



Figure 1: Evicted

Blue Waters Safety Site

Eviction Process Monitoring Report

31 March-15 April 2010



Report Prepared by PASSOP
Endorsed by Legal Resource Centre

About PASSOP

PASSOP is a registered non-profit organisation based in Cape Town, South Africa. We are a grassroots organisation dedicated to protecting and promoting the rights of asylum seekers, refugees and undocumented individuals in South Africa. Established in 2006 by a group of volunteers in response to severe inefficiencies at the Department of Home Affairs Refugee Reception Centres, we have continued to work with immigrant communities during the outbreaks of xenophobic violence and ongoing injustices.

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Executive Summary

This report comes as a response to the eviction and dismantling of Blue Waters safety sites in April 2010. The occupiers of the site were foreign nationals who had been displaced during the xenophobic violence of May 2008. Many were refugees and asylum seekers from several African countries, including Zimbabwe, Somalia, Uganda, and the Democratic Republic of the Congo. In October 2008, the City of Cape Town officially closed the camp, and in March 2009 the city launched an application to evict the remaining inhabitants of the site. Following a ten month legal process, the Cape Town High Court on 24 February ordered the eviction of the remaining 400 occupiers from the safety site.

As part of Erasmus J order, residents were offered skills training, trauma counselling or cash payouts of R1000 per person. A number of residents opted for both skills training as well as counselling, but on the day that the financial compensation was paid out, everyone opted to receive the financial compensation. The City of Cape Town was further ordered to make provision for alternative accommodation for a list of vulnerable individuals. Approximately thirty people were provided with accommodation at the Temporary Relocation Area in Delft, and were moved there on 31 March 2010. Financial compensation was paid out some weeks later and many in occupation chose to wait for the Sherriff of the court to effect the eviction on 15 April 2010. In light of the completed eviction process, the futures of many former residents are still uncertain.

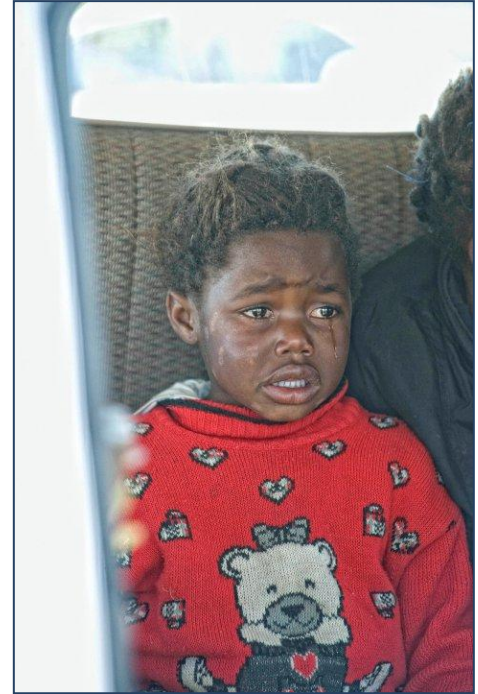


Figure 2: Painful process, a distressed child expresses herself

The Blue Waters camp closure was completed, but only after many difficulties and complications. Thus, it is crucial to learn from past mistakes and strengthen areas where weaknesses became apparent. In this regard the report offers an extensive list of recommendations that could be followed as 'lessons learned' for future implementation.

Background

Since its independence, South Africa has attracted many asylum seekers, refugees and immigrants. In fact, South Africa has become the one of the biggest destinations for asylum seekers in the world¹. This is a result of conflicts and economic collapse in other African countries, combined with the security and economic stability it provides. With the mass influx and dire situations faced by many impoverished South Africans, tensions between locals and foreign nationals grew. These tensions became known as “xenophobic tensions”. They also stem from other widespread beliefs, including that immigrants take jobs away from South Africans and that they burden the state by draining resources². These sentiments, coupled with extremely high unemployment rates, competition for retail businesses and high crime rates, have sown the seeds for such tensions to come to fruition through violence³.

