

# **Compiled Reports on the Current Status of the Refugee Crisis**

**18 September, 2008**

**Western Cape Civil Society Task Team**

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## **I. Introduction**

At a Western Cape Civil Society Task Team meeting held on 11 September, 2008, attendees decided to compile a collection of reports detailing various aspects of the refugee crisis in order to highlight the urgent need for government action. This report synthesizes the findings of all Civil Society members involved in the project.

It must be noted that the individual sections were authored by the organizations listed at the start of each portion. The information and views contained in the chapter are the sole responsibility of that organization unless otherwise indicated. The recommendations contained in the report emanate from within civil society.

As a member of the Western Cape Civil Society Task Team, the South African Human Rights Commission has provided some information from its monitoring activities. In keeping with the institutions constitutional independent status and to ensure that this is a civil society report, the Commission was not party to the recommendations that are made.

## II. Consolidation of the Camps

### *Provided by TAC/ALP*

*“I am becoming increasingly frustrated by [the mediator’s] actions. ... The manner in which he speaks with people is condescending and completely lacking in respect. He consistently reneges on commitments that he make to people and then goes ahead and does things that nobody is expecting. If you wanted a recipe for confusion and creating dissent this would be the way to do it. From the first time that we had buses appearing at Soetwater in the dark to move people, to his leaving people that had been transported from Knysna to their own devices on the pavement outside the police station for 15 hours the litany of his disregard for people’s situations is astonishing. What I find particularly disturbing is that he is supposedly running the show and co-ordinating the process.” (Long standing volunteer)<sup>1</sup>*

The decision to consolidate camps in the Western Cape was presented to displaced people as a *fait accompli*. There was no consultation before the decision as to which camps should remain and how the consolidation should take place. After the decision was taken, the government attempted to communicate the manner of consolidation, but failed to provide assurances and proper undertakings. There were no visible UNHCR monitors throughout the consolidation process. Communication and consultation between government and refugee representatives during the process of consolidation has been inadequate, and has left people unprepared for moving and insecure about their future, and has removed from them the dignity afforded to them by the Constitution of South Africa. We are troubled that decisions (as reported in the media) will continue being made about consolidation without IDP representation, despite the Constitutional Court requiring that in the Gauteng case. We believe that the process of consolidation has been bedevilled by serious violations of human rights.

Many camps were not adequately prepared to receive people during the planned consolidation process. As a result, over a week after the consolidation process began, many sites still did not have adequate food, toilets, or shelter. Some sites were moved during one of the worst rain storms in the Western Cape this year, often with personal belongings and mattresses transported in open trucks.

Health issues remain a pressing concern as many vulnerable persons (pregnant and lactating women, and people on medication) do not have access to adequate nutrition. Access to clinics can be difficult or intimidating, and many people are not receiving proper medical attention because of these problems.

Concerns remain over lack of communication and understanding around the new systems that are being developed for the remaining sites. Access cards, which are now being handed out at Youngsfield, are only being issued to those who can produce

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<sup>1</sup> See <http://emuc.ilocals.info>. Minutes of a meeting at Soetwater on 18th August 2008; Report of first standing meeting of JRLC with Ghalib Galant 9 September 2008 at Blue Waters.

previously issued DHA permits. Some people did not participate in that process for legitimate reasons or lost their permits in the rain storm and during the move. There is miscommunication and fervent rumours regarding reintegration assistance, making it difficult for people to plan properly to leave the camps.

## ***Provided by SAHRC***

The move to consolidate the camps in the Western Cape started on Thursday, 28 August 2008 and continued throughout the following week. Of great concern during the consolidation period was the lack of consultation and communication with the displaced persons regarding the planned consolidation. This lack of information contributed to a tension-filled environment at the Soetwater camp on the day of the planned move, according to a SAHRC monitor.

According to other SAHRC monitors, Harmony Park and Blue Waters were largely unprepared for the influx of new refugees during the consolidation period. This lack of preparation also contributed to the tense mood among the displaced persons scheduled to move. According to one monitor, the people at Soetwater were disillusioned and despondent the night before the planned move to Blue Waters. This lack of preparation was apparent. On the day of the scheduled arrival of the displaced persons from Soetwater, for instance, Blue Waters had no electricity or washing facilities. In addition, there were not enough tents set up to provide shelter for the Soetwater arrivals. Similar conditions were reported at Harmony Park.

The severe storm that occurred on Saturday, 30 August 2008 also contributed to the conditions at the camps, as many tents at both Youngsfield and Blue Waters were blown down in the wind. When a group of Somali refugees from Soetwater arrived at Blue Waters on 30 August 2008, several of the tents that had been erected that very morning were no longer standing, and there were only two large tents remaining to accommodate the entire group. The men in the group were able to put up a few smaller tents, but as of the day after their arrival at Blue Waters, there was still limited electricity, and no showers, toilets, carpeting, or wooden baseboards available for the refugees. A toilet facility at Blue Waters blew over during the storm, trapping a man inside for over three hours.

The storm similarly affected those at Youngsfield. A group of displaced persons living at Youngsfield spent the night of the 30<sup>th</sup> huddled under plastic sheets on the sites where their tents had stood until they were blown away in the storm. The day after the storm, a large tent was erected at Youngsfield in an attempt to make up the shelter lost during the storm. However, after the storm, women and children at Youngsfield were forced to stay together with men in these large tents, which posed a threat to their safety. There were also concerns that the tents erected by the UNHCR after the storm would not hold up in the event of another storm.

### **III. Current Conditions in the Camps**

#### ***Provided by TAC/ALP***

##### **Blue Waters “1” (Original Site)**

*Blue Waters has been divided into two camps. The first is the original site, which has not received new residents since consolidation started. The second site houses people who were moved from other safety sites.*

There are presently 443 people (187 men, 147 women, and 109 children) at BW 1. There have been no deliveries of any food supplements since July 2008. There is no food to supplement the children’s diets. The food arrives now at 18h30 to cater for people who are fasting. Those people of other faiths who do not observe Ramadaan also receive their meals at 18h30. Mustadafin is now bringing enough eating utensils. For Ramadaan, the morning meal of bread and juice is delivered with supper.

After three weeks without any nappies or baby food, baby packs were created and delivered for each family based upon the ages of the infants. Each mother was supposed to receive 28 nappies, which included a few that were a size smaller and larger than deemed necessary. This delivery is expected to last two weeks. Efforts to distribute supplies to each mother at each tent turned chaotic, and many mothers did not receive any supplies. Camp management has not had any assistance to facilitate proper distribution, but is working to distribute remaining supplies. There has been no delivery of soap, washing powder or toilet paper for the last month and a half. As mothers have been wrapping their children in towels in the absence of nappies and washing powder, this has caused rashes. The women have not received sanitary towels in eight weeks.

