

MAY 2008 VIOLENCE AGAINST FOREIGN NATIONALS IN SOUTH AFRICA

UNDERSTANDING CAUSES AND EVALUATING RESPONSES

By Jean Pierre Misago, Tamlyn Monson, Tara Polzer and Loren Landau

April 2010

Consortium for Refugees and Migrants in South Africa (CoRMSA)

and Forced Migration Studies Programme



MAY 2008 VIOLENCE AGAINST FOREIGN NATIONALS IN SOUTH AFRICA:

UNDERSTANDING CAUSES AND EVALUATING RESPONSES

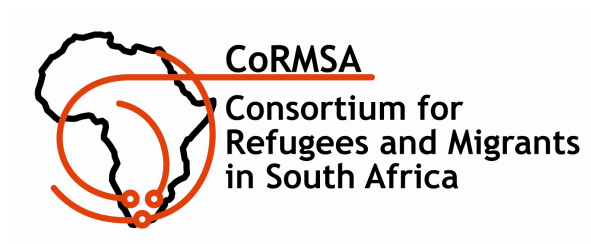
Jean Pierre Misago, Tamlyn Monson, Tara Polzer and Loren Landau

Forced Migration Studies Programme (FMSP), University of the Witwatersrand

and

Consortium for Refugees and Migrants in South Africa (CoRMSA)

April 2010



This research report was produced by the **FORCED MIGRATION STUDIES PROGRAMME** at the University of the Witwatersrand. The report was written by Jean Pierre Misago, Tamlyn Monson and Tara Polzer. The research was conducted by Jean Pierre Misago, Tamlyn Monson, Vicki Igglesden, Dumisani Mngadi, Gugulethu Nhlapo, Khangelani Moyo, Mpumi Mngqapu and Xolani Tshabalala.

This report was funded by the Consortium for Refugees and Migrants in South Africa (CoRMSA) with support from Oxfam GB and Atlantic Philanthropies South Africa. All statements of fact and expressions of opinion in the report are the sole responsibility of the author and do not necessarily reflect the views of Oxfam GB.

Based in Johannesburg, the Forced Migration Studies Programme (FMSP) is an internationally engaged; Africa-oriented and Africa-based centre of excellence for research and teaching that helps shape global discourse on migration; aid and social transformation.

The Consortium for Refugees and Migrants in South Africa (CoRMSA) is the South African national network of organisations working with refugees and migrants.

For more information about the FMSP see www.migration.org.za.

For more information about CoRMSA see www.cormsa.org.za.

Cover photograph by Jean Pierre Misago.

Table of Contents

EXECUTIVE SUMMARY	9
SUMMARY OF FINDINGS.....	10
<i>Underlying and immediate causes of the violence</i>	10
<i>Evaluation of interventions and responses</i>	11
RECOMMENDATIONS	14
SECTION I: INTRODUCTION.....	20
SECTION II: UNDERSTANDING VIOLENCE AGAINST FOREIGN NATIONALS IN SOUTH AFRICA	23
INTRODUCTION	24
METHODS.....	25
CONTEXTUALISING THE VIOLENCE.....	26
THE MASQUERADE OF VIOLENCE: ‘POLITICS’ AND ‘CRIME FIGHTING’	27
<i>History of vigilantism</i>	28
<i>Vigilantism as hate crime</i>	29
<i>Violence as an appropriation of state authority</i>	30
<i>Policing failures</i>	31
SOCIAL AND INSTITUTIONAL XENOPHOBIA.....	32
XENOPHOBIC INCIDENTS IN SOUTH AFRICA.....	38
INCIDENTS PRIOR TO MAY 2008	38
THE MAY 2008 ATTACKS.....	40
CASE STUDIES.....	47
CASE STUDY I: ALEXANDRA SECTOR 2 (JOHANNESBURG)	48
<i>Background Information</i>	48
<i>Leadership and conflict resolution</i>	51
<i>Profile of May 2008 violence</i>	52
<i>Underlying causes</i>	54
<i>Triggers</i>	56
<i>Events that preceded the attacks</i>	58
<i>Intervention to prevent/stop the violence</i>	60
<i>Return and reintegration</i>	62
CASE STUDY II: ALEXANDRA SECTOR 5/SETSWETLA (JOHANNESBURG).....	65
<i>Background information</i>	65
<i>Leadership and conflict resolution</i>	67
<i>Knowledge of May 2008 violence</i>	68
<i>Why were foreign nationals not attacked in Setswetla?</i>	69
<i>Views on future interactions with foreign nationals</i>	72
CASE STUDY III: DIEPSLOOT (JOHANNESBURG).....	75
<i>Background information</i>	75
<i>Leadership and conflict resolution</i>	75
<i>Profile of violence</i>	78
<i>Underlying causes</i>	79
<i>Triggers</i>	80
<i>Intervention to prevent/stop the violence</i>	81
<i>Return and reintegration</i>	82
CASE STUDY IV: MADELAKUFA 2 (TEMBISA, EKURHULENI).....	84

