

**Recommendations stemming from
Lessons Observed of the
Response to Internal Displacement Resulting
from Xenophobic Attacks in South Africa
May- December 2008**

FINAL VERSION

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Introduction

This report summarizes recommendations stemming from the lessons observed exercises undertaken with stakeholders in Western Cape and Gauteng Provinces following the response to population displacement caused by xenophobic violence in May 2008.

Western Cape

The UN Office for the Coordination of Humanitarian Affairs Regional Office for Southern Africa (OCHA ROSA) invited civil society organizations and UN agencies to participate in a lessons observed exercise in Cape Town on 21 November 2008. At OCHA ROSA's invitation, the South Africa Human Rights Commission (SAHRC) facilitated the session. On 24 and 25 November 2008, the Provincial Disaster Management Centre (PDMC) organised a "lessons observed" exercise, involving key line departments of the Western Cape Provincial Government and the City Of Cape Town. OCHA ROSA was invited to facilitate this exercise.

Gauteng Province

OCHA ROSA also invited UN agencies, civil society, international and national NGOs, and representatives of the Gauteng Provincial and National Disaster Management Authorities to a lessons observed exercise on 3 December 2008 in Pretoria. Minutes and participants lists for all three exercises can be found in Annex II.

This report synthesizes the main themes and recommendations from all three exercises, as there was a significant convergence of opinion on key areas for potential improvement among partners. It was drafted by OCHA ROSA and shared with all participants from all three exercises on 19 December 2008. Subsequent comments received by OCHA ROSA are now included within this revision.

Executive Summary

Key recommendations and / or observations to emerge from all exercises include:

- Despite differences in the nature and severity of attacks in the two provinces, as well as differences in the humanitarian response to the resulting displacement, there are many similarities in defining next steps from Government, civil society and the international community. There was a consensus that this provides solid ground for improved collaboration in the future.
- It was acknowledge that all stakeholders were not adequately prepared for the crisis, and that given the likelihood of a recurrence of internal displacement within South Africa, there is an urgent need to strengthen both individual entity and joint preparedness for such an eventuality.
- It was noted that the Government is undertaking contingency planning at the provincial level for social conflict. Some partners felt that a *national level* contingency plan would allow for more coherence in any displacement challenge facing multiple provinces. Further, given the potential role of international partners in supporting any such future response, their expected contributions, roles and responsibilities should be factored into these plans.
- To be meaningfully and effectively implemented, the contingency plan must be based on a clearer understanding of the roles and responsibilities of various Government departments in addressing displacement resulting from social conflict. There is in particular a need to define a lead department within National Government for social conflict scenarios. And further, to distinguish among potential future social conflict scenarios that might have a bearing upon the identification of appropriate lead departments. For example, if displacement affects foreigners, the lead department might be Department of Home Affairs or

Department of Foreign Affairs, but if displacement affects South African nationals it may be the Department of Social Development.

- The contingency plan must also resolve critical national policy decisions concerning various short-, medium- and long-term response options that would allow for the respect of the rights of non-nationals to care and protection, irrespective of legal status, and in keeping with national and international law.
- In the meantime, it was recognized that partners should undertake their own individual contingency planning. To this end, the UN Resident Coordinator should in early 2009 convene the international humanitarian community to undertake inter-agency contingency planning according to the Inter-Agency Standing Committee (IASC) guidelines. These would ultimately be synchronized with the Government's contingency plans at both provincial and ideally national levels.

Key Issues and Recommendations

1 Coordination

Government

Government coordination needs to be strengthened at all levels. All three tiers of Government authorities, as well as partners, felt that the effectiveness of the response and the comparative advantages of all responders would have been greatly enhanced by both stronger internal coordination within the Government, as well as of the supporting civil society and international partner efforts. Civil society groups and international organizations contributed resources which, if used in a coordinated manner, could have been used more effectively in meeting the needs of the affected population and potentially reducing the resource burden on Government.

Government should identify the lead national department for social conflict scenarios that result in displacement, as well as ensure that all relevant departments, and Ministers, are familiar with the Government's disaster management legislation, and their respective roles and responsibilities in such a scenario. The lead national department should have executive inter-departmental decision making authority with budgetary oversight. It was felt that coordination across the various departments was lacking, as was a clearly defined executive decision-making capacity. The Provincial Disaster Management Centers (PDMCs) are not mandated to assume this role, nor do they have the capacity or the legal authority to make decisions on behalf of line departments. And, in the case of this crisis, there was no clear nominated lead national department assigned. Further, some partners felt that several key Government agencies were missing from the response, including Child Support and the Department of Labour.

Provincial level JOCs need to be in a better position to provide strategic guidance and direction to decision makers of prolonged displacement resulting from social conflict. This in some cases requires a review of existing capacities in order to address areas of weakness.

A limited number of appropriate and relevant representatives from the UN, NGOs, the Red Cross Movement and civil society with experience in humanitarian action should be invited to participate in national disaster management advisory fora. It was recognized that more meaningful dialogue on potential response options would have been facilitated by closer working relationships between the Government and potential emergency response partners in advance of the crisis. And further, that there exists much international experience and expertise in the country that could benefit the Government as part of preparedness and response.

The Government should itself demand greater cohesiveness and predictability in the international assistance it receives. This includes better using the General Assembly mandated role of the UN Resident Coordinator to coordinate the efforts of international humanitarian partners in support of the Government. (See below.)

Given the breadth and scope of civil society, the Government should seek to rationalize the participation and/or input of civil society to Government decision making processes. This may be achieved as a preparedness measure through the mapping and ultimate registration of civil society organizations with humanitarian relief capacities¹, and during the crisis through the appointment of a full-time liaison / coordination officer for civil society and volunteer organizations.

¹ OCHA ROSA could assist the Government in doing so.

International partners

The implementation of the cluster approach², adapted to support a Government-led response, and a fully involved UN Resident Coordinator would have ensured greater coordination, cohesiveness and predictability in the international assistance provided. In some geographic and thematic areas, UN agencies and other partners were relatively coordinated around operational activities but there was little to no coordination at the strategic policy and advocacy level, which greatly hampered the effectiveness of international support, and led to mixed messages being given to the Government. The difficulties stemmed in part from differing, competing or overlapping mandates that arose from disagreement over the nature of the emergency, chiefly whether those affected were deserving of international assistance and protection or were of national concern only. Additionally, a consensus was also never reached on the role of international actors in supporting a strong, middle income Government such as South Africa. Implementing the cluster approach would also have facilitated greater and easier access to regional and global material and human resources.

OCHA ROSA should be a standing member of the UN Country Team for South Africa. While OCHA ROSA initially played a strong supporting role in assisting the Resident Coordinator (RC) to coordinate international response efforts, this support was not sustainable as OCHA's role in supporting the RC to address humanitarian issues was never fully embraced and/or accepted by the UN Country Team, which stemmed in part from disagreement over the nature of the crisis and competing mandates within the UN system. While OCHA ROSA's support was requested and welcomed by the Government, its effectiveness would have been greatly enhanced had it been more fully mandated by the RC and UNCT.

² Refer to www.humanitarianreform.org

Civil Society

Civil society should take greater responsibility for coordinating and regulating itself. It was agreed by civil society participants that their own parallel coordinating structures were counter-productive and led to duplication of efforts and gaps in response. While Government is ultimately responsible for coordinating the assistance received, it was recognized that to enhance its own effectiveness and influence, civil society should take steps to better organize and coordinate its own activities, as well as to hold its own members accountable for acting responsibly to address the needs without further exacerbating tensions.

It should also constructively and realistically participate in discussions on its own interface and participation with Government and internationally-led coordination and response mechanisms. While all partners in the response need access to information and to understand the policy and operational framework in which their assistance is being provided, it is not practical for emergency decision makers to interact and consult with a plethora of actors in the heat of an emergency in which decisions must be rapidly taken. Thus, for practical reasons, there is a need for civil society to elect representatives to participate in key decision making fora. This might be most easily done by electing one representative each from the various segments of civil society that participated in the response -- including faith-based, humanitarian, human rights and labor organizations -- These networks might wish also to adopt existing Codes of Conduct, chiefly from the Red Cross, to govern the professional conduct of their membership.

2 Documentation, refugee status determination, and legal protection of undocumented non nationals targeted and displaced by violence

In the absence of a clear migration policy and with a high number of undocumented migrants living in informal townships and settlements (who might again be displaced by targeted violence in the event of social conflict scenario), the Government should review the legal options provided to those undocumented non-nationals affected by the violence, with the aim of ensuring a more human rights-based and humane response. The Government undertook laudable measures to offer those targeted by the violence a six-month temporary status in the country, during which time they were to be provided the opportunity to regularize their status. However, the implementation of this process was flawed, to the extent that the intent of the Government to regularize undocumented migrants affected by the violence was ultimately in question. Areas of concern included:

- Communication with those affected over their options was inadequate, which led to high levels of mistrust and fear between the Government and the victims of violence. As a result, many choose not to avail themselves of the protection offered.
- Delays in the offering and issuance of the temporary status meant many were left exposed to deportation, which did occur.
- Those with no legitimate claims to asylum were led to believe that their stay could be regularized through an application for asylum. Ultimately, more than 90 percent of asylum applications were denied.
- Individual status after the six-month protection expired was and remains unclear, which inhibited the ability of those affected to make informed decisions about their future.