Violent attacks erupted in South Africa on the 11th of May 2008 in the Alexandra township outside Johannesburg. The Western Cape responded by initiating a civil society task team and the Western Cape SAPS started the safety forum in an attempt to avoid an outbreak of violence, but despite these efforts a domino effect immediately followed. The violence spread to other parts of South Africa, among them, Durban on the 17th of May and Cape Town on the 22nd. The violence originated in the Gauteng province and spread to the Western Cape within eleven days, ultimately displacing estimates of 80,000 to 200,000⁴, of which an estimated 20,000⁵ were in the Western Cape. Ranging from threats and taunts to physical attacks, rape and looting, the violence predominantly targeted Zimbabweans, Mozambicans, Somalis and Congolese. During this period, 62 people were killed, one third of which were South African. The fact that South Africans were killed in the wave of xenophobic violence as well as foreign nations illustrates that communities saw minority tribes in the same light as foreigners, but also the chaotic atmosphere during these troubling times.

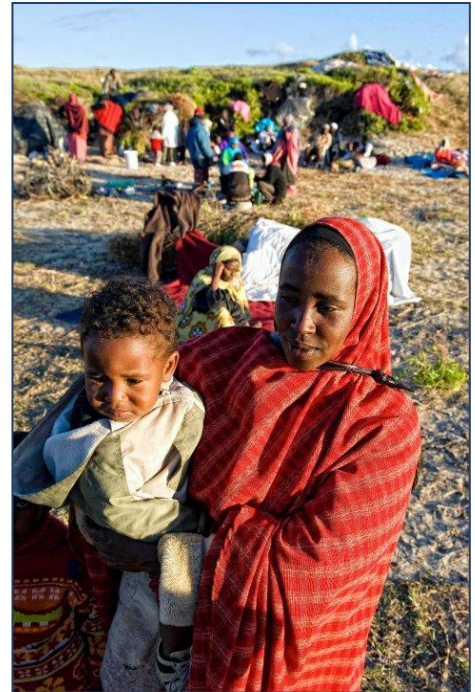


Figure 3: Uncertainty after eviction

Whether the displaced immigrants were abused, robbed, threatened, or merely anticipated such acts, thousands fled their communities in search of safety and protection. It presented a complex emergency not seen before in South Africa. The only previous experience of displacement was due to

¹ UNHCR Global Trend report 2010

² Ingrid Palmay. *Refugees, Safety, and Xenophobia in South African Cities: The Role of Local Government*. Centre for the Study of Violence and Reconciliation.

³ Patrick Bond, Trevor and Baruti Amisi. “Xenophobia and civil society: Why did it happen?” University of KwaZulu-Natal Centre for Civil Society.

⁴ Vicki Iglesden. *Xenophobic Violence in South Africa in May 2008: The Humanitarian Response in Gauteng and the Western Cape (a Narrative Account)*. 1 December 2008.

⁵ Mayor Helen Zille stated in council

fire, flood or natural disaster. In the case of these displaced foreigners, they could not merely return to their original places of habitation as they were victims of targeted attacks. Many of these people were immediately housed at local mosques, churches, police stations, and community halls. Government was caught off guard and was required to respond to a number of difficulties within a short space of time. One of the bigger issues was certainly around documenting those displaced persons who now had no form of identification. After much debate over whether or not the displaced were all refugees and despite some contestations, the UNHCR advised government and civil society that the displaced should to be termed Internally Displaced Persons (IDPs). The Department of Home Affairs, under instruction from the minister of Home Affairs (at the time Mrs Nosiviwe Mapisa-Nqakula) dealt with documenting to the displaced, some of whom were undocumented while others had misplaced their documents during the violence. They provided "ID cards", which were issued under section 31.2 (b) of the Immigration Act, were valid for 6 months and protected the displaced from the risk of deportation.

Following the attacks many returned to their countries of origin through their own means, while others returned with the help of the IOM⁶, and some were taken in by friends and family. As time passed and communities settled, a significant portion of these foreign-nationals were able to return to their homes in the host communities. Despite these options, many remained too afraid, and/or vulnerable to return to their homes and others lacked alternatives to the emergency accommodation provided because their homes were completely destroyed.

