

**NEWSLETTER #5
TO ALL DISPLACED PEOPLE LIVING IN
CAMPS AND 'SAFETY SITES' IN
THE WESTERN CAPE
18 AUGUST 2008**



COMMUNITY HALLS TO CLOSE 31 AUGUST 2008

On Tuesday, the Provincial Government of the Western Cape issued a notice stating that all community halls housing displaced people will be closed on 31 August 2008 in line with the City's notice of 1 August 2008.

The City and Province have however subsequently indicated that the camps in the WC will remain open so that people who at least have some shelter and safety.

But the information contained in the notice is confusing and unclear.

The letter makes mention of three options available to displaced people:

Repatriation: Government claims to support 'voluntary repatriation,' but then states that this only applies to restricted groups of people. The notice contains a list of agencies to contact, including the UNHCR and the Department of Home Affairs. It also mentions that displaced people should contact their own embassies or consulates. No contact details are provided, nor is there a list of countries to which repatriation is an option. No advice has been given to displaced people regarding engaging these processes without access to telephones, fax machines or email.

Resettlement: The notice also states that 'resettlement to a third country is not an option,' the reasons given being that repatriation is 'still an option' and that 'none of the resettlement countries in the world have approached South Africa to offer this possibility.'

Reintegration: The notice encourages displaced people to return to communities in which they lived, and states that 'Facilitators from the Department of the Premier and other officials' will work with displaced people to ensure safe return. While a list of facilitators by area and their phone numbers are provided, no explanation of how a safe return will be ensured has been offered.

TAC is not satisfied with the notice for the following reasons:

- Displaced people have a legitimate fear of persecution and violence, particularly in light of attacks upon some of those attempting to reintegrate. Government has failed to communicate and implement a clear, concrete plan for how specifically reintegration will be implemented. Such a plan should address, among others, issues of safety, housing, financial support, documentation, compensation, and psychological well-being.

- Government has failed to explain how the agencies listed will manage to repatriate so many people within what effectively amounts to two weeks.
- For some, the options of reintegration and repatriation are not viable. They are at risk of violent persecution in South Africa AND they cannot return to home countries when those countries are politically unstable and dangerous.
- Resettlement must be negotiated between the government, UNHCR and third party countries for people in this situation.
- Forced evictions are not lawful, and violate the South African Constitution as well as international law.
- The failure to communicate upcoming evictions in a systematic and respectful manner in a language understood by every displaced person is a violation of the right to dignity under the South African Constitution.

SOME CAMPS WILL REMAIN OPEN

The notice created further confusion regarding at what sites the evictions will occur. The notice stated: “The City of Cape Town will close down community halls on August 31st 2008. The Provincial disaster declaration ends on September 3rd 2008, and we would like everyone to be reintegrated or repatriated by then.” The notice also listed camps and halls together for the purpose of contacting help with reintegration by area. This was understood by many people to mean that the camps, in addition to the halls, would close on 3 September 2008. TAC has been informed that camps will remain open, and in an affidavit provided on oath the City of Cape Town has confirmed that 3 camps will remain open after 31 August 2008. It appears that people will be moved from the halls to the 3 camps (Youngsfield, Bluewaters and Harmony).

To clarify: Community halls will no longer operate as places of safety beyond 31 August 2008, but 3 camps will remain open.

TAC will continue to lobby government for secure places of safety for displaced people and also for improved conditions within these sites.

WHAT IS HAPPENING TO HUMANITARIAN AID?

TAC has run out of funds to provide humanitarian aid on a large scale, but continues to forward all requests to government and monitors their implementation. You can contact the JOINT OPERATIONS CENTRE run by the Provincial Government and the City of Cape Town if you are experiencing problems with aid.

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| JOINT OPERATIONS CENTRE: (021) 937 0791, (021) 937 0788 |
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WHAT ABOUT MONITORING?

TAC continues to monitor camps and safety sites, and will publish another report on the conditions in the camps, demographics and other relevant issues this week.

This report will again be distributed to all role-players at different levels of government, as well as the media, civil society organisations and other interested partners. These facts and

figures continue to illustrate the unacceptable conditions in camps and safety sites and the need for government to now implement the norms and standards they have published as 'emergency guidelines'.