The Department of Home Affairs (DHA) should be adequately resourced and capacitated with skilled interviewers possessing the correct language skills to address any future need for mass status determination that might arise from a social conflict scenario. Some of those targeted by the violence were refugees or had legitimate claims to asylum. Many had lost their documentation proving that they were refugees or asylum seekers. They were advised to reapply for asylum. Interviews were conducted but often not in their preferred language. DHA staff were not sufficiently trained or skilled to properly advise on determination, and many people who had no legitimate claims to refugee status (such as Malawians and Mozambicans) were allowed to apply.

3 Integration

There was a need for a comprehensive and resourced integration strategy to have been developed from the very outset of the crisis. Additionally, any integration strategy should have been a component of a broader exit strategy, which would have encompassed other durable solutions for meeting needs of the affected and been based on a realistic timeframe for achieving these. Instead, the Government perceived the closures of the camps in and of itself as its integration strategy, while the UN failed to effectively lead partners at an early enough stage³ to coherently and effectively advocate for a more humane and principled strategy, as well as to support the Government in developing such a strategy.

The non-negotiable aspects of any integration plan include:

- Resource equality for all beneficiaries. As it was, some received cash grants and food parcels, which were of varying amounts; others received ad hoc contributions from faith-based and civil society organizations; while others received no assistance at all.

³ UNDP made a significant contribution in leading the development of both principles and a plan for reintegration but this was undertaken too late in the response to bear impact.

- Adequate integration assistance, which should include appropriate protection measures on the way home and material assistance for livelihood support and basic shelter. A more open dialogue is still required to further define an appropriate integration package in the context of the generalised levels of poverty in South Africa, which does not exacerbate existing community tensions.
- Full consultation with South Africa communities in potential areas of return, including confidence-building meetings between IDP leaders and the host communities, as well facilitated visits of IDPs to potential areas of return to enable them to do their own self-assessment of suitable conditions for return.
- More active identification of potential safe areas of return, and for this information to be made readily available to the affected.
- Participation of volunteers from the affected communities in conflict mediation and service delivery. As it was, the mediation and response efforts were led primarily by actors who did not originate from the affected communities. Had the former been more involved, better progress would have been made earlier towards reconciliation and durable solutions.

The provision of adequate telecommunication facilities at the displacement sites is necessary to facilitate faster integration and return. The displaced were often computer literate, but did not have access to the Internet within the sites. Where civil society facilitated their access to cell phones and the Internet, those living in the safety sites were able to communicate about potential areas of return in a rapid, efficient and cost effective way.

4 *Material assistance and humanitarian standards*

Government should develop a standardized approach to the provision of material humanitarian assistance in situations of prolonged displacement, using as a guide the SPHERE Project international minimum standards for humanitarian assistance. While it was generally recognized that material assistance on the whole met, or exceeded international standards once safety sites were established and running, there was little to no standardization of material assistance and distribution criteria: some people received eight blankets and two mattresses while others received one blanket and one bed roll. This created tensions and inequalities and wasted available resources. Further, the outpouring of public support from South African businesses, individuals and charitable organizations was welcome, but the great variety and suitability of contributions proved difficult to manage. There were also many instances where the charity and goodwill of the private sector and public were abused when the foreign nationals capitalized on the situation by misappropriating disaster relief issued. Elements of such an approach should include a policy for accepting in-kind donations, including a list of appropriate and acceptable assistance, as well as a database for tracking contributions.

5 *Protection*

The Government and other actors need to ensure that the protection concerns relating to prolonged displacement are fully addressed. In the context of South Africa, this crisis was distinguished from other temporary displacements, experienced as a result of natural disasters, in that it was triggered by conflict and the displacement was prolonged. Both Government and partners within South Africa lacked the necessary skills and capacities to assess and respond to protection related needs *in this emergency context*. While some organizations did assess protection needs, individual efforts were neither coordinated nor comprehensive. Thus, while it was largely recognized that the

material assistance provided was for the most part adequate, issues of social welfare and the prevention of human rights abuses did not always receive the desired responses. It is recognised that the Department of Social Development are now in a process of reviewing their emergency guidelines for child protection in emergency situations, in part to address this issue. The Government should also consider drawing upon external assistance when required to assist in developing suitable preparedness and response to future displacement resulting from social conflict. Such assistance could be obtained from the inter-agency Global Protection Cluster.

For this to have been addressed there was a need for adequate monitoring and referrals systems to social welfare and other line departments as appropriate. The monitoring that was undertaken by civil society went largely unsystematic and unused. While SAHRC for the first time in this response undertook to organize civil society partners and coordinate this type of monitoring, they were not capacitated nor resourced to do so and would not seek to assume this role in any future social conflict situation, which leaves a gap that the Government needs to take into consideration during contingency planning. Additionally, there was little to no systematic monitoring in communities of return, which inhibits an understanding of the residual risks and successes of integration, as well as early warning.

Additionally, Government responders could benefit from further training in emergency response standards, in particular in the context of social conflict. This too might be requested from the inter-agency Global Protection Cluster.

6 *Temporary Settlement strategy*

As part of preparedness and contingency planning, the Government should consider all temporary settlement options available, including staying with host families and more widespread use of community facilities. Host families and use of communal facilities were all elements of the response, though not all were adequately supported.

This may have added to the total population living at displacement camps, increasing the overall period of displacement and associated costs. The initiative of the Western Cape Provincial Government and the City Of Cape Town to explore the possibility of reaching agreements with civil society to provide more widespread temporary shelters in community and faith-based halls as a contingency for future population displacement, is a good example of better preparedness. Numerous international guidelines and best practice also exist to assist in developing appropriate approaches to temporary settlement, and these should be referred to. They include: the Handbook for Emergencies (UNHCR), Guideline for Transitional Settlement for Displaced Populations (OXFAM), The Camp Management Tool Kit (NRC). Further, international expertise exists that could be drawn upon to inform contingency planning for temporary settlements.

If displacement camps are to be established, more attention should be paid to established social as well as technical parameters, which can also be found in the above guidelines. It was noted that the process of site consolidation in both Gauteng and Western Cape Provinces was not smooth. Many IDPs were moved to new sites before they were ready for habitation. In a number of cases, sites were unsuitable, resulting in one site in Gauteng Province needing to be completely relocated. To this end, site selection needs to address and balance the complexities of:

- *Service delivery efficiencies* (i.e. the number of support sites, the cost of transportation and set up costs)
- *Facilitating integration and return* (the benefits of maintaining close proximity to previous jobs and sources of livelihoods as well as contact with previous communities)
- *Provision of physical safety and social welfare support* (access control, policing, site security)
- *Maintaining good working relations with communities hosting safety camps* (e.g. ensuring business continuity for the use of public facilities and land, the need to encourage local mediation and provision of incentives for local communities. Additionally, in the Western Cape it was noted that there was a benefit from the

emergency happening in the winter so communities were open to using recreational sites owned by the City Of Cape Town. If the next emergency occurred in summer it may be more difficult to utilize these sites).

Any temporary settlement strategy must include consideration of how displacement patterns will change over time. The response did change and evolve over time, i.e. the initial service provision was in community halls, shelters and other ad hoc sites and then evolved to camp settings. However, changes to temporary settlement strategies were more reactive than based upon known or expected population movements and a pre-established policy.

7 *Camp management*

The Government should undertake a review of the pros and cons of the various approaches used for camp management to inform contingency planning. In Gauteng Province, the role of camp management was outsourced to commercial contractors from a very early stage, whereas in the Western Cape Province, the role was taken on by City of Cape Town (CoCT). There were concerns about both approaches, chiefly about the experience and knowledge of those involved in camp management, as well the nature of some of those contracted, whose main business was law enforcement and security rather than humanitarian protection and social welfare. If outsourcing is to be undertaken, the Government should at all costs ensure that it does not derogate its protection and social welfare responsibilities. To this end, it may wish to consider during its assessment the potential advantages of contracting such services from civil society organizations, NGOs, and UN agencies. Lastly, if outsourcing is to be undertaken, contractors should be pre-screened in order to ensure they have the correct expertise. Framework agreements with service delivery agents might be explored as a part of preparedness in order to avoid the need for time consuming tenders during a future emergency.