In Cape Town, (then-mayor) Helen Zille insisted that the community halls were inappropriate safety sites for refugees because of the possibility that they may be needed in the case of floods or fires, as well as the need to rent out the buildings for functions such as weddings and reunions. At this point, conditions were extremely crowded with approximately 80 locations across the Western Cape holding 20,000 IDPs. Furthermore, Zille argued that it would be easier for the city to manage the displaced in a few larger sites rather than many small ones spread out across Western Cape. To address this, the city announced on May 28th that it would establish six Centres of



Figure 4: Metro Police watch on as the eviction takes places

Safe Shelter (CoSS). These were meant to be temporary safety sites⁷. These sites were set up by the Provincial Disaster Management Committee (PDMC) and included the following: Harmony Park, Soetwater, Silverstroom, Blue Waters, Strand, and Youngsfield Military Base. It should be noted that at this time fourteen community halls were still being utilized as housing units. The moving process to each of these sites began on June 1st.

⁶ International Organisation for Migration

⁷ Vicki Igglesden.

Critics⁸ of these sites argued that they were detrimental for various reasons. Each of the sites, with the exception of Youngsfield Military Base, was located far away from the centre of the city as well as transportation services⁹. This made working and maintaining a productive lifestyle difficult for the IDP's. Rather than being able to continue working as normal, the displaced were ostracised from the community and faced extra obstacles to the maintenance of their daily routines. Additionally, it was anticipated that such sites would further widen already established divisions between foreign nationals and South Africans. By placing the IDP's in separate communities, the city was enabling their segregation and contributing to the tension. PASSOP believes that the creation of these sites made the reintegration process more difficult.

Because these sites were meant to be temporary, the City quickly tried to downsize them with the eventual goal of shutting them down completely. This was to be achieved through reintegration, repatriation and consolidation. Reintegration back into the local communities was considered



Figure 5: A camp resident collects firewood at dusk

voluntary, and those who felt safe enough to do so received between R750 and R1500, depending on family size. These assistance packages, funded by both UHHCR and UNICEF, were intended to cover accommodation costs and also included food parcels¹⁰. It must also be noted that some of the displaced had strong views that if they could not return to their country of origin and the host South Africa community was too dangerous to reintegrate into relocation to a third country (Canada for example) would be a "right". These views were encouraged by certain NGO's, despite much resistance by the UNHCR. PASSOP believes, however, that some of the most vocal with these demands were individual camp residents who had witnessed resettlement¹¹ of refugees to first world countries from the Kenyan refugee camps. In July 2008, reintegration strategies began to develop.

Those who did not feel safe enough and or were unwilling to assimilate back into the community were moved to different camps as the city consolidated to three sites. Many were moved to Blue Waters because of the additional capacity available and its more favourable location. The site was situated in

⁸ Braam Hanekom

⁹ Ibid.

¹⁰ Ibid.

¹¹ The system of resettlement is managed by the UNHCR, and is a complex process which often takes many years to accomplish..

such a way that it was better protected from wind, and it was closer to residential and commercial areas so that the IDPs had more opportunities to work¹². Specifically, Blue Waters is located in Strandfontein, which is approximately 25 kilometres from the Central Business District.

On the 28th of August, three months after the six sites were formed, consolidation of the camps began¹³. Those at Soetwater, Silverstroom, and Strand were moved to Blue Waters, Harmony Park, and Youngsfield. Blue Waters in particular was split into two camps, called Blue Waters B and Blue Waters C, with the former holding the original residents and the latter holding the new residents that had arrived post-consolidation. Due to the hasty consolidation of the safety sites, there was a lack of communication regarding which camps were to be consolidated, which particularly affected the residents¹⁴. To exacerbate matters further, those camps receiving displaced people lacked basic sanitation, food supplies, and adequate shelter. By the 18th of September, issued reports indicated a serious decline in conditions within the remaining camps. At this time, there were approximately 2,200 IDPs residing in the sites¹⁵. Blue Waters specifically came to hold approximately 900 IDPs after the consolidation process, the majority of which were single men¹⁶.