The electricity is irregular and the women’s toilets have been without electricity for the last two weeks. The showers are now being used by the most of the men (and some of the women) at the B campsite, because their ablution blocks have not yet been finished and because of the great demand on the eight showers (four for women; four for men) available at site A. The chemical and flush toilets are cleaned everyday by the city, and toilet paper is replenished twice daily, but this often runs out as people take the toilet rolls for themselves. All the showers are working, except that the showerheads on all but one are broken/missing so water is coming out directly from the wall.

The tents have held up through the wet weather. There is one UNHCR tent. There is no return transport arranged for people who attend public health facilities. The on-site clinic is not full-service as there is no proper supply of medicines. The nurse writes letters of referral to the nearest hospital for those she cannot treat. The clinic is only open on Tuesday and Thursday for two hours, operated by one nurse.

##### **Blue Waters “2”**

Generally the mood in the camp is quite low, although quiet. This site is very exposed to the sea and the exposure to the wind and rain over the past weeks has been severe. People are really just trying to stay warm and dry at the moment.

The quantity of food delivered seems to be diminishing, and there has been no improvement in the quality of food served. There is not enough baby formula or cereal, and mothers are still complaining about that and about the lack of facilities to make baby bottles. Many families are using electric stoves to cook for themselves when they can.

The toilets are spread out around the camp. They are demarcated by gender but it is unclear if this is adhered to. The fixed ablution block is in quite a bad state, and there is only cold water. The showers are far from most of the tents, so many people do not use them. Some people reported not showering since they moved to Blue Waters 2 three weeks ago. Women walk to the guardhouse to fetch warm water in buckets. They also fetch boiled water from the guardhouse to prepare baby milk bottles. The basins at the standpipes do seem to work well, so there are at least hand washing facilities available.

There are still a few large marquee tents which people have either divided by means of partitions or have been very inventive and erected the UNHCR tents inside the big tents. The UNHCR tents leak in the rain and several of them can still be seen strewn around the site from last month's storm. The smaller tents give people some privacy, but are too low to stand up in. Due to inclement weather, people spend almost all of their time in the tents.

There is a clinic on-site on Mondays, Wednesdays, and Fridays. There is a first-aid kit accessible and the nurse seems to be very competent in attending to minor medical emergencies.

### **Harmony Park**

There has been a shortage of baby food, as well as a drop in food quality since the food provider changed last week. The population at Harmony has increased to over 1000 people since the consolidation. Previously, the population was less than half that amount. This change in population has caused problems. There are an insufficient number of tents for all the new arrivals, and not enough room for families. Residents are concerned about the long wait at the on-site clinic.

The doctor is only on-site for two hours per day, and the queue is often lengthy, leaving some people unattended to. There is also a person who is very sick with HIV and TB and wants to return to his original home country, Mozambique. This poses some problems as someone needs to accompany him and he may even be too sick to travel. TAC is conducting discussions with the Mozambican embassy to facilitate the voluntary repatriation.

### **Youngsfield Military Base**

Nappies and baby food are distributed to mothers, but are issued only when a child's 'registration card' is produced. Currently, mothers receive 16 nappies per week (2-3 per day) and baby food is given out weekly depending on availability goods.

Food is also a huge concern, as it is Ramadan. The provider, SANZAF, has changed delivery schedules for this month. Dinner is now delivered at 18h30 with breakfast being distributed half an hour later at 19h00. This is a major source of concern for those who are not fasting in the camp.

Overall, nutrition seems to be improving because people are supplementing the provided meals with food that they prepare with their own stoves. The nurse has also been recommending "natural" treatments, such as telling mothers to give their sick children lemon and honey or apples. She has also been working to improve the general knowledge of nutrition in the camp. The showers and toilets remain a constant source for concern, as they desperately need to be cleaned and sanitized and are insufficient. Due to heavy rain, a number of tents were flooded. A number of tents remain structurally unstable after the heavy winds last week. There are no current plans for fixing or erecting the tents that were damaged. There are currently 26 tents, including one massive tent, which was erected after the storms. Many people are constructing rooms in the very large tent while they wait for word on whether the older tents will be reconstructed. There are still a number of people with inadequate blankets and mattresses.

## ***Provided by SAHRC***

### **Youngsfield Military Base**

Youngsfield Military Base now houses around 450 refugees in 26 tents. There is one very large tent and 25 smaller tents. In the large tent, people are constructing divided sections with walls made of plastic and doors that zip closed. Upon interviewing some of the people living in this very large tent, monitors learned that the individuals in the tent are concerned about the spread of disease because the tent is improperly ventilated and still very wet. In addition, while the large tent is warmer than the smaller tents, people are unhappy about people smoking and cooking inside the tent.

There are constantly security crews hanging around Youngsfield, although police presence seems to have diminished to just one or two vehicles in the past week. Despite the security crews, however, a nurse reports that her medical tent is vandalized every night.

Food is a problem at Youngsfield. Most families have been forced to supplement their diets by cooking their own food. In addition, baby formula is not readily available at the camp, and the provision of nappies has diminished in recent days, as only the parents of the youngest children are still receiving them. There is only an informal half-day school program available for the children, and equipment for the proposed play space has not yet arrived.

## **IV. Education**

### ***Provided by TAC/ALP***

Nearly four months after the xenophobic violence, the provision of education for displaced learners remains uneven and erratic. There is still no formal plan to provide displaced learners with access to formal education. Efforts to assist learners in accessing their Constitutional right to education have been prompted by civil society and ordinary volunteers.

As a result of the closure of the community halls and the consolidation of sites, there are 3 remaining “safety sites:” Bluewaters, Youngsfield and Harmony Park. Access to education at these three sites is highly varied and requires urgent further attention. As was the case prior to consolidation, the efforts to support learners and place them in schools have been almost entirely initiated by volunteers and civil society. Despite many letters and attempts to contact government and education officials, the City and Provincial governments have been negligent on this issue. It has been only in the past few weeks that the new Western Cape MEC for Education has meaningfully begun to ensure that learners are able to safely access formal education. This is promising. At a meeting with IDP Leadership on 6 September 2008, the MEC agreed to the following:

1. Investigate the allegations against the service provider transporting learners to Mandalay Primary (from Bluewaters) after reports were received of intimidation. In the interim, an official is to be appointed to be aboard the bus while the children are being transported to the various schools in the Mitchell's Plain vicinity as an extra means of protection for the learners.
2. A senior official be dispatched to all refugee camps to discuss the education issues with displaced people and provide a follow up.
3. Mandalay Primary will be requested to accommodate new learners whether they have been registered or not.
4. Donation requests will be made from schools with regards to uniforms, books, bags and shoes.
5. The inability to pay school fees will not bar students from education.