Whatever the preferred option, there is a need to ensure greater training and capacity of any future camp managers. South Africa could also use this technical

capacity and resource to support other countries in crisis as part of its own international assistance.

Greater participation of IDPs in camp management should have been encouraged through community leadership structures, including encouraging participation in supporting communal activities and services, such as the preparation of food and cleaning of sanitation facilities. This has proven elsewhere to mitigate against long-term dependencies, and restore the dignity of victims of this crisis by utilizing their capacity.

Photo identification should be given as early as possible to beneficiaries accessing displacement sites, as part of a broader registration process (see below). Those working in the sites should have been provided with the same. This could have been done cheaply and effectively with laminated cards. As it was, individuals and organisations were allowed access without basic controls. As a result, journalists were allowed to abuse the privacy of the inhabitants; those not affected by the violence gained easy entry and access to aid; and some individuals from civil society who did not possess the necessary experience and knowledge of humanitarian response were allowed to access the sites and make inappropriate and uninformed judgements to the public about the quality of care, which at times undermined the overall response as a whole.

Population fixing, registration and status determination must happen in the proper order and with the proper care. These are three discreet processes that need to happen sequentially in order to be effective. Fixing is a first step measure to prevent initial abuses of aid by determining who has a legitimate right to be assisted and protected in the safety sites. This can be done cheaply and efficiently with tokens. Registration is a longer process that should only be done once basic structures are in place, such as fencing, and there is modicum of population control. Status determination should have been undertaken last, only once the population in the safety sites was fixed and properly controlled. As it was, fixing was done inconsistently and not in a timely fashion. And the other processes were simultaneously undertaken in a rushed manner that contributed to a lack of knowledge as to who was in the safety sites and who had a right to be there,

as well as a lack of demographic data to inform programming and to identify vulnerable groups in need of special care.

There should have been storage facilities for the belongings of IDPs. There were no secure storage areas in the sites, which led to many accusations of theft thereby raising tensions.

8 Budgeting and resourcing

A funding mechanism for emergency response to longer-term displacement must be developed. Government recognizes the need for contingency planning for social conflict, so it stands to reason that it should also simultaneously ensure funding for such an eventuality. During the crisis, line departments at all levels quickly exhausted their existing funds for emergency contingencies, as these were insufficient for a response involving longer-term displacement. It bears noting that a proper integration and temporary settlement plan could have reduced displacement times to a minimum, which would have also reduced the resource burden on Government.

The Government should consider placing national treasury representatives in the provincial and municipal disaster management centre's as part of the strategic decision making when such centres are in session. Local Government authorities also need to receive assurance by National Government that funding spent on disaster relief in such crises, will be fully compensated for. This would have helped with both the early detection and better understanding of critical funding gaps and possible ways to address them.

The Government should also consider in advance the pros and cons of exploring complementary funding alternatives. This could include international financial institutions, such as the World Bank, as well as the United Nations and international donors. While many countries do not wish to have highly visible appeals for international assistance circulated, there are ways to seek funding from the international community in a more low profile manner and these were not adequately explored.

9 *Role of Civil Society*

The role and comparative advantage of civil society as the first responder to the crisis, as well as an agent for ensuring public accountability, should be recognized.

Civil society felt that their contributions were not fully recognized or valued. Greater signs of public support for civil society from the Government would improve relations.

Further, as the first responders to the crisis, civil society organizations should be better capacitated through training in international humanitarian response systems and standards. Civil society was, in many cases, the most vital component of the response efforts in initial phases, yet few have had significant direct experience in relief and aid operations. Valuable training might include:

- Humanitarian training in “Fundamentals of Humanitarian Practice” and “Humanitarian Logistics” (which may be provided by humanitarian training organizations like REDR Southern Africa)
- Training in Camp Coordination and Camp Management (which may be provided by UNHCR or Norwegian Refugee Council)
- Code of Conduct training (which may be provided by the South African Red Cross/International Federation of the Red Cross)
- Training on SPHERE minimum standards of humanitarian assistance (which may be provided by the South African Red Cross/International Federation of the Red Cross)

10 Role of international actors

The role and comparative advantage of the United Nations in assisting the Government in situations of social conflict should be recognized. The role of international partners was not universally accepted during the response, and the lack of coordination and disagreement within the UN system itself exacerbated this. Participants, including Government representatives, recognized that it would have been beneficial had the UN come together to support the Government in a more timely and coordinated fashion in the areas of advocacy, training and the implementation of international minimum standards.

The UN system and other international partners must ensure that they quickly draw down the proper capacities to do the above. Even when specific technical assistance was request from the UN, it was sometimes very late in coming. There was also a high turnover of international staff that were supporting the response, which reduced continuity and institutional memory.

11 Public information and communication

A coherent Government communication strategy needs to be developed as part of preparedness. Particularly, strategies are needed to communicate with displaced persons, the general public and with the media. It was acknowledged in all meetings that communications had not been sufficiently timely, consistent and coordinated. Public information from Government was vague and inadequate at the sites, which increased tension and trauma for the beneficiaries. Suggestions to improve communications, such as erecting notice boards, were not implemented. Further, contingency plans should include both internal and external communication strategies that take into account the varying needs for communication with multiple audiences from day one of the crisis. IDPs should be consulted on the development of both these communication strategies.

There is a need for media training, in particular in international humanitarian and human rights law, and issues surrounding displacement due to social conflict. The media at times reported inaccurate information and showed a limited understanding of the human rights dimensions of the conflict, which often undermined the efforts of responders. In specific, participants expressed concerns regarding the sensationalism of some media reporting and the risk this posed of further inflaming tensions and escalating violence. Consequently, mistrust developed with some media outlets, which meant their role in educating and informing the South African population about the needs of those affected was not fully appreciated and utilized.

12 Early Warning Systems (EWS)

The Government should define what constitutes xenophobic attacks. There is a need to distinguish between xenophobic attacks as opposed to ordinary criminal ones that happen to involve foreign nationals. Without this definition, it is difficult to determine whether, in the very generalized and significant criminality of South Africa, foreigners are being targeted.

There is a need for a local human rights organization to investigate and undertake independent case verification of xenophobic attacks, without which no clear trends for early warning and advocacy can be credibly undertaken.

The Government should create an Early Warning Unit to monitor and analyze information that might signal a rise in community tensions that could lead to violence. It was widely recognized by the participants that there were many signs of mounting tensions and xenophobia prior to May 2008, but that there was no single clearinghouse for the information, which would have allowed it to be sufficiently consolidated, analyzed and acted upon. Further, it was agreed that to date, there is no common understanding of the root causes of the violence, without which all future planning and early warning are potentially based on incorrect assumptions.

This Unit should fully assess and draw upon the comparative advantage of faith-based organizations (FBOs) to assist in early warning monitoring. A number of participants underscored the importance and unique position of FBOs with very strong information networks and an “ear to the ground” that few other organizations in the communities enjoy. FBOs should be part of any effort at establishing an early warning unit.

Annex I Background and context

History

Xenophobic attitudes and violence date back to at least 1996 in South Africa. There have been a number of efforts led by the South African Human Rights Commission (SAHRC), Parliament, civil society and the United Nations, including the UN High Commissioner for Refugees (UNHCR), to address xenophobic attitudes. Most significantly, this includes the UNHCR supported “*roll-back xenophobia*” campaign in 2004. Despite these efforts, xenophobic attitudes have been consistently measured at a high level, with about 70 to 75 percent of the population across all groups within South Africa measured to hold xenophobic attitudes, since polling started in 1996 (*source: Southern Africa Migration Project 2006*).

The recent crisis

In May 2008, violence erupted in Alexandra in Johannesburg and quickly spread to other provinces in an apparently systematic and ordered fashion. During the violence, 62 people were murdered and 670 injured. Police arrested more than 1300 persons, but to date there have been very few convictions.

At the height of the crisis the Government estimated that some 38,762 people had spontaneously sought refuge at ‘*ad-hoc*’ shelters with 17,548 in Gauteng Province, 19,654 in Western Cape Province, and 1,560 in Kwa-Zulu Natal Province. *Ad-hoc* shelters were typically located in police stations, community halls and open grounds near public facilities. However, total displacement was estimated to be much higher, up to 100,000, by some civil society organizations. These estimates include those who sought refuge within communities as well as *ad hoc* relief sites.

The high numbers of displaced persons seeking protection at *ad hoc* shelters, however, quickly made sustainable support at these sites untenable. In response, the provincial Governments in Gauteng Provinces and Western Cape Province in collaboration with local government authorities decided in June and August 2008 respectively to consolidate relief assistance into a smaller number of organized and registered temporary relief sites in order to reduce the pressure on public facilities where *ad hoc* shelters were located.