The three camps were scheduled to be closed as follows: Harmony Park on October 10th, Youngsfield on October 17th, and Blue Waters on October 31st.¹⁷ After the closure of each of these sites, services would cease. The electricity at the sites was shut down and delivery or provision of food was stopped. The City of Cape Town and the UNHCR began plans for the reintegration of the IDPs at these sites following the announcement of the closure of Blue Waters scheduled for October 31st. After much planning, residents were offered various



Figure 6: Displaced people out in the cold

options for assistance. These options were provided by the UNHCR and included the following: (1) *reintegration* into the same or similar communities they were displaced from; (2) *voluntary repatriation* for those whose countries were not considered to fall under the principle of non-refoulement¹⁸ or (3) *relocation* to another part of South Africa. The option of third country resettlement was only considered once IDP's had left a site, as the UNHCR did not want to encourage potential applicants to remain in the camp. However, many refused

12 "Moves to Reduce Safety Sites for Displaced People." City of Cape Town.

13 Western Cape Civil Society Task Team. *Compiled Reports on the Current Status of the Refugee Crisis*. 18 September 2008.

14 Western Cape Civil Society Task Team.

15 Vicki Igglesden.

16 "Progress with Closure of CTN Safety Sites." The Voice of Cape Town. 23 October 2008.

17 Vicki Igglesden.

18 A peremptory norm, under international law, that forbids the expulsion of a refugee into an area where the person might be again subjected to persecution.

to abide by the given closure date because of dissatisfaction at the care packages and fear of reintegration into South African communities. The city stated that as of October 2008, residents at Blue Waters site were residing there unlawfully.

Eviction and Failed Negotiation Process

Because many IDPs would not leave the safety site nor accept the reintegration packages offered, the city resorted to bringing an eviction application in order to legally evict IDP's from the site. On 18 March 2009, the city applied to the High Court for eviction of the remaining residents at the site. On 28 May 2009, the following Relocation Package was reintroduced: families of one person would be provided R1500, with R750 given each month for a period of two months; families of more than one person would be provided R3000, with R1500 given each month for a period of two months. It should be noted that these packages were offered in addition to the three options provided initially, but would only be provided if the IDPs physically left the site. Furthermore, the package was not offered by the city, but only by the UNHCR and UNICEF. The deadline to apply for this relocation package was the 15th of June, yet was extended to 30 September 2009. Additionally, in June the package was changed to R2000 and R4000 depending on family size¹⁹.



Figure 7: Municipal workers dismantle tent

Despite these offers, an estimated 400 IDP's remained in occupation. They were served with the Eviction application on 27 March 2010 by the Sherriff. Many of the IDP's did not understand the legal process and so did not grasp that service of court proceedings were underway. The City brought the eviction application in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998 (PIE). Due to South Africa's past history of forced removals the PIE Act provides specific guidelines and requirements that need to be met in order to effect a legal eviction. The Act prescribes a number of procedural requirements, and the court may only grant an order of eviction "if it is of the opinion that it is just and equitable to do so, after considering all the relevant circumstances, including the rights and needs of the elderly, children, disabled persons and households headed by women."²⁰

19 "Applicant's Replying Affidavit." From Affidavit of Kemal Omar. In the High Court of South Africa. Case No: 5083/09.

20 *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act*. Quote from PIE act 4(6). Republic of South Africa.

The matter was heard on 21 October 2009 by Erasmus J, who handed down his judgment and order on 24 February 2010. Erasmus J ordered the eviction of the IDP's but set in place certain conditions that the City of Cape Town had to comply with in order to effect the eviction. Accordingly, the City was ordered to provide: (1) skills training; (2) trauma counselling, and (3) monetary support. The skills training includes life skills trainings, English language lessons, and trade skills trainings, for which the city government allocated a maximum of R300,000. These trainings would be conducted by the Livelihood Task Team, which consists of Scalabrini, Cape Town Refugee Centre, Bonne Esperance, Arresta and PASSOP. The trauma counselling would be conducted by the Cape Town Trauma Centre and is allocated a maximum of R100,000. Further monetary support,



Figure 8: Vulnerable women and her children loading possessions to go to Delft

consisting of R1000 per person,²¹ had to be paid. In addition the Court found that certain occupiers were in fact vulnerable and in terms of PIE the City had a duty to provide them with alternative accommodation. These individuals were to be relocated to the Temporary Relocation Area in Delft. Forty of the Units at the Symphony Way TRA's were assigned to Blue Waters IDPs. These are non – permanent emergency living structures which had to have electricity and proper sanitation. Vulnerable status was determined by the UNHCR, and included the elderly, sick, female headed households and pregnant women. Overall, thirty-four vulnerable families were registered²².

