

Meeting between UNHCR Mr Gupta and civil society

Tuesday 27 May 2008

Lecture Theater 3, Kramer Law School Building, Middle Campus, UCT

845hrs – 1000hrs

Hassan

1. Issues:
 - 1.1. Infectious diseases, what will UNCHR do
 - 1.2. Genocide
 - 1.3. SA party to conventions, can UNHCR take to international court
 - 1.4. Repatriation, resettlement, reintegration, what is the UNHCR plan?

Mr Gupta

2. I have seen the conditions.
3. I have spoken with authorities at the local and provincial level.
4. Thank civil society for the work they have done.
5. How does the UN see this?
 - 5.1. The definition of refugee is defined in a convention as a person who has left his or her country or origin.
 - 5.2. Internal displacement is defined as nationals who have been displaced in their own country.
 - 5.3. We are in a unique situation. It is hard to say that we will deal with a particular person, as there are a variety of individuals in this situation.
6. UNHCR deals with 3 solutions:
 - 6.1. People able to return home, refugees.
 - 6.2. Local integration.
 - 6.3. Resettlement to a third country. This is the least available alternative. 0.5% of the total world population of refugees is resettled in a different country. It takes years until one can benefit from this process.
7. There is no hierarchy within these three alternatives, however the most ideal is for people to go back to where they came from and return to the fabric of their society. However if the conditions in their country of origin were less than ideal, they would only go back if the individual wishes to. Otherwise they would be returned to the areas of displacement. Where there is a risk to life, the UNHCR tried to see that one does not go back.
8. The solution for South Africa - if people are able to stay within South African to reestablish their lives with the assistance of the State.
9. We are thankful that there have been no casualties.
10. People are now being housed in less than ideal condition. One might argue that these are not places to house people. However if the State sees this is the best way to protect people then maybe it is the way to go.
11. There is a concern of how long can this be sustained. Has there been identification by the State of the longer-term needs? Know that there have been national meetings by the State re planning. But there is a need by the State to plan. We still have not seen a national level plan by the State.
12. What is the UNHCR doing? Setting aside funds so civil society can be complemented.
13. Why has the UNHCR not come so far? The State has been a barrier.

14. Please tell us what you have seen, what you face so that the UN can direct their effort.

Questions from civil society and answers from Mr Gupta

15. Bradley, Methodist Church:

15.1. Civil society was first to respond and handled 90% of the situation in the first 48 hours.

16. UNHCR response:

16.1. This has been a concern from the start. I was in meeting with the Mayor yesterday. My questions to the mayor were as follows:

16.1.1. Isolating people rather than reintegrating them means that you cannot have a dialogue with the people. The response of the Mayor was that teams of mediators will bring the two together. This issue has been brought to the Mayor's attention.

16.1.2. Large population within small distances. This raises three concerns:

16.1.2.1. Thousands crammed together

16.1.2.2. Weather

16.1.2.3. Health hazard

Not an ideal situation. UNHCR sets up refugee camps around the world; so many technicalities; we know how it is to be done, winter tents etc. The tents I have seen are not suitable.

16.1.3. People's livelihoods. Children can't go to school and people can't go to work. Some are not allowed to leave their location.

17. Joseph, refugee from Rwanda:

17.1. Is reintegration possible? We need a long-term solution.

17.2. Refugee office has been moved from Cape Town into a township.

18. UNHCR response:

18.1. Aware of the move of the office. This was brought to the attention of the Mayor. Will be difficult for people to access. Asked for satellite office to be set up at the current location. Another issue of the regularization of stay of people in South African is a moratorium on their return. There should not be a distinction between those here with documents and those not with documents.

18.2. We have not seen a situation like this before, on this scale. The solution will not be instant and it will take time. Effort will need to be made for people to feel sorry and be accepted back.

19. Mohammud Mohammed, Plain Business Association:

19.1. City and provincial government at loggerheads. No access to businesses and schools. What is the position of the UNHCR?