### **EDUCATION SITUATION SINCE CONSOLIDATION**

#### **Blue Waters (1 & 2)**

All of the children (100 in total) except the Somali children (about 5) are being transported to school. The parents of the Somali children wish to have their children in a madressa (after-school Islamic classes) and therefore have not yet sent their children to school. There is a volunteer at Blue Waters who is working to bring a teacher on-site for this purpose. Parents whose children are going to school remain highly concerned

about the safety of the transport to and from school. Children report bullying and derogatory name-calling by non-displaced children while being transported, as well as unbecoming behavior of the driver. Further, an “education container” was donated by a private charity and will serve as a school for the Somali children as well as pre-school for children of other nationalities in the mornings. In the afternoons it will serve as a quiet study area for all children.

### **Youngsfield Military Base**

There is no reported formal access to mainstream education at Youngsfield. There are an estimated 80 learners at the site and only a few, those whose parents own cars or have personal access to transport arrangements, are attending area schools. There are serious concerns on the part of parents about the safety of children attending schools. Because of these fears, for a short time there was an on-site teacher arranged (who was a displaced person herself) to teach all learners of all grades. However, this has stopped.

The on-site school was ill equipped and unable to provide a conducive, constructive learning environment for such a large range of ages (6-17 years old). The MEC of Education assured IDP leadership in a meeting that he would be able to place the learners from this site in Wynberg-area schools. His offices were sent a descriptive list of the learners: their ages, grades, and contact details.

### **Harmony Park**

The education situation at Harmony Park is worrying. Before the consolidation, there were no provisions made for the education of displaced learners. The isolation and distance of this site from schools has remained an obstacle. As a result of the consolidation, there are now learners from community halls who were accessing education in the neighbouring areas who are extremely far away from the schools they were attending. There have been no attempts by government to make arrangements for these children to either be transported to those schools or to surrounding area schools. The MEC has undertaken to send an educational assessor to Harmony Park to evaluate the situation and take further action accordingly. To date, this visit has not taken place.

## **RECOMMENDATIONS**

The provision of education for displaced learners is inconsistent and unsustainable as it relies heavily on the efforts of volunteers and civil society initiatives. A sustainable, long-term plan must be created and implemented urgently. It should consider the following:

- a. **Reintegration into formal education:** On-site schooling is not a long-term solution. As reiterated by the MEC of Education, there is no opportunity for learners to receive certificates while attending on-site schooling. Therefore, every effort must be made by government to ensure that learners have access to education at the appropriate grade level.

- b. **Transportation to formal schooling:** Bearing in mind that transportation to schooling is a universal problem in South Africa, there must still be access to safe transport for displaced learners to and from schools. Government should assist and it may be necessary for the Department of Education to liaise with the Department of Transportation to make arrangements for displaced learners to access transport to schools.
- c. **Safety of learners:** Many parents are wary of sending their children to school because proper mechanisms (such as monitors on transportation and sensitizing of the school communities) have not been put into place to assure that displaced learners are not bullied and victimised on the grounds of their nationality.
- d. **Sensitivity to situation of displaced learners:** Many children have suffered trauma as a result of displacement and because of their current living conditions which are by and large intolerable. Teachers should be sensitive to this, and make every attempt to refer such children to trauma counselling services. Should such services not be available, government should provide these.

## IV. Reintegration and Repatriation

### *Provided by EDICo*

#### **Wivine:**

A refugee and mother of two from the DRC, Wivine left her home in Dunoon to find shelter in the Summer Greens Hall. Upon the government's announcement of consolidation she was left little choice to go back to the house in Dunoon, where she was living before.

She approached the Manager of the Hall and said, *"the only assistance I got from the government was on the day of removal they took my stuff and took me to Dunoon straight to the house I am renting."*

Although now back in the community, the rumors and threats of future displacement remains a concern.

#### **Michael Uredi:**

After 5 months in the Summer Green Community Hall, Michael now finds himself and his family in Harmony Park. Michael is the only bread-winner and a father of five children.

*"The complexity of choice between reintegration and repatriation is difficult. We cannot go back to our home country and we fear to go back to the community. Without resources how must we start again? We have no money and lost all our tools that we made a living with."*

Support seems to be limited, as Michael feels that *"the organization concerning are not making up to express the procedure. Even the Government keeps telling people that they will be [here] and at the end of the day no one shows up."*

What the future entails is some distant hope as Michaels feels that *"many believe that government will at the end assist them with some financial assistance because the current situation have left them resource-less, and without any financial assistance they can not leave the camp because it has been said that many of them have been spending many days in the camps and they can not leave with nothing."*

Now already a month in the camp, malnutrition has become another problem, and according to Michael *"the reintegration is possible but question remaining is 'WHERE' and without government support the camps risk to continue till end of the year. Education is much concern because, since the Harmony Park was opened for displaced individuals, children never attend school and government has not done anything about that."*

**Jonathan Kisale:**

Jonathan spent some time in the Youngsfield safe site and, after six weeks, realized that reintegration actually means self-integration. Jonathan said that *“the government does not really show support for people who are affected by the situation. The government did not assist for my reintegration. This means that reintegration at this point leaves many people to their own.”*

According to Jonathan Kisale, there is always a lack of communication. He has now left the safe site and is settled back in the community.

**Jacques Luhinga:**

For a period, he and his family left their home and found refuge with relatives.

According to Jacque, *“the situation seems to be calm now. Many foreigner people are back to Mandalay and children attend school. The self reintegration was successful in Mandalay without any government intervention; in fact, Mandalay was not badly affected.”*

**Deo Kabemba Bin Ngulu from DRC, AFREODI General Secretary:**

*“Since the time some displaced people from the Cape Flats squatted outside the Caledon police station, the government was not seen on the ground to engage with victims to take their plight and find the way to resolve their serious situation. Instead, the government imposed some drastic measures to avoid all the plights that the victims put forward. The government minimised the lost and ignored the worst conditions in which most of the victims found themselves after losing all their resources and missed all their life’s opportunities.*

*Indeed, South African authorities fought a legal and political battle to dismiss all the charges the victims attempted to lay on the government and undermined the legal ability of the victims to claim their rights.*

*When the government pretended to consolidate the ‘safe sites’ in Cape Town, all norms and standards required to settle such structures were not met and respected. All the three big camps were placed along the sea costs under a very bad weather conditions in Cape Town. Otherwise, people are forced to re-integrate their previous communities where the conditions for a pacific co-existence between locals and foreigners don’t exist.”*