<i>Background information</i>	84
<i>Leadership and conflict resolution</i>	86
<i>Profile of May 2008 violence</i>	88
<i>Underlying causes</i>	91
<i>Triggers</i>	95
<i>Interventions to prevent/stop the violence</i>	96
<i>Return and reintegration</i>	97
CASE STUDY V: MADELAKUFA I (TEMBISA, EKURHULENI)	100
<i>Background information</i>	100
<i>Leadership and conflict resolution</i>	102
<i>May 2008 violence</i>	103
CASE STUDY VI: RAMAPHOSA (REIGER PARK, EKURHULENI)	108
<i>Background information</i>	108
<i>Profile of May 2008 Violence</i>	108
<i>Underlying Causes and Triggers</i>	109
<i>Interventions to prevent/stop the violence</i>	111
<i>Return and Reintegration</i>	112
CASE STUDY VII: ITIRELENG (TSHWANE)	115
<i>Background information</i>	115
<i>Leadership and conflict resolution</i>	116
<i>Profile of February 2008 violence</i>	118
<i>Underlying causes</i>	120
<i>Triggers</i>	124
<i>Events that preceded the attacks</i>	125
<i>Interventions to prevent/stop the violence</i>	126
<i>Return and reintegration</i>	127
CASE STUDY VIII: ATTERIDGEVILLE (TSHWANE)	129
<i>Background information</i>	129
<i>Leadership and conflict resolution</i>	129
<i>Profile and May 2008 violence</i>	132
<i>Underlying causes</i>	133
<i>Triggers</i>	134
<i>Interventions to prevent/stop the violence</i>	136
<i>Return and reintegration</i>	138
CASE STUDY IX: MASIPHUMELELE (CAPE TOWN)	140
<i>Background information</i>	140
<i>Leadership and conflict resolution</i>	140
<i>Waves of violence against foreign nationals</i>	142
<i>Underlying causes</i>	145
<i>Triggers</i>	147
<i>Interventions to prevent or stop the violence</i>	148
<i>Return and reintegration</i>	148
CASE STUDY X: DU NOON (CAPE TOWN)	150
<i>Background information</i>	150
<i>Leadership and conflict resolution</i>	150
<i>Waves of violence against foreign nationals</i>	152
<i>Underlying causes</i>	153