Observations of Eviction Process

The following information is derived from the observations of PASSOP staff that frequented the site during the eviction process in order to monitor the situation.

31 March, Wednesday

As March 31st was decided upon by the court ruling as the official eviction date, this day marked the beginning of the removal process and shut-down of the Blue Waters safety site. In the morning, symbols were placed on each tent. It was decided that the vulnerable grouping would be relocated to Delft before the eviction proceedings in respect of the other occupiers began. Belongings of families considered vulnerable were loaded into trucks as directed by Camp Management and various officials.

²¹ Ibid.

²² *Judgment Handed Down this 24th Day of February 2010*. In the High Court of South Africa. Case No.:5083/09.

For all the IDP's refugees, regardless of their destination, there was an overall lack of understanding in terms of the process to be followed during the eviction. There was also wide spread misinformation as a grouping within the Site wished to resist the eviction and some believed that the eviction simply would not take place; this led to a general sense of fear and uncertainty. Many of the IDP's still believed that the UNHCR would for instance intervene and stop the eviction or that the City would not proceed with the process. A number of the vulnerable families chose not to go to Delft in the hope that UNHCR would intervene and come to their rescue.



Figure 9: Officials and workers arrange for the removal and transport of vulnerable families.

Amidst the confusion the legal representatives the Legal Resources Centre and PASSOP made a number of attempts to explain the process to individuals and to bring calm to the situation.

At this stage no counselling was being provided and the LRC liaised with the Trauma Centre and the CWD to provide counselling to those most in need. PASSOP provided some on-site support during this time to those traumatized by the events.

That day was recorded by a few members of the media, including a photographer from the Cape Times, representatives of SABC, a local radio station, as well as a journalist from the Cape Times.

1 April, Thursday

With the eviction currently under way, the 1st of April was confounded with further stress and confusion. On the 31st of March, a notice was posted on the security offices stating that each person would be paid by 10:00 on the 31st. Despite this notice, distribution of the money had not occurred and it appeared that officials themselves did not know when what the next step would entail. The LRC established that the Sherriff was still in the process of co-ordinating the eviction process with the relevant law enforcement and City Officials and that a date would be set for the eviction to take place.

IDPs were encouraged during this time to leave voluntarily, but most could not afford to do so without the financial package being paid to them. Many construed this as a way of misleading them into leaving the camp without receiving what the court had ordered. A further grouping of vulnerable people was also moved, and many in the camp were resentful of the fact that they were not all classified as vulnerable. This after the majority had not wanted to move to Delft at all. The general

feeling was that all residents had arrived together under the same circumstances.

Eventually, money in the form of R1000 cheques was distributed at 14:30 to each individual within a family. This offer proved to be controversial; a several men/women without families, considered 'singles', felt such the amount of money was insulting, as it was considered an insufficient amount to relocate. Because of this, a substantial group of singles decided to reject the payment and refuse to relocate from the site in the hopes of being given a better financial offer. If another offer was not provided, the singles decided they would reject the payment altogether on a moral principle. Such a mindset quickly spread, resulting in families also rejecting both relocation to Delft and the financial offer. These protests had a detrimental impact for the residents given the lack of available options for their future, as witnessed after the eviction.