**Ramazani B., from Burundi, Senior Member of Caledon Square Group:**

*“On the 22<sup>nd</sup> May 2008, everybody came to understand the police of the South Africa to clean up the townships with the no-nationals presence. Indeed, most of the foreigners living in those areas are married to local South African women. Some have children with these women. Many have managed to put up an economic structure that remained a sole resource the family.*

*It was surprising to see the government tolerate foreign parents separated with their children without any reason. Otherwise, the same family that a foreign integrated himself with the tie of marriage chased the man from the location and destroyed his economy. We have never experienced such behavior anywhere else in Africa. These attacks were carried [on] to bring family's division and to stop the progress foreigners were making in tackling their new families' poverty."*

**Okonda Jean, from Burundi, Senior Member of Caledon Square Group:**

*"The xenophobic attack was a given occasion to the South African government to express its disagreement of the presence of the Africans on the South African soil. The most amazing fact remains the way the government responded to the humanitarian crisis that emerged from the displacement of foreign nationals from the townships. The government showed its willingness to refuse to intervene in the situation and avoid more harm to people who were already victims of the violence.*

*The shelters and the camps stigmatised the decision reached by the government to get rid of all the no-nationals from the local communities. It's obvious that these places were just a kind of jails and prisons for the displaced people who have nothing to claim from the government."*

**John Selemani, from DRC, Senior Member of Caledon Square Group:**

*"It's so disappointing to see a government that strive[s] to confiscate the rights of people living on its national territory. We have just the reason to request the government to release us and let us go anywhere if we can get another opportunity to restart our life. In Nyanga, members of the police service are clearly mentioning to foreigners that they must leave the country as the war against is not yet over.*

*There is nothing the government will do or will intend to do to normalise the life of foreigners in South Africa. The proof remains its total absence in all the process of trying to deal with the humanitarian crisis following the wave of the violence against foreigners.*

**Brief Report on the Group Set to be Repatriated to Burundi :**

Of all the members of the Caledon Square Group who requested a repatriation to their home countries after the Jewish community declared running short of the budget to support the Caledon Square Group in Cape Town, thirty-two people were taken to Chryslers for a repatriation process.

Last week, two ambassadors from the DRC and Uganda visited the shelter where members of the Caledon Square Group are in transit. A group of Congolese and Ugandans left the country.

Meanwhile, the ambassador of Burundi in Pretoria also visited Chryslers to pave the way for the repatriation of Burundians who requested the repatriation. The group is

set to leave South Africa on Wednesday next week. All the official arrangements of the repatriation must be finalised before Tuesday next week.

People are quite happy with the conditions they are living in Chryslers up to date. They have no major complaints, according to Saidi, one of the returnees.

## V. Violence

### *Provided by Sonke Gender Justice Network*

#### Overview

The violence towards foreign nationals in South Africa is not a new phenomenon. Since 1994, South Africa has seen a large number of foreign nationals coming from different African countries, because of poor governance, military conflict, civil war, genocide and natural disasters. Foreign nationals who are leaving their country of origin for the reasons mentioned above expect to live in peace with their fellow brothers and sisters in South Africa. Unfortunately they are often targets of violence and abuse in their host country because they are blamed for social problems that they have no control over such as unemployment, poor service delivery, crime and high levels of generalised violence.

The recent xenophobic attacks started in the township of Alexandra, in Johannesburg, on May 2008 and spread quickly across Gauteng province and then across the rest of the country—especially to the Western Cape. This explosion of xenophobia highlighted what many foreign nationals had already been going through on a daily basis in South Africa. The sustained and pervasive nature of the xenophobic violence in May and June brought this longstanding xenophobia into stark relief.

#### Waves of Violence

From May 2008, more than 60 people were killed as a result of xenophobic violence. Some foreign nationals were even burnt alive. This is the case of Ernesto Alfabeto Nhamuiave from Mozambique, who was burnt alive by a mob in Ramaphosa settlement who doused him with petrol and set him alight.

Four months later, on the 23<sup>rd</sup> of August, Mahad Abukar Alasow a Somali business man was shot dead in Khayelitsha because he refused to open the gate of his shop when he was asked to do so by robbers. In addition to these deaths, foreign nationals have also been beaten up and injured.

A Somali woman who left Du Noon during a xenophobic attack said: *“They came in our shop and asked us to leave immediately or they will kill us. We refused to leave and they stated to threaten us, insulting us and beating us. I was beaten on the face, bleeding and lost one tooth and still have the scar on my face.”*

A pastor from the DRC, who currently resides in Harmony Park, said: *“I was living and preaching to a church in Phillippi. Last year I was physically attacked by the local community without any reason. This year again during xenophobic violence, my family and I were once again physically attacked. We were beaten up; this the reason why we left Phillippi and are staying now in a camp, without knowing what tomorrow will bring.”*

Another 25-year-old woman from Zimbabwe who left Zola in the Strand area said: *“What influenced verbal attacks and threats in the area we were living was one policeman who had a tour to Zimbabwe just after the xenophobic attacks in Alexandra. He had followed a man who had a criminal case and had fled to Zimbabwe. This police officer was campaigning for the displacement of Zimbabweans, because his visit to Zimbabwe made him feel that most Zimbabweans are criminals who do not deserve to be in South Africa. He had found the criminal he had followed with a gun (AK47) and his judgement was that Zimbabweans are dangerous. The officer narrated his story to a lot of people around us who started showing interest in us moving out. We were told to go back to Zimbabwe or we would be attacked.”*

She went on to say, *“The attacks started with Somali shops and we decided to seek refuge somewhere since we were told they would come to our homes next. Our pastor from America offered assistance for a while and he was threatened to release us or they would attack his car. We moved to the hall where we met with others from Nomazo and Lwande. After two months one of my brothers decided to go back to the community. It was hard for him to stay there since the attacks continued as individual families were being threatened to be killed unless they handed over all their property to the local people. Their reason was that foreigners should not get riches from South Africa, so the only way for foreigners to survive was by giving their property, clothes and money to South Africans. My brother gave away all he had and he came back to the camp. His fear was that maybe if they would kill him if he came back and had nothing to give them. The following month we received two other men who were stabbed after failing to give a group of South African guys what they had demanded from them in their room. Attacks are still on and our relatives affected are moving to other suburbs.”*

A Somali couple with a 3-month-old daughter were physically attacked in their shop in Joe Slovo: *“We had a shop, we were renting a house, we had a life, but now everything is gone. We don’t have anything. We don’t have a life. They took everything in the shop and in the house. They said to us we must leave and not say anything otherwise they will kill us. My husband was beaten up. We left our house only with our clothes. We are scared to go back there and we don’t want to live anymore in this country. We want to go back home or elsewhere.”*