<i>Triggers</i>	154
<i>Interventions to prevent/stop the violence</i>	155
<i>Return and reintegration</i>	156
CASE STUDY IX: KAMVELIHLE/MOTHERWELL (EASTERN CAPE)	158
<i>Background information</i>	158
<i>Leadership and conflict resolution</i>	158
<i>Waves of violence against foreign nationals</i>	159
<i>Underlying causes</i>	160
<i>Triggers</i>	160
<i>Interventions to prevent/stop the violence</i>	162
<i>Return and reintegration strategy</i>	162
SUMMARY AND DISCUSSION OF MAIN FINDINGS.....	164
THE VIOLENCE: NATURE, TARGETS AND INSTIGATORS/PERPETRATORS	164
<i>Causal explanations by residents and local leaders</i>	165
<i>Considering common explanations and hypotheses</i>	167
<i>Underlying contributing factors</i>	171
<i>Specific enabling factors and triggers</i>	173
<i>The media</i>	176
<i>Diffusion of May 2008 violence: the effect of 'social similarity'</i>	176
CONCLUSIONS	177
RECOMMENDATIONS ON CAUSES OF VIOLENCE.....	179
SECTION III: INTERVENTIONS AND RESPONSES	183
IMMEDIATE INTERVENTIONS TO PREVENT OR STOP THE VIOLENCE.....	184
<i>The Police</i>	184
<i>Local authorities and community leaders</i>	185
THE HUMANITARIAN RESPONSE	186
METHODS.....	186
KEY FINDINGS.....	187
<i>Lack of experience and established systems</i>	189
<i>Lack of government leadership</i>	190
<i>Fragmentation of civil society</i>	191
<i>Confusion regarding the rights of (foreign) displaced</i>	192
LESSONS LEARNED.....	194
<i>Communication</i>	194
<i>Consultation and participation</i>	194
<i>Coordination</i>	195
<i>Information collection and management</i>	195
<i>Emergency preparedness & contingency planning</i>	196
<i>Evaluation and learning</i>	196
RETURN AND REINTEGRATION	197
ACCESS TO JUSTICE.....	201
METHODS.....	203
CONTEXT: THE SOUTH AFRICAN JUSTICE SYSTEM	203
CASES BROUGHT BEFORE THE COURTS.....	205
EVALUATING PROSECUTIONS	209
<i>Bringing cases into the justice system</i>	209
<i>Investigating Cases</i>	211

<i>Prosecuting Cases</i>	215
CONCLUSIONS	217
RECOMMENDATIONS ON RESPONSES TO VIOLENCE.....	219
REFERENCES	222
ANNEX I: METHODOLOGY.....	226

List of Abbreviations

ACO:	Atteridgeville Civic Organisation
ADF:	African Diaspora Forum
ANC:	African National Congress
CoRMSA:	Consortium for Refugees and Migrants in South Africa
CPF:	Community Policing Forum
CSVSR:	Centre for the Study of Violence and Reconciliation
DA:	Democratic Alliance
FBO:	Faith-Based Organisation
FMSP:	Forced Migration Studies Programme
GACA:	Gauteng Civic Association
IDPs:	Internally Displaced Persons
INGO:	International Non-Governmental Organisation
IFP:	Inkatha Freedom Party
IOM:	International Organisation for Migration
KZN:	KwaZulu-Natal
MEC:	Member of Executive Council
NEC:	National Executive Committee
NGO:	Non-Governmental Organisation
PAC:	Pan Africanist Congress
RDP:	Reconstruction and Development Programme
RSA:	Republic of South Africa
SADC:	Southern African Development Community
SDU:	Self-defence Units
SANCO:	South African National Civic Organisation
SAPS:	South African Police Services
SASA:	Somali Association of South Africa
UDM:	United Democratic Movement
UN:	United Nations
UNHCR:	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

From 11th to 26th May 2008, foreign nationals were attacked in at least 135 locations in various parts of South Africa (Bekker, et al, 2009). This led to at least 62 deaths, over a hundred thousand people displaced, and millions of Rands of damage and loss of property. The May 2008 violence stimulated a wide range of speculative explanations and recommendations from analysts and policy makers, and was followed, perhaps not surprisingly, by a multitude of interventions and responses. The Forced Migration Studies Programme at the University of the Witwatersrand started conducting empirical research in relation to the violence almost immediately, and has sought to illuminate different aspects of the violence – from identifying underlying causes and triggers to evaluating protection, humanitarian and justice interventions and responses during and after the crisis. This report brings together the outcomes of these various research endeavours to provide a comprehensive, easily accessible reference point about what has come to be called South Africa’s ‘xenophobic attacks.’