- **In Gauteng Province**, the displaced sought protection from the violence in 48 *ad hoc* relief sites, including police stations, fire stations, churches and other public buildings. On the 21 May 2008, the President of South Africa approved the deployment of the army to contain the violence, as it became increasingly clear that the police were unable to cope with the crisis. Thousands of foreign nationals repatriated spontaneously or with assistance from their embassies or the International Organisation for Migration (IOM), especially nationals from Mozambique (40,528 in total) and Malawi (1,260 in total). On 30 May 2008, the cabinet of Gauteng Province declared a disaster and undertook a plan to consolidate existing *ad hoc* relief sites and relocate the majority of the displaced to new Centres of Safety and Security (CoSS). By 7 June 2008, the number of registered Government sites in Gauteng Province had been reduced to 14, including six CoSS, which were established within a matter of days. While a bare minimum of services were provided, there were reports of protection concerns within the CoSS. In one case, soil tests at the Wadeville CoSS revealed high levels of contaminants in the soil forcing the relocation of the entire population to a new site in Boksburg.
- **In Western Cape Province**, the initial displacement resulted in more than 100 *ad hoc* sites, mostly located at police stations, community halls, churches and other public places within the City of Cape Town. The subsequent consolidation process relocated the displaced to municipal community halls and vacant holiday campsites, particularly in the instance of the City of Cape Town. Ultimately, municipal and provincial authorities both agreed to consolidate all remaining IDPs to vacant camping grounds.

Further consolidation was completed in August/September 2008, reducing the number of CoSS to three.

- **In Kwa Zulu Natal**, faith-based organizations (FBOs) and civil society were the first responders to the crisis. In a meeting held on 1 July 2008, the Head of the Municipal DMC explained at one of its first meetings with local NGOs, the Red Cross, UN and local Government, that refugees and asylum seekers were not their responsibility as the current situation was not a disaster. No other Government department undertook to support those displaced by violence. In particular, the special needs of separated families and women were not met.

In all three provinces, the rapid and generous response by FBOs, civil society organizations, and national and international NGOs clearly protected lives and facilitated the rapid reintegration of large numbers of the displaced within days or weeks. Large quantities of food, clothing, blankets and other relief items were donated and delivered to the displaced rapidly. They thus played a vital role as first responders while the broader Government response was organised. The National Red Cross Society, the International Federation of the Red Cross, the International Organisation for Migration as well as the UN agencies also played a role in filling material gaps in assistance filling with relief supplies; providing sectoral technical advice and training on standards; undertaking rapid assessments in collaboration with government; and monitoring activities.

While all stakeholders agreed upon the need for the safety sites to be a short-term solution to providing physical security, there has been vast disagreement over how and when the sites should close, which hampered a coherent response.

Current Situation

On 30 September 2008, the Gauteng provincial authorities stopped services to all of its official safety sites, thus forcing the majority of camp inhabitants to leave. Although it was not listed as a registered safety site, at the time of the writing of this

report, 450 IDPs still remain at the Acasia site near Pretoria. In the Western Cape Province, there are approximately 700 refugees remaining at Blue Waters near Strandfontein, and at Youngsfield in Wynberg, despite the fact that both sites have been officially closed since November 2008. These groups say they cannot return to the communities from which they fled because they do not feel safe. However, there is at least a portion of this group that may not have been affected by the violence, but see the crisis as an opportunity to seek third country resettlement.

Annex II Minutes and participants lists from lessons observed exercises

Minutes from Lessons Learned Exercise with UN and NGOs 21 November 2008 – Cape Town

This report captures most of the primary points presented by participants. It is necessarily condensed and may not contain all comments expressed on the day.

The following are notes from each of the four working groups formed:

1. Coordination and Information Management
2. Protection and Monitoring
3. Lasting Solutions
4. Material Assistance / Camp Support

These groups were asked to look at the following questions for each sector:

1. Key successes
2. Key challenges
3. Coordination
4. Resources used
5. Additional training needs
6. Gaps
7. What would you do differently next time

Group 1 – Coordination and Information Management

Key Successes:

1. A prolonged population displacement presented a significant challenge for all stakeholders in the response. However, the spirit of partnership among civil society groups was found to be strong.
2. Assistance came rapidly from a wide range of private individuals, faith-based organisation (FBO)s and NGOs in South Africa
3. Despite initial difficulties within government the Joint Operation Centre (JOC) did get better at working together
4. Mobilisation of a lot of volunteers worked well (in particular TAC/ALP were able to mobilise quickly)
5. As the response developed there emerged a recognition of shared responsibility between government and civil society
6. Cell phone networks (including SMS) amongst civil society proved an effective and rapid communication system.

Key Challenges:

1. Coordination of relief efforts between civil society organisations was a significant problem and did not work well.
2. The large number and geographic diversity of sites combined with the large number of organisations participating made coordination difficult.
3. Decisions at the JOC did not reach the people (IDPs, Civil Society and Government actors) on the ground; this led to duplication, misinformation and mistrust.
4. There were many parallel coordinating structures and meetings which led to duplication and to issues falling through the cracks.
5. There is no NGO with the mandate or sufficient capacity to coordinate all of the organisations who were involved in the response.
6. Lack of clarity on roles and responsibilities were a barrier to effective implementation and coordination.

7. Coordination meetings and agreed task allocations were not linked to accountability or follow up which often meant actions which had been committed to were not completed.
8. Assessments were not always shared, coordinated or even known about by some organisations.
9. Civil society representation at the JOC was limited to short presentations and questions which hindered relationship and confidence building.
10. Information regarding the site consolidation process was not available and the process of arranging transport was poorly managed and coordinated by government. This increased risks for NGOs in the sites as tension levels and aggressive behaviour in the sites increased.
11. Public information was vague and inadequate at the sites which increased tension and trauma for the beneficiaries.
12. Sharing information between NGOs and Government in a systematic manner, did not always work satisfactorily.

Going forward:

1. Clarity is needed on which government departments are responsible for service delivery.
2. Improved understanding by civil society of the need to pass on only credible and verifiable information in order to build trust in them as primary sources of information.
3. Site managers need to have the right skills including people skills, management experience, diplomacy, communication etc.
4. Structures and protocols need to be established to govern the interaction between civil society and government. This could be reinforced by a better understanding of the Disaster Management Act and other legal frameworks.
5. There were too many short term consultants from the United Nations agencies which reduced continuity and institutional memory.
6. Better documentation of events and activities, events, demographics and information sharing is needed.

7. If civil society is to actively support government coordination it will need to be resourced to do so. Other mechanisms such as advisory forums should be developed as part of preparedness.
8. The displaced were often computer literate and had access to the internet and mobile phone networks within the sites. These communications networks could be used to dramatically increase the flow of information to beneficiaries.
9. Coherent communications strategies need to be jointly developed by civil society and government in consultation and collaboration with the displaced
10. The IDP leadership should have been elected and balanced to represent the whole community in the sites (women, children, disabled, elderly and nationalities). These leadership groups should then have been supported and mentored in leadership and communications skills which would have increased accountability.

Group 2 – Protection and Monitoring

Protection: activities aiming at obtaining the full respect of the individual's rights in accordance with law.

Key successes:

1. Police (SAPS and Municipal Law Enforcement) in the Western Cape deployed very quickly which saved lives.
2. Deploying the army at the height of the conflict helped to stop the violence.
3. The announcement by government of the establishment of special courts helped to show foreigners that government was taking the situation seriously.
4. Rapid provision of safe havens by civil society (mosques, private homes, churches) showed public support and empathy for the displaced.

Key challenges:

1. The use of safety sites far from communities (i.e. Silverstream or Soetwater) was seen to be counterproductive as it removed IDPs from jobs and reduced their

- ability to communicate with the communities; this was felt to have extended the time displaced, although the initial intention to provide a safe place for foreign nationals from threatening communities is acknowledged.
2. IDPs did not feel that they had an adequate guarantee of safety in the communities to enable them to return.
 3. Communities were fragmented and did not respond in a positive manner to the crisis, there was a need to better engage community leaders in particular.
 4. Civil Society in the Western Cape did not have experience in humanitarian response; therefore there was a lack of understanding on humanitarian issues, international humanitarian law, conventions relating to international human rights, and national legislation for migrants.
 5. Foreign nationals need access to documentation and asylum procedures.
 6. People need better information sharing mechanisms. There was a large amount of misinformation between groups and in the communities.

Prevention:

1. Need to utilise existing community structures to engage communities
2. There is a need to create legislation against hate crimes and xenophobia
3. Need to raise awareness and positive attitudes towards refugees and migrants
4. Additional training is required by civil society on humanitarian response, in particular protection.

Group 3 – Lasting solutions

Key successes:

1. Approximately 4,500 displaced received 6 month exemption certificates
2. Because of the emergency status determination was undertaken for a large number of displaced allowing them to get formal documentation.
3. Since the crisis there is greater awareness nationally on the seriousness of xenophobia.