## **Gendered Nature of Xenophobia**

Foreign nationals are targeted by the local community for many unfounded reasons. Foreign women are accused of not going out with local men; foreign men are accused of going out with local women. These accusations lead to foreign nationals being threatened and abused. This is the case of a Congolese woman living currently at the Youngsfield camp: *“I left my country because of the war. The area where I was living it is not safe. The rebels were coming in the village and will beat up men and even kill them, while women and young girls are raped. I decided to leave my country to prevent all these things to happen to me or to my children. I thought I will find peace in South Africa, but this is not the case. Before xenophobic violence, I was living in Philippi. They came into my house and said to me I must leave immediately or they will beat me up. They asked me why we foreign women are not going out with local*

*men. When I want to speak, they pushed me and I fell on the ground, crying. I think if it was not for the presence of a lot of people around, men who were there, they could have raped me. Then I decided to leave the house, leaving everything behind.”*

*A 25-year-old woman from Zimbabwe had a similar experience: “I left Guguletu when xenophobic attacks started in May. I returned last month to check if the environment was conducive for me to stay there again. I had left my property with my landlord who promised to keep them for me. She kept her promise, but when I returned a group of female ladies approached me to go back where I was. They made it clear that the government is forcing them to receive back foreigners.*

*My landlord tried to plead for me but they said they will think about it and they respond to her through the landlord. I am still waiting but I have not heard anything from them yet.”*

Many of the people displaced during the xenophobic violence in May have reintegrated back into the community where they were living before or in another community. Their experiences differ from one community to another. There are communities where foreign nationals are welcomed back and even supported by the local organizations and individuals.

However, there are also some communities where foreign nationals are not welcomed. Many people who left the camps and attempted to reintegrate back have been victims of violence.

Some of the testimonies of displaced foreign nationals are very shocking. A 33-year-old gentleman from Zimbabwe living in Zola (Strand) said: *“Ever since we left camps, life has never been peaceful for some of us. In the streets I was threatened several times, I am always asked questions in Xhosa to identify if you are South African. If you fail to respond they ask you to pay, with either a cell phone or anything you possess especially computers, DVD players, home theatres or television. Failure to do that you will pay with your blood. My friends had experienced this on different occasions and we decided to stay as a group to minimize attacks. Last month we surrendered our nice clothes and money to a group of people which approached us armed. There are so many ways the local people use to identify us. They identify us with our complexion, dressing and they sometimes use local ladies to seduce some men and check if they have something to offer to their community. A lot of my friends were attacked and one was stabbed before we decided to stay together. Some of the boys that attacked us are young schoolboys who had electric codes they used to beat us. Some members of the community who wanted to assist us to get our stolen property back were told to back off.”*

Another 37-year-old man from Zimbabwe shared: *“Some people who left Blue Waters camp went to join relatives in Makaza (Khayelitsha) at end of July. They faced challenges since they were considered freshmen from Zimbabwe. They were threatened and told to leave the location since they did not want more foreigners but after they explained their situation they were understood. After two weeks a group of local guys threatened some of these families. They were asked to surrender all the*

*property and clothes they had. Some of the people went back to the camp but some decided to continue staying in the community and the only possessions they are keeping are their pots. Some men who were found with nothing to give were stabbed and after treatment at a local hospital they moved away from the location to other quiet places.”*

The testimonies shared above are not exhaustive. They are many foreign nationals who are victims of xenophobic violence on the train, the taxi, the bus stop, in the police station, and their homes. The place where they thought they would be safe and secure is not.

## **VI. Documentation**

### ***Provided by Passop***

In 1996 South Africa signed the United Nations 1951 Convention and the 1967 Protocol, which formally required South Africa to recognize and provide protection for people classified as refugees. This became law and was effective from 2000 and remains in effect today. Since legally committing itself to accepting refugees, the Department of Home Affairs has rapidly become renowned for its failure to deal with the number of immigrants seeking asylum status in South Africa. The estimated number of immigrants in South Africa is five million,<sup>i</sup> the vast majority being Zimbabwean. The number of asylum seekers documented in South Africa is less than 250,000,<sup>ii</sup> while the number of approved refugees is less than 100,000, leaving approximately four million undocumented.

The Department of Home Affairs has failed to facilitate the application process for the outstanding number of immigrants. There have been numerous reports of people sleeping in queues in attempts to apply for refugee status. Passop has observed immigrants being subjected to inhumane conditions outside the Department. People are forced to stay in excess of 72 hours without any sanitation or shelter (sometimes forced to stand and sleep in the rain) while attempting to apply for asylum. On 27 July 2008 we received a report from a Zimbabwean national that he had slept outside of the Cape Town Refugee Centre thirty-one times in his attempt to submit his application. Despite his efforts, he was unable to gain access to the Refugee Reception Centre and remains undocumented. In November 2007, Adonis Musati, a 23-year-old Zimbabwean national reportedly starved to death while sleeping outside the Refugee Centre in his attempt to apply for refugee status. <sup>iii</sup>

The Refugee Centres have been frequently criticized by human rights organizations. Recently, the Human Rights Commission issued a report on 30 July 2008<sup>iv</sup> in which it described an unacceptably long waiting time, inhumane conditions while queuing, rampant corruption, and accused officials of “xenophobic tendencies.” From as early as 2002 human rights bodies have continually issued damning reports, yet the Refugee Centres continue to operate without legitimate systems, resources, capacity, or proper management. Currently, Home Affairs is widely perceived as the most corrupt and least efficient government department, with the purchasing of documentation being the order of the day.<sup>v</sup> In an unannounced visit to the Cape Town Refugee Centre in October 2007, the Home Affairs Parliamentary Portfolio Committee observed abysmal conditions and service. The committee chairperson, Mr. Patrick Chauke, described it as “a chaotic place where refugees are treated like animals.”<sup>vi</sup>

While there have been some improvements in the Cape Town Refugee Reception Centre, the number of undocumented wanting to apply for asylum remains unmanageable. Within the Department, corruption is rife. There are no employed translators; instead, volunteers (who have been frequently accused of corruption) are used inside their offices to do work which officials are meant to do. The offices have recently moved to Nyanga, which poses a great threat to the safety of the foreign

nationals (who are still forced to sleep outside the Department), considering the recent xenophobic violence and the high murder rate in that area. There have been several reports of assaults on immigrants trying to put in applications by thugs involved in the corruption, by officials, and by security guards.

Without documentation, immigrants may be detained, arrested and deported. In South Africa, the number of immigrants deported far exceeds the number of immigrants serviced each month. With more than 300,000 people<sup>vii</sup> deported in 2007 alone, the number of immigrants being deported is more than four times greater than the number of applications the Department is able to receive annually. The arrests of foreign nationals were often implemented with the assistance of the local community and done in large raids, such as the raid on the Methodist Church on the 30 January 2008.<sup>viii</sup> This raid, during which 1000 immigrants were arrested, has been widely condemned and perceived as an immigration crackdown, although NIB (National Immigration Bureau) denies its involvement.