The FMSP’s research contributes the following elements to the national discussion about ‘xenophobic’ violence:

- It is based entirely on empirical evidence gathered in locations affected by violence and institutions responding to the violence. This sets it apart from analyses based on general structural arguments or conjecture which are not tested ‘on the ground’;
- It makes a clear distinction between discriminatory perceptions and attitudes against foreign nationals, which are widespread throughout South African society, and instances of group-based violence, which only occur in specific locations. It is well established that while attitudes may inform action to some extent, they are by no means sufficient to explain why certain actions take place in certain places at certain times. South Africa is a constitutional democracy, based on the rule of law. While there are strong moral reasons to condemn discriminatory attitudes of any kind, the concern of FMSP’s research is to enable a move beyond general moral arguments to illuminate social processes, including violence against particular social groups, which threaten the rule of law and constitutional principles. Only through such understanding can further violence be adequately responded to and potentially prevented.

- Leading on from the previous two points, the FMSP's research is based on a rigorous methodology which compares locations where violence occurred with those where it did not in order to identify the key differences. Furthermore, we seek to understand both functioning and weak institutional responses, to help inform improvements in future practices.

SUMMARY OF FINDINGS

Underlying and immediate causes of the violence

Drawing on extensive empirical evidence, FMSP research indicates that the May 2008 violence against foreign nationals was not triggered by a 'third force', human 'tsunami', poor economic conditions, competition for resources or poor service delivery. While some of these conditions and indeed other broad structural and historical factors (notably the legacy of previous regimes in shaping social relations and continued institutional discrimination against foreign nationals) may have contributed to heightening tensions between citizens and foreign nationals, they do not explain the occurrence of violence in particular informal settlements and townships and not in other locations. These factors and conditions are shared by many communities across the country, including those where residents did not mobilise against foreign nationals living in their midst. The report further indicates that the violence cannot be reduced to instances of organised crime. There was certainly brigandry and opportunistic looting, but these were neither the primary motivation nor the source of popular legitimacy for those who launched them.

Our evidence shows that violence against foreign nationals was organised and led by local groups and individuals who used popular frustration as a means of mobilising people to commit violence. From case study to case study, the instigators of the attacks used the violence as a means to appropriate localised state authority for personal political and economic benefits. The report therefore concludes that the emergence of violence is rooted in the micro-politics of township and informal settlement life. In supporting this conclusion, the report identifies a number of factors and conditions that helped translate prevailing xenophobic attitudes into violence. These include, among others:

- Political leadership vacuums and competition in community leadership that allow the emergence of parallel and self-serving leadership structures;
- A lack of trusted, prompt and effective conflict resolution mechanisms that leads to vigilantism and mob justice;
- A culture of impunity with regard to public violence in general and xenophobic violence in particular, that continues to encourage perpetrators and potential perpetrators to commit violence without fear of consequences;
- Xenophobic attitudes and practices by institutions of the state that continue to dehumanise foreign nationals in the country;
- Limited knowledge among communities and leaders of the country's immigration laws and policies, leading to assumptions which criminalise foreign nationals;
- Local authorities' support and enforcement of unlawful practices and compromises (such as limitations on business ownership) that, while violating the law, reinforce communities' resentment towards non-compliant foreign nationals.

Negative perceptions and attitudes towards foreign nationals in the country are a reality and are unlikely to change in the near future. By comparing affected and non-affected areas, our research clearly shows that only a trusted, competent and committed leadership (from grassroots to high-level officialdom) can make a significant difference in terms of preventing such sentiments from turning into xenophobic violence.

Evaluation of interventions and responses

In terms of immediate *preventative and security responses* to the threat and outbreak of violence, the report shows that local elected and bureaucratic leaders (ward and municipal councillors and municipal officials) and police were often reluctant to intervene because:

- They shared discriminatory attitudes with the general population and also wanted foreign nationals to leave;
- They feared victimisation; and
- They feared losing legitimacy and political positions.

These findings are concerning because they illustrate that:

- Some state institutions do not function according to their mandates under the law, but according to the personal values and interests of their officials;
- State institutions in some parts of the country do not have the authority or legitimacy to fulfil their mandates, or indeed to protect themselves against attack, if informal leaders or powerful residents of that area oppose them. This results in a break down of the rule of law.
- In locations where state institutions and elected officials do not have legitimacy, and where they have been replaced by informal (vigilante) leaders, this simultaneously enables the rise of violence and hinders the possibility of an effective response to violence.