4. A large number of IDPs were successfully repatriated with assistance from Embassies, IOM and other groups
5. Some foreign nationals have reintegrated back into the communities, and have reported on positive progress in rebuilding their lives.
6. Organisations such as The Trauma Centre and the UCT Law Clinic have identified opportunities for various training programs and have identified organisations to be trained.
7. Organisations such as Scalabrini have provided assistance to both foreigners and locals so as to promote interaction between the two groups.
8. The Trauma Centre has developed a list of 60 vulnerable families (consisting of 197 individuals) to follow-up with counselling through the reintegration process.

Key Challenges:

1. There are outstanding issues on delays in the granting of legal status, delays and confusion on access to the appeals process within DHA.
2. Government services (health and police were particularly identified) are not set up to service foreign nationals.
3. Reintegration is likely to fail unless it addresses economic issues such as unemployment, trade and competition between foreigners and locals.
4. There is a perception that there is little accountability for government officials.
5. It was suggested that some IDPs repatriated out of fear for their safety in South Africa.
6. Some IDPs are still waiting for repatriation (i.e. Rwanda).
7. Resettlement is a viable option for the most vulnerable refugees at risk living within communities and UNHCR repatriated 230 individuals in 2007 and 2008. However, UNHCR have said that resettlement is not an option for displaced foreigners remaining in the safety sites.
8. Such a complex issue will require integrated and multi-sectoral efforts i.e. an inter-ministerial approach with various government stakeholders including the Department of Justice, Department of Home Affairs, South African Police Services (SAPS) and Civil Society, should be formed.

What would you do differently next time?

1. A more coordinated and planned use of the media to sensitize the general public.
2. Include anti-xenophobia in school curriculum and awareness in general of respect, dignity & worth towards others and self, and appreciation/tolerance of each others cultures.
3. Ongoing monitoring of government service providers to ensure there is no discrimination against foreigners.
4. There should be annual meetings to foster team work and build stronger links between: civil society, private sector, government, UN and other interested parties.
5. A data base should be established and maintained of service providers, NGOs and UN which would indicate who has capacity in which sectors, this would allow for faster and more effective coordination and division of tasks.
6. Good governance and accountability especially in the area of justice is essential.
7. Ongoing recovery and reconciliation programs in the communities are essential.
8. Intensive screening, supervision, and debriefing of volunteers who have contact with vulnerable people.

Training needs:

1. Media needs to be educated to understand the complex concepts of humanitarian assistance
2. Training for volunteers on Disaster Management, and dealing with Trauma

Group 4 – Material assistance / camp support and coordination**Key successes:**

1. There was rapid volunteer mobilisation with ongoing commitment
2. The safety sites were rapidly established and operational
3. A broad range of civil society were heavily involved from the beginning
4. Safety in the sites was good as there was very little violence

5. SPHERE standards largely met within the sites
6. The Youngsfield site of Ottery, Cape Town was particularly well organised, and both IDPs and Civil Society felt the military played a positive role

Key Challenges:

1. The response was initially marked by a lack of understanding of roles and responsibilities between stakeholders in the sites (camp managers, government, and civil society and IDP leaders).
2. The VOCs (site based government coordination groups) were not functional.
3. Registration was poor and unreliable, for example there was no tracking of vulnerable groups (pregnant and lactating, Persons with Disabilities, elderly etc).
4. Access control was poor, individuals and organisations were allowed access without basic controls such as signing a Code of Conduct.
5. Information from government was poor at times – suggestions to improve communications such as erecting notice boards did not take place.
6. The support for those volunteering or assisting to manage stress and secondary trauma was not always well managed
7. Sustained assessment of vulnerable people, especially for trauma related issues was not always available.
8. Despite the presence of SAPS there were no police taking reports or statements regarding the xenophobic violence. In fact the role of the police in the sites was seen as intimidating and their role as protectors or enforcers was ambiguous.
9. Conflict resolution and mediation skills were not effective.

Coordination

1. Coordination was hampered by politics at all levels: civil society, government, beneficiaries.
2. There was a lack of trust between stakeholders which hindered effective coordination and information sharing.
3. Efforts at coordination were often hampered over disagreement and entrenched positions regarding expectations of resettlement from the safety sites.

Resources used:

1. Staff and volunteers time
2. Individual and private sector donations of goods and food

Additional Training needs:

1. Training for volunteers in humanitarian practice and protection
2. SPHERE standards and Camp Management
3. Trauma counselling

Gaps:

1. There was little or no documentation or record keeping by either civil society or government agencies working within the sites which meant there was no accountability.
2. There were no secure storage areas in the sites which led to many accusations of theft and raising of tensions.
3. Site Managers were not given clear job descriptions and therefore their responsibilities were unclear.
4. Initially, the managers had no useable office infrastructure (phone, fax, computer etc).
5. Access to education from the sites was initially overlooked for at the start of the crisis, meaning children missed out on schooling.
6. There was a clear lack of communications to beneficiaries.
7. Leadership groups were not a success, they did not communicate well and were politicised. Leaders should have been elected reflecting the make up of the diverse groups and better supported.

What needs to be different next time?

1. Producing and sharing maps of where the violence occurred and which areas were safe for reintegration.

2. In a future displacement more participation by IDPs should be encouraged to empower them. Such as utilizing them for tasks in the sites (not external contractors) which would decrease risks of dependency and increase dignity.
3. There was little communication from the Department of Home Affairs and what there was, tended to be confusing.
4. Greater community work on reconciliation.
5. The need to work with host communities to encourage reintegration and communication.
6. There was a general lack of monitoring of civil society and private service providers, which led to duplication and repetition.

Additional comments:

- Camp closure dominated the coordination attempts rather than a commitment to integration.
- Is there a greater role for SAHRC to coordinate in the future?
- Key government agencies were missing from the response including child support.
- The protection and monitoring provided in the sites should have been linked to protection and monitoring in the communities.
- SAHRC- it was the first time that SAHRC have undertaken monitoring of this type and will require significant resources if they are to do it again...
- From the start government did not trust or see value in civil society monitoring.
- The issue of the availability of qualified and screened translators is important and was a clear gap.
- Need to ensure the ethnic and gender balance of monitors.
- Measures should be in place to reduce the risks of opportunism and abuse of humanitarian assistance, for example good registration and access controls.
- Registration was undertaken by DHA with assistance from UNHCR, but this information was never used.

- Home Affairs to utilise their mobile offices to undertake status determination.

Participants List Lessons Learnt Exercise

Cape Town – 21 November 2008

	AGENCY
1	Catholic Welfare and Development
2	University of Cape Town
3	Synergy Works
4	The Educational Support Services Trust
5	Global Development Peace and Leadership
6	Friends from Abroad
7	Muslim Judicial Council
8	Youngsfield Organization
9	FFA
10	ARESTA
11	PAHRO
12	Trauma Centre
13	EDICO
14	ADRO
15	South African Red Cross Society
16	UCT Law Clinic
17	Scalabrini Centre
18	ADRO
19	UNICEF
20	OCHA
21	Calvary Chapel
22	SONKE
23	Bonne Esperance CDW

Minutes Lessons Learnt with Government
24 November – Cape Town

Due to other commitments Dr. Hildegard Fast was not able to stay for the entire day so she posed nine questions which she hoped the Lessons Learned exercise would address:

1. Time frames, we need to look at how to reduce the next possible crisis from six months to six weeks with a proper exit strategy in place from day 1. Financial resources impede on other budget related to sites that were open for six months and impede on other budget (fire).
2. What decisions should have been made differently? For example outsourcing of Camp Management and who should attend the Joint Operations Centre (JOC)? Should Civil Society have been more involved in the JOC? Another key question for the Provincial Disaster Management Centre (PDMC) was whether the management of the sites should have been outsourced, as it was in Gauteng which may have been more cost effective.
3. Relationship with civil society? How could this have been managed better? There is a need to think about questions of access to the sites for NGOs and independent volunteers who were in effect accountable to nobody. Tighten and control access to allow better and efficient management of the sites.
4. Did government focus too much on the safety sites and not enough on reintegration and the community? This should link to early warning, monitoring and measuring current situation. There was a lot of focus on mediating at the beginning of the crisis but not on going to identify safe communities, too much focus was given on the very few people remaining at the sites at the end rather than assisting and tracking the people who had reintegrated.
5. Was too much leadership and responsibility placed on the Disaster Management Centre (DMC)? There is a need to look at and consider the amount of senior staffs time spent in the JOC

6. Communication and consultation with IDPs needed to be strengthened. In future how can these be more effectively managed?
7. Media relations were poor, should we have had weekly media briefings to foster better understanding and relationships with journalists?
8. How can we head off or avoid trouble before it escalates in the community? Especially with the festive season coming up, we should be aware that tensions are still present in the community. PDMC is working on a social conflict contingency plan, which should be finished before the holiday period starts.
9. How to close out this stage of the response? How for instance should we thank people and civil society for their work?