In November 2007, the Western Cape Operation Umbrella<sup>ix</sup> was planned. R800,000 was allocated for a joint venture in which the SAPS (South African Police Service) collaborated with NIB to crack down on undocumented immigrants. We believe this operation was later combined with another operation. The joint operation was dubbed Operation Mongoose. These operations involve large sweeps in townships where foreign nationals reside; local community members were frequently used to assist and identify foreign nationals. We have received reports of immigrants being assaulted during their detention. We believe that such operations are core to the nature of the xenophobic violence later witnessed.

Following the xenophobic attacks in April of this year, immigrants were accommodated in halls in Johannesburg in Diepsloot and Alexandra, where the Minister of Home Affairs expressed her concern and visited the victims. But in the same breath she stated that those without the required documentation would be deported. The deportation of the undocumented favoured the culprits of the xenophobic attacks and, following a brief meeting Passop had with the Minister, she informally committed to not deport immigrants who were victims of violence for not having documentation in future attacks. The better-known attacks then shortly followed and escalated into the now infamous May tragedies which spread across the country. The Minister then announced a six-month exemption from deportation for those affected by the violence.

However, information pertaining to immigrants without documentation was sensitive, and UCT Law Clinic was adamant and instrumental in making sure that the information acquired should not be used to prejudice the undocumented in the future. TAC, individual volunteers, the SAHRC, and the Legal Resource Centre monitored different parts of this process. The implementation of the Minister's sixth-month exemption, and the distribution of the exemption cards (Section 31b) took longer than anticipated. This resulted in a large number (in the Western Cape, approximately 12,000) of immigrants who, following calls the government had made for self-reintegration, failed to benefit from the Minister's exemption. Furthermore, the process of registering (and receiving the Section 31b card) was coordinated without much prior communication with the internally displaced persons residing at shelters, resulting in a

number of immigrants being unavailable during the registration process. The Department of Home Affairs continues to deport foreign nationals.

We were led to believe that the exemption cards were meant to assist in day-to-day functions such as banking. However, due to a lack of communication between the Department of Home Affairs and the financial sector, the exemption cards are not recognized, and people have not been able to perform banking tasks with them.

In Johannesburg at the end of August, the Department of Home Affairs took advantage of the isolated population of immigrants in camps to implement an accelerated refugee status determination process. This process saw people who were on Section 22 documentation (temporary asylum-seeker status) do their interviews and have their status determined. However, the rejection rate was 98%. The Department did their determination without translators and without prior consultation with the camp residents. The 98% of immigrants who were rejected remained without means to gain access to the refugee centre where they would have to appeal the rejection within 30 days or face deportation. We have been informed by the Deputy Director General that the six-month exemption on their deportation still applies. However, we have received lots of conflicting reports. The high rate of rejection has been strongly criticized by Amnesty International, and UNHCR has also expressed its concerns. The process of rapid refugee status determination which has just concluded in Gauteng is predicted to start in the Western Cape on Wednesday. We have been informed that the same team which did the determinations in Gauteng will be leading the process here.

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<sup>i</sup> <http://washingtonbureau.typepad.com/nairobi/2008/05/south-africas-f.html>

<sup>ii</sup> <http://www.who.int/globalatlas/dataQuery/reportData.asp?rptType=2> UNHCR Statistical Online Population Database

<sup>iii</sup> <http://news.bbc.co.uk/2/hi/africa/7090730.stm>, A man dies queuing for visa.

<sup>iv</sup> SAHRC Report on the Department of Home Affairs' Treatment of non-Nationals

<sup>v</sup> [http://www.iol.co.za/index.php?click\\_id=13&set\\_id=1&art\\_id=vn20070626035248334C168960](http://www.iol.co.za/index.php?click_id=13&set_id=1&art_id=vn20070626035248334C168960)

<sup>vi</sup> October 24 2007 Reuters AlertNet

<http://www.alertnet.org/thenews/newsdesk/IRIN/e7d06c75c3edb9dbc23ff89f12275e96.htm>

<sup>vii</sup> CORMSA report, 18 June 2008

<sup>viii</sup> <http://www.dispatch.co.za/article.aspx?id=172343>

<sup>ix</sup> Report by acting Provincial Manager Ms MB Mqashe on her 21 May 2008

[www.pmg.org.za/files/docs/080520wcape.ppt](http://www.pmg.org.za/files/docs/080520wcape.ppt)

## VII. Role of UNHCR

### *Provided by TAC/ALP*

In May 2008, at least 20 000 people were displaced by xenophobic violence in the Western Cape. Most were from other African countries. This violence against them included intimidation, looting and murder. The message was made clear to them that they were no longer welcome in the communities in which they had been living. They were left without options. Many had lost everything in the attacks, and could not return to home countries, while some were unable to return to home countries because of local wars or the threat to the physical security of themselves and their families. While many have since returned to local communities, others have asked the UNHCR to assist them with either repatriation or reintegration. To a large degree, this has not happened.

The UNHCR Guiding Principles on Internal Displacement states that the government should relocate displaced persons in a manner that respects their dignity and security and that provides them with basic necessities (food, drinking water, shelter, basic medical services, etc.). However, rather than pressure the South African government to meet these guidelines, the UNHCR—especially in the instance of the Glenanda/Rifle Range camp in Gauteng—has taken a “hard line” position that appears to be in step with the government's decision to simply shut down camps without any discussion of a reintegration plan or the rights of displaced persons. Instead, the UN must insist on and ensure involvement of the displaced people themselves in determining their destiny. The UNHCR did help with reintegration of some asylum seekers and those with refugee status, but other undocumented displaced persons were left out of the process. Many displaced persons have been expected to “relocate themselves” without any comprehensive plan for reintegration or any process in place to address the underlying causes of the xenophobic attacks. However, the UNHCR has also repeatedly stated that they will only assist documented ‘refugees’. The passive response from the UNHCR was that they were unable to assist in the crisis unless it was officially labelled a disaster by the South African Government. No international appeal was issued by UN agencies, although this option was discussed.

The following experiences and occurrences and unmet requests reflect a failure from the part of the UNHCR to carry out its mandate, and in so doing to magnify the distress and trauma of thousands of vulnerable people left without another avenue of assistance.