Figure 10: PASSOP member addressing the evicted

5 April, Monday

At this point in time, a number of the IDP's remained in occupation and would not leave the site. Some having accepted the money and others having refused to do so. There were still those in the group holding onto the believe that the UNHCR was going to come to their rescue and this lead to others remaining on site as well. UNHCR representatives were present, attempting to convince the refugees to take one of the options and evacuate. One such representative present was the UNHCR head field worker, Mr. Patrick Kawuma Male, who was interviewed by PASSOP and various journalists. He was there on the basis of trying to persuade the refugees to take the offers, as there was nothing more the UNHCR could do, as the eviction was to be handled by the municipality under the City of Cape Town.



Figure 11: Tents were packed up and taken apart after families were removed.

15 April, Thursday

The residents of the safety site were officially removed on the April 15th. This event was characterized by a heavy police force, and with Fire and Rescue Services on standby. Many journalists and photographers were present, but were restricted access from the actual site. One of the officials in charge of the eviction, Richard Bosman, was in communication with the journalists, informing them of what was happening, as events unfolded. For those that had accommodation with family and/or friends, transportation was provided by the municipality for both these people and their belongings to relocate to these respective destinations. Although some were in this situation, most did not have such connections in the country and lacked alternative accommodation. Accordingly, the general population of the site relocated to a parking lot outside the perimeter of the safety site. There were approximately 130 people in this area. It would be some weeks before people left the area to find alternatives elsewhere.



Figure 12: Evicted camp residents with nowhere to go

Post-Eviction Observations

The IDP's were made up of a large number of individuals from different nationalities and backgrounds. The only common factor was that they were all displaced by the xenophobic attacks. This meant that the needs of the group were not necessarily the same in terms of future relocation or reintegration. The demands and requests made by the group were vastly different.

Many of the IDP's therefore when the eviction was ordered had not come to deal with their own sense of reality or need. They had difficulty making decisions in terms of the packages offered before the court proceedings, but they also had difficulty deciding the next course of action for themselves. This was evident from the vulnerable grouping where some decided not to go to Delft as merely making the decision to do this was too overwhelming. There was therefore safety in the bigger grouping, which lead to many remaining on the opposite side of the road to the Safety Site for some time.

Blue Waters residents that refused to accept the court order were however left with very few options. Many residents lacked access to food, jobs or money. Thirty-seven people at Blue Waters were

subsequently arrested after refusing to leave the area on the opposite side of the road; they were charged with trespassing²³. After being arrested a number were taken by law enforcement to the old Customs House on the Foreshore where law enforcement mistakenly believed that Immigration or Refugee Affairs were still housed.²⁴

Due to the lack of facilities on the opposite side of the road women and children slept in the public restrooms. The Department of Social Development intervened and threatened to remove the children if the parents did not or could not provide for them. They were also accused of using their children in order to gain sympathy or assistance.²⁵



Figure 13: Out in the cold a mother boils water

23 "Blue Water's refugees' battle ends in arrests" Cape Times, 22 April 2010

24 "City to discuss plight of evicted refugees at Blue Waters" Cape Argus, 27 of April 2010

25 "Refugee eviction was a last resort, City Says" Cape Argus, 23 April 2010

Recommendations

1. The government should attempt to build relationships of trust with the displaced, this is a difficult feat to achieve, but would go along way in understanding that solutions cannot be limited to predetermined models, but should be developed together. Government should also not feel threatened by civil society organisations that are often able to assess concerns and issues better because of their training. They should instead build a stronger relationship based on respect and communication.

All efforts must be made to avoid eviction. The huge divisions and distrust ultimately led to the protracted legal battle that incurred significant legal costs in addition to the cost to keep the site open. We believe that divisions between the government (who worked closely with the UNHCR) and certain active civil society organisations also contributed to the distrust between the IDP's and government officials.

2. The government needs acknowledge the sentiments and xenophobic attitudes of some South African citizens so that they are able to formulate informed strategies in the event of another outbreak of violence. We need to establish stronger systems to deal with mass displacement and acknowledge that emergency measures used for natural disasters do not meet the needs of those displaced as a result of violence. There need to be proper and transparent levels of communication between all stakeholders, and refugees and asylum seekers must be equipped to voice their own opinions.