Discussion on these points:

The question was raised as to whether this crisis should have been declared an emergency under the Disaster Management Act (DMA) or should it have been declared an emergency and the fund raising managed using other legislation? It was felt that better clarification and criteria are needed as to the proper utilisation of the act for situations involving social conflict.

It was felt that the Department of Home Affairs (DHA) and the Department of Foreign Affairs should have played a more prominent leadership role, especially at the national level, in the response. The provincial and municipal authorities felt that they were left alone and not given guidance from these bodies in the process of response.

The role of civil society was acknowledged to be positive in some instances and counter-productive in others. For example the rapid distribution of clothing, blankets and other aid were of great assistance; however the example of discouraging IDPs from registering with DHA complicated the response.

Given many people were **self-displaced** it was necessary to find mechanisms to assist them to return to safe communities as soon as possible. Rural districts such as the Cape

Winelands were able to achieve this more rapidly, since the number of IDP's were less and more manageable than in the Metropolitan areas.

There is a need to strengthen community leadership and partnership with communities to create an early warning mechanism in case of future trouble, this would also allow the community themselves to take responsibility for resolving the crisis.

Isolation of some sites was thought to prolong displacement – issue of access to previous livelihoods. If the sites are set-up in better locations, we shift the issue to the problem on housing and land and this will create conflict with the local population and landlords, on the other hand if the sites are set-up in an isolated place the services will have to be extended and it will be more difficult to close the sites quicker. Standards of assistance for IDPs cannot be decided without consideration of the current national housing crisis. This should inform standards next time.

Better public messaging is needed. Clearer messages to the displaced are needed so that as soon as they arrive to the site they are aware how long services will be available.

There is a need to better engage the political leadership, who remained largely silent throughout the crisis.

WORKING GROUPS

Group 1 Communications/Media and Protection

1. Communication strategy with IDPs in sites

There is a need for a comprehensive communication strategy that has coherent targeting of messages to multiple audiences and stakeholders from Day 1. The communication unit within the Department of the Premier should be tasked with establishing this strategy. The plan should be measurable and effective.

To have an effective communications plan there is a need to understand the causal factors of social conflict in order to develop accurate and targeted messages. There is also a need to be aware of the political dynamic and the role this played in the response. This should also feed into longer term reintegration strategies.

Need to have a common humanitarian language with agreed definitions on protection, vulnerability, IDPs, refugees, asylum seekers etc

2. How to reduce displacement time

Provide improved physical security for both the displaced and returnees to communities.

Need for training and sensitization of officials on issues relating to foreign nationals such as refugee law, rights of foreign nationals and cultural sensitivity.

When site planning site selection should aim to provide safety sites for people as close as where they are from to enable continuity of jobs and community contacts.

It is suggested that a protection task force be formed to define and address protection issues. For instance most of the attacks took place in new communities, what implication does this have for future protection efforts?

3. Appropriate early warning system for future social conflict and pre-emptive response strategy.

Recommendation for an early warning unit to monitor but also analyse information

Have information on demographic of the groups, we need to bring information together.

Everybody, not only foreign national must be protected. If there is protection we will reduce displacement.

Additional research and analysis of existing information on the root causes of xenophobia is needed to better inform future response.

There is a need for a coherent migration policy, and a need for more demographic information regarding foreign nationals this may require a census.

To sustainably address xenophobia there is a need to foster economic empowerment for all groups in society, not just one group or the other.

Group 2 Site management

It was unanimously agreed that outsourcing could have significant benefits, financial and otherwise. Outsourcing would increase accountability and reduce intergovernmental tensions; however for these benefits to accrue, the site manager must be empowered to manage the sites.

Access control

Photo ID should be given as early as possible to beneficiaries in the sites. Access should be controlled to accredited NGOs and other civil society groups. It needs to be communicated that this is for the protection of beneficiaries.

In order to achieve this there is a need to accredit NGOs, civil society groups and have a database of roles and capacities of the NGOs. An accreditation process should start immediately with the consent and in partnership with civil society.

A policy for donations is required in order to effectively manage distribution of assistance materials to ensure accountability, transparency, appropriateness and equity of distributions. A database tracking donations and needs would assist in reaching these goals; a lead department should be identified to take on this role.

Planning

Equality of resourcing for beneficiaries in sites and those reintegrating is an important principle. Bearing in mind that the reintegration process can be very lengthy.

There is a need for agreed and public standards for assistance and donations. All assistance should be provided in a participatory and consultative fashion so as to minimise dependency.

Group 3 Coordination and decision-making

Who should staff the Joint Operation Centre (JOC)?

The JOC needs to have both strategic and operational capacity. It was noted that at times the authority of the JOC was not clear in terms of strategic decision making which would direct operational directions.

The nature and identity of victims of any future displacement will determine who the lead agency should be, this should be determined as early as possible in the crisis.

Determine the appropriate legislation to deal with displacement. As earlier noted the activation of the Disaster Management Act was not the only option available and in the opinion of the DMC was the lesser appropriate legislation to deal with this type of crisis.

It is necessary to raise awareness in all departments and role-players familiar with DM legislation and to clarify roles and responsibilities in any response.

How should line function decision-making work in future?

There needs to be multi-disciplinary input to decision making with clear delineation and acceptance of responsibilities by line functions.

We need to explore a bottom –up approach for the management of future emergencies to ensure decisions are based on realities on the ground. This could be assisted by devolution of authority to the lowest possible level which will in turn promote ownership and accountability of decisions.

Proper strategic management/ project management re planning.

Once a lead department is identified it will need to take responsibility to ensure follow up on actions agreed by different spheres of government.

How will prolonged displacement be funded?

The first source of funding will continue to be Municipal, Provincial and National line departments existing budgets. Given this we need to identify available resources within those budgets ahead of time. Given the need to access national funding it was recommended that a national treasury representative attend and participate in the JOC activities and strategic decision-making. It is also important the National Government provide assurance to Municipal and Provincial Government that funding provided in good faith for disaster relief in such crises will be fully compensated.

Pursue alternative funding such as from the World Bank or DBSA, or through special appeals to United Nations and international donors. To manage this process the position of a funding specialist or fundraiser should be established within the Province. This will help to overcome the fact that there are currently no disaster contingency fund/ reserve.

Defining a better relationship with and role for civil society and marshalling good will

Cape Town has a vibrant civil society and it is acknowledged that they have an important role in assisting government with accountability.

Pro-actively meeting with civil society who should form part of the Municipal and Provincial Disaster Management Advisory Forums.

It is recommended that Government work with civil society to produce a commonly agreed and understood code of conduct for humanitarian response.

Accreditation

Accountability should form part of the accreditation process which will define the ways in which government will work with civil society.

Define role and relationship with UN

The role of the UN should include advocacy for refugee rights, training and joint enforcement with local authorities with minimum standards.

The UN can play a role through assisting government in developing standard operational procedures.

Comparison and integration of local norms and standards to international norms and standards.

Human resources

Need to manage risks of burn out syndrome for staff responding to emergencies, this includes ensuring adequate staffing levels and sufficient rest time. Other strategies would include rotating staff and providing on the job training to ensure staff have adequate skills and are recognized for their efforts.

Investigate the possibilities to use secondments to other emergency situations in the Southern African region to gain skills and experience.

Participants List Lessons Learnt Exercise

Cape Town – 24 November 2008

	Government Departments
1	DSD Department Social Development
2	PDMC Provincial Disaster Management Centre
3	SAPS South African Police Services
4	CoCT City of Cape Town
5	NIA National Intelligence Agency

6	PGWC Provincial government of the Western Cape
7	DLGH Department of Local Government and housing
8	DOHA Department of Home Affairs
9	DotP Department of the Premier
10	Community Safety and Security Risk Management
11	UNHCR
12	OCHA

Minutes from Lessons Learned Exercise

25 November 2008 – Cape Town

Introduction by Western Cape Provincial Disaster Management Centre (PDMC).

- Background information on Western Cape – each year there are 48 000 migrating to Western Cape – Eastern Cape and other parts of SA, this does not include foreigners.
- So far in 2008 there have been six Disasters in the Western Cape (mainly natural) – most recent are Overberg floods.
- Centre activated in the third week in May and only closed two weeks ago – worked non-stop for five months which has stretched resources.
- Concerns – way in which civil society interact with government – how to come to common agreement in future.
- The PDMC have to develop their own social conflict contingency plan, lessons learned from today will feed into that process.

Issues to be addressed today

1. Question on whether displacement could have lasted less than six months.

2. Terminology of the word disaster, not only for the xenophobia but also a couple of weeks with the floods.
3. Come to common agreement on effective interaction between civil society and Government.
4. Support mechanism for civil strife.
5. Two different lines of coordination civil conflict / disaster.
6. Emergency phase is almost over we are now moving to the reintegration phase and how to go forward.
7. Need to come with concrete solutions.
8. Trying to reduce the risk of happening again.
9. Mitigate the risk.