1. Some displaced people who had been staying at camps and safety sites but did not want to move to different camps chose to reintegrate with communities. This was due to the fact that the two camps are not central to the city, and this location makes it difficult for displaced people to conduct their businesses, education and personal affairs.
2. These people were left without assistance or preparation, and were therefore at risk of not being able to support themselves and of being targeted as vulnerable

individuals by communities where hostility still remains towards foreign nationals.

3. Some of those who chose to reintegrate took families, thus potentially endangering women and children to xenophobic violence, hate crimes and victimisation. The UNHCR has a specific mandate to ensure that vulnerable displaced people are protected.
4. There remains the difficulty for those not staying in centralised locations of applying for official refugee status, asylum seeker status or citizenship. Those who are undocumented risk arrest and deportation.
5. There have been reported incidences of violence and intimidation against 'reintegrated' people, and the safety and security of foreign nationals is compromised.
6. The UNHCR has not assisted those wanting to reintegrate in any meaningful way, nor have they monitored this process in a meaningful manner.
7. The UNHCR with partner organisations has not ensured that all people displaced by xenophobic violence have access to safe and secure shelter adequate for relevant weather conditions.
8. The UNHCR has not provided monitors, or adequate governance and assistance for the camps and safety sites. (There has been some monitoring, but it has failed to produce an acceptable response.)
9. The UNHCR and partner organisations together with government have not been involved in consultation with refugee representatives.
10. The UNHCR has not developed a strategic plan for the resolution to the crisis.
11. The UNHCR has not ensured the safety of those choosing to return to communities, in consultation with government. Monitors have not been made available to gauge levels of hostility and record incidences of xenophobia.
12. The UNHCR mandate stipulates that where displaced people have not been adequately protected by government, it becomes UNHCR responsibility to ensure that at all times these people are protected by the UNHCR, including humanitarian relief and also repatriation, resettlement and reintegration. It has not done so.
13. The UNHCR has not ensured that at all times displaced people are treated in accordance with international refugee laws and within a framework of human rights that provides safety, security, protection and dignity. This is particularly true with regard to the 6-month exemption permit which was conflated with access to camps; it was a coercive process (even for people who were already documented) and which is at present being withdrawn through rejection of status

letters. Furthermore, the UNHCR pushed for a 6-month permit without a proper plan in place for what happens on the expiry of the 6-month permit in the absence of a functional DHA system.

14. In the WC, in August, displaced people from all community halls and selected camps were asked to move to two of the three remaining camps at Harmony Park and Blue Waters. They were to be sheltered in tents provided by the UNHCR, despite a representative of the UNHCR stating that “we don’t have an arctic or winter tent available at this time”. (Civil Society Task Team Meeting held at Human Rights Commission offices, 8 July 2008).
15. Consolidation continued without proper consultation (known to the UNHCR), despite not all tents and facilities being ready, and with the weather bureau predicting a massive storm. The majority of these tents were destroyed in heavy weather, leaving displaced people without shelter and unable to protect themselves or their belongings against the elements.
16. The UNHCR did not appear to be monitoring this process, or assisting during the storm and its’ aftermath. (Two officials reportedly arrived at one of the camps briefly after the storm, but refused to engage with displaced people).
17. The UNHCR has not requisitioned shelter/tents capable of withstanding rain, wind and other meteorological variables. This exhibits the lack of willingness to take this disaster seriously, and to adapt their normal humanitarian assistance for local conditions.
18. The local representative of the UNHCR has consistently acted with contempt for those whom he is mandated to protect, by refusing to engage in meetings with individuals, and by treating people with a consistent lack of respect. This individual has repeatedly referred to clauses in the UNHCR mandate which are irrelevant and inappropriate to the current crisis, which clauses he uses to justify his agency’s unwillingness to act on behalf of displaced people.
19. The UNHCR local office has consistently refused to respond to written and public queries about its role and has consistently refused to deploy officials to conduct individual consultations with those people who have requested it. They have refused to provide assurances in situations where they had in fact lobbied / advised our government on particular steps (6-month permit, consolidation).
20. The UNHCR has not made any recommendations to government regarding the position of Zimbabwean nationals in particular: they are currently not regarded as refugees, despite many facing intimidation or physical violence should they return to that country.
21. There have been many times during the crisis when the local officials of the UNHCR and the office in Pretoria have been unreachable by telephone, fax or email, meaning that displaced people and volunteer organisations have been unable to approach the agency for assistance. This despite the institution of a

UNHCR hotline, which was rarely answered. This is clearly in violation of the UNHCR mandate to provide information to displaced people.

22. Since 22 May 2008, the UNHCR distributed one undated document to camps and safety sites in English that gave a short breakdown of their ability to act on reintegration, repatriation and resettlement. This document neglected to address numerous problem areas. There was no response from the UNHCR to an official letter from civil society regarding these issues.
23. Civil society addressed a memorandum of demands to the UNHCR office (20 June 2008) listing areas of concern and suggestions for resolution. There has been no response to this memorandum or the complaint submitted against certain of its officials.
24. The UNHCR threatened to walk out of a meeting with refugee leaders because their credentials were questioned.
25. According to the UNHCR website, repatriation of people began in August 2008, more than three months after the attacks. Despite there being at least two thousand people requesting this, UNHCR does not appear to have an accurate figure. Moreover, there is no comment made on the time-frame for the remaining requests to be processed, and in addition no apparent recommendation has been made to government on keeping the camps open while these requests are being processed. The issue of *refoulement* has also created a situation where many displaced people are unable to return to communities, but are not eligible for repatriation by the UNHCR. These people should then be considered for resettlement.

### **Advocacy Support**

1. In general, it has been reported that refugees, asylum seekers and others have expressed great disappointment in the UN's failure to visibly take a stand for their rights. While the UNHCR cannot make decisions for the government on how it will manage the humanitarian crisis, the government seems willing to accept its advice and assistance, especially on issues of camp management and reintegration. In fact, government has relied on the UN for defending its poorly executed consolidation process without any objection from the UN.
2. The UN needs to be doing more to pressure the government to appropriately care for refugees and displaced persons.
3. It has been extensively noted that the UNHCR's registration process created confusion and increased the sense of fear and insecurity among those living in the safety sites. Their failure to establish clear guidelines for residents and government regarding registration at the camps increased tension rather than alleviating it. The DHA did not have the capacity to deal with registration but there was no push from the UNHCR on this matter as a humanitarian agency.

4. Although the UN had held many meetings and conducted many assessments, problems with provisions of food and health care, with availability of education for youth, and with general camp conditions persist even until today. There has not been a significant amount of pressure put on the government by the UN to improve these conditions.
5. The crisis in Zimbabwe has led to an influx of refugees and asylum seekers in to South Africa from that country. While the UN has at times succeeded in stopping deportations by drawing attention to the plight of Zimbabweans at the border, the perception remains that the UN has not used its considerable influence with the South African government effectively to resolve this issue and halt the illegal deportation of asylum seekers from Lindela and Musina.