WHAT'S BEEN HAPPENING THIS WEEK?

VICTORY IN CASE

At the end of July 2008, Hirsi and the Treatment Action Campaign with the support of displaced people, volunteers and experts took the WC government to court to ensure that minimum norms and standards on sanitation, food and shelter amongst others would be developed and implemented in places of shelter in accordance with our Constitution and international law obligations. TAC went to court as a last resort, when despite numerous meetings and reports of poor conditions it became clear that government—the city and the province—was not executing its duties.

On Friday 15 August 2008, TAC announced at a press conference that there is no longer a need to continue with the case as the provincial cabinet has approved a set of emergency guidelines – or norms and standards. These guidelines have come about directly because of the litigation Hirsi and TAC initiated and will be applicable to all emergencies and disasters from hereon.

Although not perfect, the guidelines mostly comply with what we had demanded and included in our model norms and standards. We will monitor the implementation of these guidelines and go back to court if necessary if they are not implemented. The real work begins now and we intend to hold government accountable to these guidelines.

DISPLACED PERSON MURDERED WHILE REINTEGRATING

On Wednesday 13 August 2008, a press conference was held to inform the media about the case of an Angolan man who was murdered in Du Noon while attempting to reintegrate. He was doing this in response to the eviction notice put up at Richwood Community Hall where he had been staying.

TAC released a press statement condemning the eviction notice and the consequences of the notice. The statement also condemned the City of Cape Town and the Provincial Government of the Western Cape for allowing the eviction notice to be circulated without ensuring the security of those wishing to return to communities. Several media reports were released, including in the Cape Argus, Cape times, Voice of the Cape Radio, Bush Radio and Cape Talk Radio.

EDUCATION FORUM

The education forum has continued to work to ensure that children of displaced people have safe access to schools or teachers at sites. The education forum consists of the Joint Refugee Leadership Committee subgroup on education assisted by a teacher volunteer; the forum has asked to meet the new MEC (head) of Education in the Western Cape, Mr Y Gabru. Mr Gabru has been sympathetic to concerns related to the education of displaced

persons thus far and the education forum looks forward to working with him to constructively address this pressing issue.

THE SAFETY FORUM

The safety forum, consisting of representatives of PASSOP and other civil society groups, continues to work for the security of those wishing to reintegrate. The safety forum regularly meets with the South African Police (SAP). For safety concerns and to report incidents of violence, contact Braam Hanekom, 083 256 1140.

THE PROTECTION WORKING GROUP

The UNHCR held a workshop to convene a protection working group on Monday 11 August 2008 to address broader issues of reintegration. The group will consist of civil society and faith-based organizations with the aim of developing a long-term plan for reintegration that will provide displaced people with networks within communities in which they reintegrate as well as educate those communities.

As government continues to fail to develop and communicate a meaningful reintegration plan, displaced people are encouraged to participate in this group and provide input. For more information, contact Antoinette, 021 422 1492.

GAUTENG EVICTIONS FROM CAMPS AND SAFETY SITES

In Gauteng thousands of people remaining in camps and safety sites were told to vacate the premises by Friday 15 August 2008. Lawyers in Johannesburg acting on behalf of displaced people however challenged the notice first in the Pretoria High Court and then on appeal to the Constitutional Court to prevent this from happening. On Monday 18 August 2008, the Constitutional Court heard the matter and its ruling is expected shortly. While it deliberates, an undertaking has been made by the Gauteng government not to dismantle any of the camps. We must support our comrades in Gauteng to prevent the shelters from being closed there.

TAC AND REINTEGRATION, REPATRIATION AND RESETTLEMENT

- ***REINTEGRATION: Returning to communities in South Africa**
- ***REPATRIATION: Returning to country of origin**
- ***RESETTLEMENT: Going to a third party (neutral) country**

Throughout the displacement crisis caused by xenophobic violence, TAC has supported displaced people's right to choose regarding reintegration, repatriation or resettlement.

At no time has TAC insisted that displaced people favour one option over the other.

Although government and the UNHCR are not currently implementing a resettlement programme, you should have the freedom to choose which option is best for you. TAC will continue to support whichever choice displaced people wish to make, and to lobby that this is made possible.