If the government had stronger systems in place much confusion and the resulting tensions could have been avoided. Government and UN officials must co-ordinate their methods of disseminating information to displaced persons. Essential information, for example, includes time frames outlining the duration of any aid distribution and the intended camp closure dates. Such information should be disseminated as early as possible. Other information pertaining to the camp closure must also be very clear. For example, information on the various options of assistance available for reintegration is crucial.



Figure 14: Evicted residents slept outside

Government should utilize civil society and leaders within the displacement sites to help in distributing accurate information. It is necessary for the displaced to be provided with as much

information about their situation as possible to so they can plan their next moves after the camp is closed. If they are not informed what services are provided when, then they become dependent and this uncertainty prevents them from planning for the future. During eviction it would have also been useful if they had been provided with fliers written in their native languages that clearly laid out their options. Hence, role players must work together and be seen to be working together as a unit as much as possible.

3. Government needs to be more realistic with respect of dealing with displaced persons and the psychosocial support that they need as well as the trauma that they have endured.

One example of governments' reluctance to compromise during negotiations was that it identified options of reintegration, repatriation and relocation as the only viable options without engaging the displaced persons first. Further it would not improve conditions at the site once it was decided to close the camp. This would have been a great sign of good will that would have built trust and opened space for negotiations. Since compromise was needed from all sides, such compromises would have helped government avoid an eviction process. Instead, the sub-standard conditions, and the refusal to discuss and explore options created an atmosphere of distrust where displaced felt that they were being forced to leave the camp when they were not yet ready to do so. They also doubted the government's ability to provide for their safety as none of the anti xenophobic campaigns that were launched or negotiations included them (in the communities where they were attacked). There was therefore a greater essence of defiance, which straddled the negotiation process.

4. Camps or safety sites should be located in central areas, ideally both near public transport routes and near the communities they were displaced from.

The location of the Blue Waters camp was isolated, being not only far from the communities people were displaced from, but also far from the city centre and far from the nearest public transport centre. It was also a camp site with little facilities. This again was seen as an effort to make the area unwelcoming to the displaced and to ensure that residents "wouldn't get too comfortable". Yet while the location may have helped the government in getting many displaced to leave, it also greatly amplified their dependency on the state, NGOs and FBOs. Moreover, residents also became dependant on their surroundings, with many of them resorting to fishing as their main source of nutrition and income.



Figure 15: Distressed evicted persons find warmth around a small fire

5. It is pertinent that the UNHCR, civil society and government engage with each other to find means to avoid leading displaced persons into thinking that they are entitled to, or will be afforded the opportunity to be resettled to a third country.

It was clear that among the Blue Waters displaced there were many people who truly believed that they would be sent to a first world country, if they refused to leave the camp. A number of them were allowed to complete forms and submitted them to UNHCR officials and camp management requesting resettlement. Due to a lack of understanding of the process involved some civil society organizations portrayed resettlement as a 'right, not an option'. As a result, all residents, including the less vulnerable and the less traumatized, expected resettlement. For many of the displaced this belief was compounded by the fact that some of them were from countries in other parts of Africa and had had extensive experience in camp procedures, because they had spent years in refugee camps while in transit. These camps frequently resettled refugees to (first world) host countries, but only a very small percentage benefit from the process and it usually takes several years for successful applicants to be resettled. Nonetheless, it was reported to monitors that some displaced persons claimed to have friends and family who had been resettled to first world countries.

PASSOP believes that the most traumatized were suitable candidates for resettlement, but that other options such as relocation to other areas in South Africa were not properly explored or focused on. In these most vulnerable cases, affected parties should have been provided with resources to enable their safety and survival.

In this regard, the UNHCR should provide government and service providers with the specific criteria and transparent requirements for IDPs eligible for resettlement the process remains largely shrouded in secrecy, which leads to misinformation on the process. It is necessary to do this and to establish clear guidelines for such a process before future displacement. It is also important that the UNHCR, and its implementing partners, have a plan in place for alternative and safe accommodation to provide for people they are considering for resettlement to third countries.

