

## Notes of Meeting: Wednesday 28 May, 2008, 17h30

Present: Zackie - Chair, Gilad, Nathan, Lesley [TAC]  
Fatima [ALP]  
Gregg [TAG]  
Eric, Rachel [MSF]  
Mohammed [Civil Society]  
James [UCT]  
Absent: Oxfam

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### Introduction [Zackie]

The aims of the meeting: (1) to look at the needs of the situation as a whole; (2) to identify how TAC can scale down its supply operations by Monday; (3) to construct a joint proposal from Civil Society members (including MSF, TAC, and Oxfam) to present to UNCHR, and the City, Province, and national government.

Present agreement on the position of Civil Society:

1. To ask MSF and Oxfam to develop an advisory plan for the situation in Cape Town. [Eric asked for clarification on Oxfam's position. He pointed out that Oxfam has limited operational capacity, and that, in emergency situations, Oxfam typically covers water and sanitation, and MSF covers health. Gregg will telephone Oxfam to ask for their presence in Cape Town]. TAC needs to reduce its supply-side efforts and increase its advocacy, legal, and political efforts.
2. To call upon UNHCR to enter and supervise the humanitarian situation in Cape Town. [A distinction of 'local disaster' and 'national emergency' was made; Zackie pointed out that national funds can only be released if the situation in Cape Town is declared a 'local disaster', and that UNHCR will only enter if the situation is called a 'national emergency'].
3. To close the camps using legal pressure. A priority is to move people off of beaches due to the elements.
4. To dispatch teams from TAC and MSF to undertake an assessment of all camps and shelters. [This was completed today; an assessment report will be complied by 10h00 tomorrow].
5. To produce a leaflet for all refugees and foreign nationals on their rights to freedom of movement and to condemn forced bussing.
6. To continue to call for a joint management of camps between refugee community leaders, Civil Society, and government representatives (particularly City and Province).
7. To mobilize communities, beginning with Mitchell's Plain and Khayelitsha.
8. To begin local reintegration programmes, involving the police, church, local community, and Civil Society.

9. To investigate claims of theft, hoarding, and human rights violations in the camps and shelters.
10. To instigate a national poverty relief programme.

A crisis Province meeting is planned for tomorrow (08h00-16h00); Zackie would like to present a plan on behalf of Civil Society to the meeting, which must be ready by 07h00.

### **Discussion**

Eric: The situation in Cape Town is extremely mixed. In Soetwater, camp residents have little information about the situation in the city due to their isolation and uncharged cell phones. The right to information should be considered a task for Civil Society efforts. The displaced population is varied. Some Somali residents in Soetwater said they did not want to go back to their communities in Cape Town and are waiting for UNHCR. There are, in contrast, Ghanaian residents in Soetwater who have South African permanent resident identity documents.

Mohammed: The situation is extremely varied. He suggests TAC organizes meetings between different leadership groups in the city to capture the different views. He pointed out that many more refugees and foreign nationals are not displaced at present, but are extremely vulnerable nonetheless.

Rachel: Informing people of their rights is urgent. In situations of displacement, individuals have three options: (1) to repatriate to their home country; (2) to resettle in a third country; (3) to reintegrate in their existing communities. She said, however, that the situation in Cape Town and South Africa is unusual, because the situation concerns foreign nationals displaced within a host country. She mentioned a correspondence from a legal scholar at Oxford University who said many individuals may qualify as refugees in situ on the bases of an OAU treaty that South Africa has signed (qualifying persons who have lived in a nation-state for a period of time and where the political situation within the country has dramatically changed); Zackie will follow up this advice.

Zackie: Nine categories of persons are affected, in addition to nationality:

1. Newcomers
2. Otherwise Undocumented persons
3. Asylum Seekers
4. Refugees
5. Permanent Residents
6. Temporary Visitors
7. Non-Nguni speaking South Africans
8. Work Permit holders
9. Otherwise Vulnerable persons (not displaced, or displaced in other homes)

Eric: Of the five categories of basic needs (protection; shelters; water, sanitation, and hygiene; health; food), the need for protection is most urgent and is a need that Civil Society can not provide.

Nathan asked MSF if the situation in South Africa is unique in terms of operations and whether existing methodologies can be used. Eric said the situation is unique because it is not primarily about national borders and because the population concerned is so diverse. Further comments were made on legal categories; Gregg, Eric, and Rachel discussed the distinction of OCHA and UNHCR.

Nithya announced that the Provincial governments of Gauteng and the Western Cape will declare an emergency tomorrow.

Nathan: TAC should threaten litigation and legal action to all three spheres of government on: (1) a unified plan to meet basic needs; (2) for the urgent deployment of UNHCR; (3) to deploy the army.

Eric pointed out that some government officials are working well on the ground. He said that the need for protection should be kept the central focus of Civil Society efforts, as well as the need to get out rights information to individuals.

[At 18h00, Michael Osborne and colleagues entered to brief the members on the situation at Caledon Square].

Michael asked TAC to conduct a survey of the concerned refugees, and to collect the following data: (1) name; (2) status (in terms of the nine categories above); (3) country of origin; (4) dependents; (5) preference for future (reintegration; resettlement; repatriation); (6) how long have they been in South Africa; (7) details of what they have lost, in terms of money and property.

[Note: On paper, Michael asked for the following: (1) name; (2) status; (3) country of origin; (4) stay in South Africa? (yes, no); (5) if no, in which country?; (6) where they were living or working in South Africa; (7) losses; (8) community representative(s); (9) length of stay in South Africa; (10) dependents].

He pointed out that the situation is varied in terms of desired options.

He explained that lawyers can help with claims of harassment (from communities and the police). A restraining or protection order cannot be provided unless it concerns specific persons, but a class action suit may be possible. He also said that the men do not wish to be individuated or split up.

He also said that the refugees concerned need to organize themselves into a committee and come to consensus among themselves about their situation and needs. A meeting is held tomorrow at 13h00 at the Cape Town Bar.

James: Many refugees will want to be resettled to a third country, but this is a highly unlikely possibility. There is a need to manage expectations in providing information.

Eric: MSF will share information on international guidelines and standard protocol regarding health needs in refugee camp situations. However, as each site has its own needs, MSF will meet again to put a proposal together.

[Meeting ended at 18h45]