In contrast to the weak preventative and security response, the *humanitarian response* to the May 2008 crisis was generally laudable. Especially in the initial emergency phase, the police, churches, and individuals provided shelter and NGOs, FBOs, and individuals provided large amounts of donated food, clothes and other goods to the displaced. Nonetheless, from an organisational point of view, the initial humanitarian response was characterised by 'chaos', due mainly to lack of coordination and communication among different stakeholders. The report identifies a number of specific reasons for these high levels of initial disorganisation:

- Lack of experience and established systems of disaster management
- Lack of government leadership
- Fragmentation of civil society
- Confusion regarding the right of (foreign nationals) displaced

Return and reintegration were not desired and indeed impossible in areas where foreign nationals' property had been appropriated by local residents and leaders and where community leaders were actively involved in the violence. The report indicates that, in spite of media statements to the contrary, there was virtually no government initiative or programme to prepare communities for the return and reintegration of displaced non-nationals in some areas.

An effective *justice system response* to any kind of violence is essential to preventing future violence; otherwise, a perception of impunity contributes to violence recurring and entrenching itself as socially and politically acceptable. The Department of Justice and Constitutional Development and the National Prosecuting Authority recognised this by committing to prioritising cases of violence against foreign nationals, and they should be congratulated and supported in their efforts to push, oversee and communicate openly about these cases. Given the comparatively high rate of convictions, compared with averages for other violent crimes, it would have been beneficial to give a higher media profile to successfully completed cases. To counter perceptions of impunity, it is not only important for justice to be done, but it must also be seen to be done.

In spite of some positive intentions by authorities, the initial research that informs this report illustrates that the general structural weaknesses of the justice system limited the extent to which justice could actually be served. In addition, specific challenges related to the mobility and particular vulnerability of foreign victims of violence were not taken into account in how investigations and prosecutions were planned and conducted. This includes the lack of serious attempts to identify and trace mobile victims and witnesses, lack of witness protection, and lack of translators.

Foreign nationals' access to justice in South Africa requires more research. This brief study has only been able to suggest a few elements of the social, political and institutional context which hinder access to justice in relation to a large-scale and high priority wave of violence. What are the barriers in relation to group violence in only one location when there is less national-level attention? Or in relation to violence against foreign individuals rather than groups? More generally, this example of justice responses to xenophobic violence illustrates broader questions about the capacities of institutions of state to respond to civic violence or other forms of social instability. Even where there is a measure of high level commitment and recognition of priority interventions, the systemic capacities of the institutions may not be sufficient to shift practice fast enough to lead to desired outcomes. Learning systemic lessons from responses to xenophobic violence is therefore crucial for strengthening the capacities of the state overall to respond more adequately to civic violence and challenges to the rule of law in the interests of all residents of South Africa.

RECOMMENDATIONS

General principles

In addition to specific recommendations outlined below, a number of general principles should inform future interventions and responses to violence against foreign nationals:

- Stopping ongoing and preventing future violence will require more than just condemnation, moral appeals and public awareness campaigns. An effective and durable solution must rely on the rule of law and respect for and protection of basic human rights.
- Interventions and responses should not be perceived to be rewarding perpetrators instead of holding them accountable.
- Failures of relevant institutions to effectively intervene to prevent and stop the violence should always be investigated and responsibilities established.

To the Presidency, the Department of Cooperative Governance and Traditional Affairs, and the Department of Justice and Constitutional Development

- *Initiate ongoing, systematic inquiries into anti-migrant and anti-outsider violence:* It is crucial to invest more effort and resources into systematic enquiries to understand and explain what happened in the past and what continues to happen. Intervention strategies designed without a clear understanding of the violence and the reasons behind it will not only be ineffective but risk doing more harm than good. As an example, the conclusions of the parliamentary task team¹ were neither helpful in understanding the attacks nor in identifying the perpetrators and their motives. CoRMSA is pleased that its call to the South African Human Rights Commission to institute a Commission of Inquiry in this regard² has resulted in an official investigation.³

¹ Report of the Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals, presented to Parliament, in pursuance of a National Assembly resolution agreed on Tuesday, 13 May 2008

² Consortium for Refugees and Migrants in South Africa (CoRMSA). 2008. Protecting Refugees, Asylum Seekers and Immigrants in South Africa. Johannesburg: CoRMSA.