19.2. Travel documents. What is the position of the UNHCR for people to have accessibility?

20. UNHCR response:

20.1. Travel documentation: It is important for people to have documents. Refugee office has been moved to a different location. Standardization of documentation. UNHCR is not in charge of travel documentation. The UNHCR can pressure government to speed up access to documentation. This is an issue that will go back to Pretoria.

20.2. Right to movement: people have that right.

- 20.3. How can we help families / venerable groups: please let us know and we can directly assist.
- 20.4. As to the attitude that we South Africans hate foreigners. Attitudes can only be changed at individual level.
- 21. Refugee:
 - 21.1. What can you do for people who have lost finance?
- 22. UNHCR response:
 - 22.1. Suggestions to people that have lost everything. Will require support from civil society. There are no talks at national level and no talks of compensation.
- 23. Ellen Jackson, Central Methodist Mission:
 - 23.1. We don't like the camps. However there is no way that churches, halls etc could handle the number of people. There are ideas of returning people to their communities. I would like to see it out into place, but there is a need to be realistic about how long it will take. Processes need to be put into place for protection and care. There is conflict between the city and the province. Can UNHCR play a role to get the two to agree on a way forward?
- 24. UNHCR response:
 - 24.1. We are concerned about the issue of who does what. I will take this up at Pretoria.
- 25. Research and advocacy worker in Cape Town:
 - 25.1. We need to find the people who have chosen to stay in private homes.
- 26. UNHCR response:
 - 26.1. We should include people in houses. We will address this.
- 27. Joseph from refugee community:
 - 27.1. You say it is better to relocate, however if this happens again how quick will you be able to respond?
- 28. UNHCR response:
 - 28.1. If this erupts again. I hope not. But government will have to have a plan and will have to bring the international community to be involved. There has been no invitation by government for any international bodies to assist. They need to call for assistance. This is a political issue. The plan needs to included international assistance.
- 29. Sarah Tait, ATCOF
 - 29.1. Timeframes, processes, needs analysis
- 30. UNHCR response:
 - 30.1. Timeframe, soonest. Process, assessed by you, if you see a need tell us. If you give us an indication of the items and quantity needed please contact our colleagues at the law clinic at UCT on uctlawclinic@uct.ac.za subject heading: Refugee Needs
- 31. Cosmos, PASSOP (member of safety forum)
 - 31.1. Regularization of process of documentation. DG asking for civil society to help. Civil society willing to help DG.
- 32. UNHCR response:

- 32.1. There is a distinction between people registered for assistance to those who are not seekers of asylum. We are addressing people who have been displaced who have not had their needs addressed, people who have been the target of violent action. For this purpose registration is required. The question has to be asked that this is destabilizing people move. There has to be a temporary moratorium on the issue.
33. Judith Cohen, SAHRC:
- 33.1. If government will not invite the UN in, can this be done through the back door by civil society?
- 33.2. People are doubtful whether reintegration will assist in all cases. Have to think of a variety of ways to deal with this.
34. UNHCR response:
- 34.1. Agree with Judith, that we must start working with government. Civil society has borne the responsibility but it is primary responsibility of the State. The UN should urge government to provide assistance.
- 34.2. There are different scenarios. It will be a long-term process. There will be other solutions for people not able to integrate. Hope the number of alternative solutions is minimal. This will be looked at.
35. ???
- 35.1. People displaced need information; they need to know about issues of resettlement, e.g. a pamphlet.
- 35.2. Refugee relief fund, so people can be compensated.
- 35.3. People working with refugees experience problems. Can't just go in, told will have to meet with this committee and that committee. Ask HR office of Premier to have social dialogues.
36. UNHCR response:
- 36.1. Agree that people need information. There will be a sharing of information. Contact UCT law clinic.
- 36.2. Relief fund: don't know if government is setting up a relief fund. All institutions have asked this question.
- 36.3. HR office at Premier: Do involve HR organizations.
37. SHADE
- 37.1. Some churches have said all people have to go to camps. This is concerning.
38. UNHCR response:
- 38.1. We have said to the Mayor that the city should not be moving people to these places. We are concerned about city and State. It is against the Constitution and will be dealt with at an appropriate level.
- 38.2. It is time now to identify the needs and let us know and we will design a programme.