6. Government should consider the consolidation of safety sites as a last resort.

Although the running cost of larger camps are lower and management is easier, the consolidation placed displaced persons further away from familiar surroundings, further away from their work places and further away from an environment they might be able to re-establish themselves into. This not only exacerbates the displacement of affected people, but crime and social problems are created and encouraged when displaced communities are forced to live with or within communities unfamiliar to them. Hence, consolidation of safety sites ultimately forces further dependency.

7. National, Provincial and Municipal Government must establish an integrated policy that clearly outlines procedures of dealing with the victims of xenophobia which include extensive consultation with civil society, service providers and the UNHCR.

It is clear that responsibilities and duties are at present not predetermined. This prolongs the process and has the effect of complicating things and making the overall process more expensive.

8. Media should be allowed its freedom to monitor and observe the processes of camp management and camp closure.

The role media played was instrumental in providing both the public and civil society with information on what was happening during the camp closure process. It was commendable that the City of Cape Town allowed a strong media presence and was willing to provide information to media regarding the eviction. Prior to camp closure they also provided media information and access to the displaced. We believe that this made both government and civil society more accountable in their work with the displaced.

9. The Blue Waters Camp should be used as an example of the prolonged process and high cost of eviction of displaced persons. It should also serve to guide future reintegration packages and processes of camp closure.

The City of Cape Town spent nearly R200 million over two years as a result of the displacements. The national government has only refunded R17 million of this total²⁶. With the completion of the relocation of foreign nationals, the site is to be renovated and transformed into a revenue-producing recreational and camping area again. Renovation and repairing of the damages is estimated to cost over R8 million.²⁷ This amounts to over R10, 000 per person over the two years the camp was in operation.

Ultimately, following the protracted legal fight, the court ordered the City of Cape Town to pay R1,000 in skills training, counseling or cash to each remaining camp resident as part of the eviction settlement. This should set a precedent for future camp closure settlements.

Conclusion

The City should be commended for its efforts to actively prevent conflict and confrontation during the actual eviction process. Despite the obvious frustrations and a few minor incidents, it is our opinion that all stakeholders made major efforts to avoid the eviction from erupting into violence. The Legal Resource Centre (LRC) should also be commended for their efforts to represent the displaced in the court proceedings. Had there not been legal representation the order outlining skilled development and counseling and also the financial package would not have been made available. The vulnerable persons would also not have been provided with alternative accommodation. The LRC was also graceful in their actions following the court order by clarifying to the displaced persons the implications of the judgment and the order and ensuring that individual consultations were had to explain the implications. Further assistance was provided to obtain trauma counseling and assistance to the displaced following the eviction.

The UNHCR must be acknowledged for their efforts to negotiate voluntary migration out of the camp;

²⁶ “Last Cape Town xenophobia refugees move on,” IOL, 30 April 2010

²⁷ Ibid

they did this continually up until the final eviction occurred. The media, namely The Sowetan, ETV, SABC, Cape Argus, Cape Times, Eye Witness News, Mail and Guardian, Voice of the Cape (and several others), must also be recognized for their monitoring role. Indeed they were the most consistent presence other than government and the displaced. With their watchful eyes, cameras and ears they ensured accountability throughout the process.

The situation only really escalated after the displaced remained outside the camp. The situation the displaced, government officials and all other stakeholders found themselves in at that point was the most difficult. PASSOP observed government playing “cat and mouse” with the evicted via constant law enforcement that arrested anyone who put up any structure. However, this was inevitable as it was raining and they were cold. Ultimately tensions grew and erupted when law enforcement arrested about a dozen of the displaced. Eventually, after their court hearing, the displaced were dumped in town, at Customs House. After that arrest many who had refused to accept the financial assistance succumbed to the pressure and migrated. Those who remained in town eventually migrated and moved on when the media and civil society no longer followed their movements.

This report has stressed that should the erection of a safety site be necessary, it should from the outset be clear that the outcome should be a negotiated camp closure agreement, rather than an eviction. In this regard, there should be a clear structure whereby camp residents are engaged and through which their concerns taken into account and addressed. Moreover, it is also important to avoid divisions between civil society and government, as these divisions create and encourage suspicions amongst the displaced of the government’s involvement and that of other stakeholders.

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