³ South African Human Rights Commission (2010). Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals. Johannesburg, South African Human Rights Commission.

To the Department of Cooperative Governance and Traditional Authorities

- *Evaluate the role, function and effectiveness of community leadership structures:* Past governance failures have allowed gangsters and others to establish local power-bases founded on violence and discrimination. If the government is serious about equality, security, and service delivery, it needs to reconsider the function of local government bodies and the relationships between elected officials, street committees, civics, community policing fora, and other entities implicated in the violence. The role and functions of these community leadership structures need to be reconceptualised in the light of their vulnerability to abuse by competitors for local government authority. This may be of particular relevance in the case of street committees, which originated with a different mandate during Apartheid, using strategies that may not be suitable to present-day South Africa.
- *Address institutionalised xenophobia and discrimination:* Government must intensify its efforts towards eliminating xenophobic and discriminatory practices in public institutions. This also means avoiding initiatives that will further empower the people and institutions responsible for the violence. There is a need to identify reliable community leaders to work with, and for a strong local government that consistently provides guidance, coordination and monitoring.
- *Monitor and discourage ethnic tensions:* Local government representatives should be capacitated to monitor ethnic divides and tensions and mitigate them before they turn into violence. Foreign nationals and other local (ethnic) minority groups (also considered as outsiders) have been identified to be the most adversely affected by such tensions. Given South Africa's ethnic diversity and history of spatial separation, different groups are dominant in different areas, including in ethnically mixed urban contexts. Governmental and elected officials should regularly remind members of majority ethnic groups in particular locations to respect the rights of everyone who lives in their midst. Community development workers could play an important role in this regard.
- *Eradicate support for unlawful practices and compromises:* There are many examples where groups of residents have attempted to address tensions within communities by enforcing 'agreements' to limit numbers of businesses or areas of residence for foreign nationals. Such limitations on livelihoods and freedom of movement and residence are unlawful, and also do

not address the underlying concerns of the residents (e.g. jobs and houses). Community leaders and local authorities should stop supporting and enforcing such unlawful practices that violate the rights of foreign nationals. They should be reminded to resist any conflict resolution measures that violate the law. These kinds of measures have been seen to exacerbate resentment towards non-compliant foreign nationals, even where they are acting within their rights under the Constitution.

- *Establish effective early-warning and response systems:* Mitigating future violence requires structures and institutions that are able to effectively respond to the warning signs. Warning signs for xenophobic violence have been in existence for years, but have been ignored or dismissed as ‘just crime’. Local government representatives such as ward councillors and community development workers have an important role to play in the development of an effective early warning system.
- *Identify and implement effective conflict resolution mechanisms:* There is a need to establish trusted and prompt conflict resolution mechanisms to avoid communities’ recourse to vigilantism and mob justice. Such mechanisms should be accessible from community level to the highest level of the country’s administrative and justice systems. These mechanisms could include the training of local government representatives and trusted community representatives in conflict resolution.

To the National Disaster Management Centre

- *Conduct an official and national evaluation of the governmental disaster response to the May 2008 violence:* This evaluation should include the actions of all levels of government (municipal, provincial and national) and especially the interactions between them. The findings of this evaluation should be made public and discussed with civil society.
- *Review the National Disaster Management Framework* in relation to its applicability to civic disturbances and displacement due to violence. In particular, a clear lead department should be defined for such cases.
- *Include civil society representation on governmental Disaster Management structures* at national and provincial level both prior to and during disasters and develop clear protocols for information exchange and coordination with civil society.

To the Department of Home Affairs

- *Channel efforts into managing migration rather than 'stopping' it:* History shows that border controls have never stopped the flow of unwanted people. Stricter border controls will not prevent people from coming into the country. If anything, this will foster additional corruption and illegal immigration, while firmly entrenching the kind of dual labour economy that undermines the rights and welfare of South African workers. Instituting stricter border controls would also fortify the kind of 'us versus them' mentality that helped foster the attacks. Efforts should be channelled into opening up more channels for legal migration, especially with regard to migration within the Southern African Development Community (SADC) region.
- *Effectively resource the Counter-Xenophobia Unit* to build on the work the unit is already doing in addressing xenophobia at a community level and within government.