WORKING GROUPS

1. Current situation – residual caseload
2. Coordination
3. Preparedness / Early warning / Protection needs / monitoring

Group 1: Current situation – residual caseload

What is the current situation?

At the two remaining sites electricity has been turned off, and food is no longer provided by government. Turning off electricity reduces security at night and increases risks of fire as IDPs cook in their tents this is a protection concern.

Access to sites for civil society is reported to be a problem as some groups have been denied entry. Mustadafin reported that they have been requested to prepare food for the IDPs but are worried about wasting food if they are denied access to deliver food. There is a need for civil society to have an opportunity to discuss these concerns with government.

The situation in the sites is complicated some are taking advantage of the situation but other have real fears of reintegration. We should be careful not to oversimplify the

situation by saying that everybody remain in the site to take advantage of the situation. All agree that camp closure needs to happen but this should occur with dignity.

Outstanding issues preventing reintegration

Lack of suitable and safe housing is a major issue hindering reintegration as many IDPs state they are unable to find housing with the amount offered in the UNHCR / UNICEF assistance packages. In addition issues around income generation, livelihoods and finding jobs are a major issue especially for those without documentation.

Concrete action to address the solution

As group (UN + civil society) need to work with the government to find common ground to find proper housing options. There is a need for dignity, safety and security to be at the centre of any solution.

It is essential to avoid eviction as this will simply move the problem to where ever they are evicted to. Need to find solution with the government and also talk to the IDPs.

Use media to stimulate positive community support (business sector to provide training).

If possible community leaders should meet with IDPs and inform them about safety within their communities and welcome them back. This would have more impact than more meetings with Community Development Workers (CDWs) or Police.

Incentives could be offered to the host communities to accept and assist returnees.

Need for civil society and other groups to work to provide skills and training to IDPs to assist them in reintegration

Can the media be used as an effective way to reach out to communities and ask for assistance, to date there have been no voices or ideas from the host communities can this be changed?

Questions and Answers

One of the barriers is that some people who are much traumatized can't make any decisions. There are different categories of people with different level of trauma. Therefore, a case by case basis will have to be applied to find out what the obstacles are for each person.

Group 2 Coordination

The most interesting discovery is that UN system and civil has different views on how to approach discussion with the government. A collective effort might have been stronger on advocating on gap filling.

The proviso was that the government should have been able to tell us more upfront about what they were expecting; this would have made the humanitarian community more proactive and more organized.

How could we have better coordinated?

Government response was not coordination driven. Coordination is a government responsibility, they need to have defined roles and so until then the international community is limited in their response. Government must be accountable and is obligated to coordinate.

The humanitarian community needs to map out a basic coordination structure such as the UN Cluster approach or need to have a central decision and coordination making body to advise on advocacy and operational level decisions.

The UN system knows and is used to working with core international operational agencies (Red Cross, Oxfam, MSF, and Save the Children). However it was difficult to understand the various civil society organizational arrangements in the Western Cape.

Who would coordinate the group? Need a focal point in the government (perhaps DSD), and a peak NGO such as South African Human Right Commission (SAHRC)? However they have indicated they don't have the capacity to play a full time coordination role and this would anyway undermine their mandated role.

Government need to create a database of all civil society groups to identify core competencies, capacity, and resources. OCHA should support them in this process.

A database NGOs, Faith Based Organisations (FBOs) and other civil society groups should be established and maintained collecting information on:

- Area of expertise
- What resources they have available
- Level of staffing and ability to up-scale

This pre-screened list of civil society groups who meet certain criteria including:

- Code of Conduct(CoC) in place
- Level of guaranteed funding
- Ability to absorb additional funding
- Government accreditation
- Length of time in operation

Group 3: Preparedness / Early Warning Team / Protection

Given high likelihood of a recurrence of xenophobic or other social conflict in the near future this urgently required.

Regarding the status quo – how effectively are people integrating and is anyone working on follow-up? It is imperative to work with localized leadership who have the necessary tools and information to assess threat levels e.g. stares; threatening statements; graffiti; “petty” theft/scuffles which may indicate an escalation of tensions.

It will also be important to link people on the ground with government actors (e.g. JOC) – not political leaders only. We MUST find ways to find IDP's serving in leadership roles as this will be critical for early warning systems and understanding cultural and community tensions. As the issue is multifaceted – all sectors and forums must be included – religious; faith-based- ; political leaders – but input and concerns must not be filtered or edited.

Feeding information into government through established local forums for a – jointly develop a strategy. Clearly defined channels of communication will be critical in sharing essential information.

In the Black Sash Submission to National Economic Development and Labour Council (NEDLAC) they called for Disaster Management Act (DMA) regulations to ensure better and meaningful community participation and for contingency funds (ring-fenced and set aside for human-induced disaster) to be released / made available when warning bells are going off, rather than fumbling for resources in the middle of a crisis. Mobilization of resources; mitigation strategies to be done earlier and more focused in an integrated manner. It is also necessary to ensure government departments comply with legislative requirements relating to emergency preparedness.

Part of preventative monitoring may include community police forums – and/or other recognized and established structures – this must be ongoing – scaled down, but not dissolve or get side lined when there is no crisis.

In order to ensure effectiveness of an early warning group, we must establish the status of the group and define its authority will it be statutory or voluntary; loose, but recognized / respected network of organizations rather than individuals.

The group underscored the importance of rights education and training of local civil society groups. There must be accepted and consistent standards for support by not only government/agencies – but also civil society groups. Overcompensation; duplication of

services not helpful – agreed that acceptable standard of services are critical. Also standards for monitoring and evaluation need to be determined and agreed.

The absence of community leaders/members helping with the crisis – fuels suspicions and prevents cooperation.

Important to have civil society be disciplined and not speak on behalf of groups – as much as media is constructive – it is also a disproportional weight a disaster/or a tragedy – e.g. IDPs throwing themselves into the sea –sensationalism can easily fuel an escalation of a disaster – therefore it is important to work closely with institutions such as the Human Rights Commission – screening to be part of interventions.

To better assist the PDMC a replica of National Disaster Management Advisory Forum (NDMAF) must be strengthened by civil society representation and active participation.

Critical not to *outsource* – focus on partnerships – otherwise taking responsibility – given Gauteng experience – where some aspects of camps were made the responsibility of private companies.

Protection issues – ongoing attacks on foreign nationals (also an aspect of community violence), or how do we separate the two. Information must be verified – what to do with information that is critical – is it verifiable? SAHRC will investigate reports of xenophobic attacks. Clear procedures and responsibility; line of communication needed when reports come in locally – e.g. must be same response to same issue – regardless of whether one is an SA citizen or a foreign national. Mandate/contact details and resource list at disposal – of active people must be updated and circulated.

Questions and Answers

There is a danger of outsourcing especially when it comes to management.

No adequate monitoring of human right violations, there is no category of crime. No specific torture legislation.

Given the human rights dimension to this emergency it was felt that the courts have been under-utilized, use of the equality courts may have helped define the emergency and the level of assistance the government was obliged to provide.

Participants List Lessons Learnt Exercise

Cape Town – 25 November 2008

	Organizations
1	PDMC
2	DSD
3	Camp Management
4	Community Safety and Security Risk Management
5	Black Sash
6	Jewish Relief Efforts
7	UCT University of Cape Town
8	SARCS
9	IFRC
10	Scalabrini Centre
11	Catholic Welfare and Development
12	Mustadafin Foundation
13	Department of Community Centre
14	Trauma Centre
15	UNICEF
16	UNHCR
17	OCHA

Minutes Lessons Learnt Exercise with UN, NGOs, and Government

3 December 2008 - Pretoria

Background

On 3 December 2008, UN agencies, INGOs, civil society groups and Government of South Africa, (Provincial Disaster Management) met in Pretoria for a Lessons Learnt Exercise to gather the views and experience of all stakeholders and assess the response to the xenophobic violence that occurred in May 2008. The exercise was initiated by OCHA whose mandate at the end of any emergency is to assess the response and complete a lessons learned exercise. During the violence 62 people were killed and at the height of the crisis at least 40,000 were displaced.

After a brief introduction from each of the participants on the expected outcomes of the meeting, working groups were set-up in which open and free discussions took place. Working group sessions were then followed by plenary discussions. The exercise was facilitated by Ms. Claudine Haenni Dale from the Global Protection Cluster who led and steered discussions aimed at identifying and addressing key successes and failures encountered during the response and ways forward to better prepare and coordinate humanitarian actors should another emergency occur. The participants agreed that it is very likely that violence may re-occur in anticipation of the coming elections in April 2009. It was felt that this could take the form of xenophobic attacks, politically motivated violence triggered by the elections, ethnic violence between South African groups or violence related to the recent upsurge of protests related to dissatisfaction with services delivery from government.

