halls to Shelter Displaced Foreign Nationals. Media Release no 272/2008 11 June 2008. Issued by: Communication Department, City of Cape Town

DBSA, 27 May 2008 – Development Bank of Southern Africa and Industrial Development Corporation set up R20 million fund to support humanitarian relief


**Guidelines for Humanitarian Action:**

Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief

Jaspars, Susanne and Young, Helen, December 1995, General Food Distribution in Emergencies: from Nutritional Needs to Political Priorities, Relief and Rehabilitation Network Good Practice Review: Overseas Development Institute.

MacFarlane, Campbell 2003, Terrorism in South Africa. Prehospital and Disaster Medicine. April-June. 18(2) http://pdm.medicine.wisc.edu


The Sphere Project’s Humanitarian Charter and Minimum standards in Disaster Protection (the Sphere Handbook) http://www.sphereproject.org/index.php?option=content&task=view&id=27&Itemid=84