## **Notes**

1. See Amnesty International interview with OCHA, Johannesburg, 26 August 2008.
2. The UN Guiding Principles on Internal Displacement defines internally displaced persons as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”(Introduction, para 2)
3. UNHCR is responsible under its mandate for the protection of refugees, asylum seekers, internally displaced persons (IDPs) and others in need of international protection. This responsibility can be met through supporting the state to meet its obligations. However in situations where the state fails to meet its own obligations, UNHCR has a duty to intervene to ensure respect for the rights of the aforementioned individuals: Amnesty International Report, September 2008.

## **IX. Labour Market Issues**

*Provided by COSATU*

### **Labour Market**

One of the persistent threads in public/popular discourse is that there is resentment by the unemployed, workers and the general populace towards foreigners because “they are taking away our jobs.” The DOL sees not to have documentary evidence to refute this. Documenting foreign workers is in their view the responsibility of DOHA. Labour market issues are then central in our response to eradicating xenophobia.

### **Migrant Workers**

SA has always had relatively large numbers of migrant workers from Mozambique, Lesotho, Swaziland Zimbabwe, Botswana, and so on living side by side with SA migrants. Apartheid planning catered for this through the establishment of hostels (both mine and municipal) and ethnically based township areas. South Africa’s economy and its current relative wealth are of course based on the super-exploitation of migrant workers from across the southern African sub region by big capital. Archie Mafeje characterised Southern African as the “*Africa of the migrant labour market*” and showed how through the instrument of the “single man’s wage” the wealth of the sub-continent was systematically siphoned off as super-profit.

According to a recent survey by the Southern African Migration Project (SAMP), for example, 81 percent of Lesotho's adult population has been to South Africa. As many as 83 percent of Lesotho's citizens have parents and 51 percent have grandparents who have worked in South Africa. The equivalent figures for Mozambique are 29 percent, 53 percent, and 32 percent, while for Zimbabwe the corresponding figures are 23 percent, 24 percent, and 23 percent. (Pauw, Mncube)

The efficiency of this economic exploitation is of course the basis of the extreme inequality we live with in the post-colonial setting. The poverty of the sub-continent means that for many workers migration continues to be a key option for economic survival into the current period.

Instead of hailing from KwaZulu or Venda or Bophuthatswana or Transkei, the most desperate migrant workers in SA's major cities today are from Zimbabwe, Malawi, Mozambique and Zambia – countries partially de-industrialised by Johannesburg capital's expansion up-continent. They may now also originate from further afield, for example the entry of many Angolan and Congolese workers into the security industry.

### **Continued High Unemployment and Competition for Work**

Lack of jobs (formal sector employment dropped by a million after 1994) and

declining wage levels is seen amongst workers to be the result of immigrant willingness to work for low pay on a casualised basis. Cheap labour and undocumented workers are, as an activist notes, easy to detect. Look for any unusual concentration of immigrant workers and you will find there is exploitation.

First National Bank chief economist Cees Bruggemann said in Business Report: *“They keep the cost of labour down...Their income gets spent here because they do not send the money back to their countries.”* The extremely high unemployment rates in South Africa fundamentally impact on welfare levels, and hence, an increase in employment is likely to benefit the poor.

However, the issue of skills constraints (or even of complete lack of skills among the poor) is also at the forefront of policy issues at present in South Africa. There is a realisation among policymakers that many of the poor are simply unemployable because they lack certain basic skills demanded by the labour market. This alters the policy stance towards the poverty unemployment dilemma from one of creating more jobs to one of addressing the lack of skills through training and education. Naturally, of course, both job creation and skills training are important policy options. It is especially important to create more low-skilled jobs in order to absorb more of the unskilled, unemployed workforce in the meantime given that education and training policies inherently are longer term policies.

Immigrant workers due to better education are a ready-trained skilled workforce. Employers find it easier to employ them than to train local workers, many whom are stuck in this poverty unemployment dilemma. It is striking to enter workplaces where the entire workforce is made up of immigrants. There is widespread belief amongst workers that employers large and small employ immigrants irrespective of their status.

In a globalising world, in a world of mobile capital, capital will relocate in search of relatively more exploitable labour. Viewed from the vantage point of the global economy, the South African working class is itself part of a global industrial reserve army, and can therefore be seen as exerting a downward pressure on working class wages in the northern hemisphere. It is short sighted of South African trade unions to think that they can resolve the downward pressure on South African wages exerted by this industrial reserve army by locking the working class of the region outside the borders of South Africa.

Fellow African working-class people from other parts of Africa are therefore not only here to stay, but they have as much right to the wealth of South Africa as workers who are South African citizens. They are as much producers of this wealth as are workers who are South African citizens. Our fellow Africans can in no way be accused of being the cause of the impoverishment of the South African working class.

## **Development and Service Delivery**

A range of service delivery issues have been shown to have sparked violence in May 2008. Housing pressure, which leads many immigrants to overcrowd inner-city flats, especially in Durban and Johannesburg, has driven up rental costs of a dwelling

unit beyond the ability of locals to afford. Similarly, accusations that immigrants were taking over RDP houses in areas of the Western Cape led to mobilisation. Thousands of foreign mine workers are being pushed into informal settlements because the industry has not built proper family houses for black mine workers.

There is a failure to engage and mobilise poor communities effectively around the provision of housing, reducing unemployment, reducing poverty, providing health, providing services such as water and electricity, and dealing with crime.

The premise that services and resources are commodities, they can only be obtained if they are purchased on a “user pays” basis. If you are unemployed and you cannot pay for housing, services, health, food, clothing, etc., you have only the imperative of selling your labour in the market. However, if there is no demand for your labour or skills, you will get no job. This sets up a desperation within our communities.

There is a failure to challenge and transform the spatial arrangement of Apartheid. This means that there has been no real racial integration in terms of space, which means that the poor, who remain largely black, are still spatially located at long distances from economic, social, cultural, and recreational opportunities and services. The townships remain socio-economic wastelands. Big capital has recently begun establishing malls in the townships. This retail market shift may be linked to the ongoing tensions within local small trader groups and an almost “taxi-warfare” type offensive waged against immigrant traders who show tenacity and organisational skills in finding formal and informal economic opportunities in these conditions.

Surname identity theft, which can cost an immigrant R3000 by way of a bribe for an ID document and driver's license (including fake marriages to South Africans who only learn much later), and increases in local crime, are blamed on immigrants.

It is clear that the root causes of the xenophobic attacks are unchanged with regard to development and the labour market. We would refute an argument that says that resolution of the crisis is about managing the camps to closure.

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