1) Identification of recurrent problems during the crisis.

Lack of coordination among all stakeholders, the lack of leadership and weak information sharing and communication were identified as the recurrent challenges by all participants.

1.1) Coordination

The eruption of the crisis came as a surprise to all and revealed that civil society groups and the Government were unprepared. Despite ongoing tensions in the communities and the fact that xenophobic violence had happened in the past (1994), there is still no clear understanding of why the crisis erupted and spread so quickly. Civil society groups mobilized themselves and offered assistance very quickly but this response was uncoordinated and programming was hampered by difficulties in determining root causes and therefore appropriate responses. The absence of a strong RC leadership within the UN and despite a request from the government to activate the Cluster Approach made coordination more difficult.

OCHA mentioned that they still do not have accurate information on how many foreign nationals were affected; therefore it was also complex to address and define what the crisis was. It is still difficult to identify the root causes in order to address an effective long term response. What is clear is that unresolved issues within South African society combined with social economic tensions (the lack of service delivery, corruption, housing, and unemployment) exacerbated tensions between host community and foreign nationals.

Outcome

- Agree on norms and standards (SPHERE) and code of conduct.
- The Government should reiterate its request made to the RC to activate the cluster approach.
- Develop capacity building between local and international agency.
- Develop better coordination mechanisms between UN/NGO/Civil Society and Government to strategize for next and/or larger crisis.
- Create culture awareness among host communities and migrants.

1.2) Leadership

A clear absence of leadership within the UN agencies, and among the numerous fragmented and politicized civil society groups made a definition of roles and

responsibilities difficult. There were a great many actors involved in the response and with little accountability and no understanding of who was doing what and where and what was needed. The already limited operational capacity of the UN agencies was hindered by the absence of a strong RC leadership, the lack of standing representation of OCHA in the country team and the decision not to activate the cluster approach.

Outcome

- Define the added value of the UN system to the Government and civil society.
- UN agencies should recommend OCHA to be part of the UNCT.
- Stronger RC leadership to promote tools and mechanisms to ensure better coordinated response.
- Common understanding of what worked and not.

1.3) Information sharing and Communication

Sensational reporting by the media in the crisis was highlighted by all participants as a concern and potentially contributing factor to the spread of violence. There was excessive negative coverage on the role of the migrants in the South Africa society. Furthermore, the negative language used to refer to migrants as “aliens” in media reports impacted negatively on the audience mindset. UNHCR had several times attempted to raise awareness within the media by clearly explaining the right terminology of refugee/IDPs.

The question was raised of whether the international community failed to address the media or was the media only focused on sensationalism.

Outcome

- Additional awareness raising and training for national Media.
- Communication strategies should be developed before, and revised during a crisis.
- Provide better information dissemination in the future.

2) What is necessary for a better response in the future?

2.1) Building local and own agency capacity

The meeting was informed of the governmental initiative National Economic Development and Labour Council (NEDLAC), whose purpose is to promote social dialogue on labour and social economic issues between government departments, business, and labour and community groupings at a national level. This initiative is a good forum to promote initiatives to improve coordination, leadership and communication between these groups on social conflict contingency planning.

There was a general feeling among civil society groups that they had been pushed aside from existing coordination mechanisms as they were not aware of UN or Provincial Disaster Management guidelines while there was a clear willingness to offer assistance.

It was mentioned that there are perhaps too many tools available which rendered awareness of the tools and their implementation by civil society and government bodies too difficult. UNHCR did provide government with some training in camp coordination and camp management (CCCM), and some expert advice on establishing camp sites. It was also mentioned that training in CCCM should be provided to a targeted and selected audience of volunteers and civil society groups. Clear guidelines, standards and code of conduct should be established to ensure civil society groups are aware of internationally accepted norms for conduct in humanitarian response. It was also suggested that there was an opportunity for South Africa humanitarian actors to undertake exchange programs with other neighbouring countries undertaking humanitarian response so as to build domestic capacity.

Outcome

- Ensure that training is provided from grass roots up to national level.
- Inquire how NEDLAC could be of use to civil society groups and how they could fit into promoting social dialogue.

- Define clear guidelines, standards and code of conducts for civil society and NGOs in order to ensure better coordination.
- Involve beneficiaries and host communities in the formulation of the response.

2.2) Strengthening Coordination and Leadership

To better support the government in responding to a crisis, it was suggested that UN agencies and humanitarian actors should participate in existing coordination disaster management forums which already comprise more than 65 NGOs. This body attends inter-ministerial meetings to develop guidelines and protocols on emergency response. There is also a need to create a joint space to come together to create a common understanding of issues and challenges in pursuit of the development of a common vision and strategy.

3) Next steps and what is necessary to an effective contingency planning

3.1) UN preparation for contingency planning

The preliminary work for UN contingency planning should ensure that shared analysis and desk review with all partners is undertaken. This will help to define the problem and guide appropriate programming in response. Each UN agency should have an internal plan ready to feed into a general IASC contingency plan under guidance of the RC. Once the IASC plan is ready, it will then fit into the government contingency plan. In the meantime, it was mentioned that protection challenges should be addressed at a working group level.

With regards to the nature of the crisis and in preparation of the contingency plan, it will be the responsibility of OCHA to coordinate the response; therefore it is important that OCHA be part of the UNCT.

There is a clear willingness from the various working groups to work together, however mandate issues should be discussed and addressed at the principal level before making a firm commitment. It was mentioned that there has been no IASC country team shaping the response and making policy. The UN should also provide the government and civil

society training on how the UN system work such as the IASC guidelines, cluster approach. The government informed that it can also provide training for UN staff on its internal command structure.

It was mentioned that the full, formal and comprehensive plan incorporating UN and Government might take two to three year's time to finalize. In the meantime, monitoring should play a critical role should another crisis erupt.

3.2) Civil Society preparations for contingency planning

There is a need and desire from civil society to be better coordinated in any future response by first identifying a leading group that will lead the contingency plan exercise and will set-up peace building projects and early warning systems. It is important that the response from civil society be led by operational humanitarian workers. It was also mentioned that roles and responsibility of different actors could be split into the following categories:

NEDLAC would monitor socio-economic trends and unions

Faith based organizations (FBOs) would identify early warning systems and shelters

NDMC would work in partnership with the Red Cross Movement

SAHRC would ensure monitoring is ongoing and legal issues are addressed.

4) Conclusion

All the participants noted that it was a very useful day and that one day was not enough to effectively address all the issues. This meeting should be seen as part of ongoing consultations involving working and principal levels.

All the parties present recognized the need for coordination between UN and Government as essential.

Participants List Lessons Observed Exercise

Pretoria – 3 December 2008

	AGENCY
1	WHO
2	UNHCR
3	UNDP
4	UNIC
5	UNICEF
6	IOM
7	UNDSS
8	OCHA
9	SAHRC
10	OXFAM
11	IFRC
12	Black Sash
13	TLF
14	NDMC
15	Global Protection Cluster (facilitator)

Annex III List of Acronyms

Acronyms	Meaning
ALP	Aids Law Project
CBO	Community Based Organizations
CCCM	Camp Coordination, Camp Management
CCCM	Camp Coordination, Camp Management
CDW	Community Development Workers
CoC	Code of Conduct
CoCT	City of Cape Town
CoSS	Centres of Safety and Security
DHA	Department of Home Affairs
DLGH	Department of Local Government and Housing
DMA	Disaster Management Act
DMC	Disaster Management Centre
DotP	Department of the Premier
DSD	Department of Social Development
EWS	Early Warning Systems
FBO	Faith Based Organizations
GP	Gauteng Province
IASC	Inter Agency Standing Committee
IDP	Internally Displaced People
JOC	Joint Operation Centre
MFMA	Municipal Finance Management Act
NDMAF	National Disaster Management Advisory Forum
NDMC	National Disaster Management Centre

NEDLAC	National Economic Development and Labour Council
NGOs	Non-Governmental Organisations
NRC	Norwegian Refugee Council
NRC	Norwegian Refugee Council
PGWC	Provincial Government of the Western Cape
PDMC	Provincial Disaster Management Centre
PWD	People with Disabilities
RC	Resident Coordinator
REDR	Registered Engineers for Disaster Relief
RSD	Refugee Status Determination
SAHRC	South African Human Rights Commission
SANDF	South African National Defense Force
SAPS	South African Police Service
SGBV	Sexual and Gender Based Violence
SOP	Standard Operating Procedures
TAC	Treatment Action Campaign
UNCT	United Nations Country Team
UN-OCHA ROSA	United Nations Office for the Coordination of Humanitarian Affairs Regional Office for Southern Africa
WC	Western Cape