To the Department of Justice and Constitutional Development

- *Ensure prosecutions and strengthen justice mechanisms:* The Department of Justice together with the National Prosecuting Authority (NPA) should lead an initiative to prosecute community leaders and others involved in inciting and perpetrating the violence against foreign nationals and to strengthen justice mechanisms to protect the rights of minority and marginalised groups. Real and perceived impunity for perpetrators of xenophobic violence encourages further violence.
- *Conduct a systematic enquiry into the judicial responses to the violence:* in order to be able strengthen the capacities of state institutions to respond to civic violence or other forms of social instability.

To the South African Police Services

- *Investigate claims that police were often reluctant to intervene* to stop violence in their jurisdictions and that some police members were involved in looting or provided perpetrators with support.

- *Evaluate the reasons why intervention strategies were not effective in stopping the violence.* This could help improve or design new and more effective responses, should such violence erupt again.
- *Develop an early warning system with other actors of government* to be able to be alerted quickly to impending threats of social conflict and mob violence.

To Civil Society

- *Initiate and support mechanisms to hold government accountable:* There is a need for initiatives to hold government accountable for its failures to protect the rights of all of South Africa's residents. Such initiatives can provide incentives for political leaders and elected officials to meet their obligations to protect foreign nationals and other affected groups. In the case of xenophobic violence, there must be a shift from the current situation, where being seen to assist 'unwanted' non-nationals is seen as undermining leaders' legitimacy and election prospects, to a situation where leaders who *fail* to protect all residents of their constituency are seen as illegitimate and unelectable.
- *Discourage and counter the reproduction of uninformed opinions:* In the light of the study's finding that perceptions and misrepresentations played an important role in triggering anti-foreigner violence, it is imperative that public officials (including the police) and the media refrain from reproducing uninformed and unexamined opinions and statements about foreign nationals. These not only exacerbate existing negative attitudes among members of the public but also lend credence to the criminalisation of foreign nationals. Civil society, activists and advocacy groups should find ways to use the media and other available platforms to actively and effectively counter such misconceptions.
- *Support civic education about human rights and immigration policies:* Seeing that public and community leaders' limited knowledge of human rights in general and the country's immigration laws and policies in particular is among the factors that contributed to the violence, there is need for active civic education in this regard. Government should take the lead by making sure that its representatives at the community level are equipped with such knowledge. Civil society should help government initiatives in making sure that only carefully designed and tested public

awareness campaigns are implemented. Long-term efforts should aim to include such issues in school curricula.

- *Build on existing initiatives (such as the Humanitarian Assistance Network South Africa - HANsa) to develop a standing disaster management structure or network dedicated to early warning, capacity building, information sharing and – in the case of an ongoing disaster – coordination, communication and monitoring. This structure should also act as the mechanism through which civil society representatives on governmental disaster management structures are identified and/or held accountable.*
- *Engage constructively with governmental disaster management structures towards the development of clear protocols for information exchange and coordination both prior to and during disasters.*
- *Find ways of building an operational domestic disaster response capacity within civil society, especially expertise and experience in the provision of material and personal welfare. Such capacity can either be built through new programmes within existing civil society organisations, or else through the establishment of new institutions.*

To International Organisations

- *Support government efforts to effectively manage migration and protect the rights of foreign nationals. This could be in the form of providing resources and sharing expertise with relevant departments.*
- *Support local civil society's capacity to monitor and influence government policies and practices with regard to protecting the lives and rights of all the country's residents.*
- *Assist government and civil society to build disaster management capacity by offering ongoing and ideally joint civil society and government training in international humanitarian standards, and by facilitating practical learning experiences in other parts of the region and continent.*

To government, civil society and international actors

- *Conduct a joint evaluation of the post-emergency reintegration process and mechanisms.*

SECTION I: INTRODUCTION

The post-mortem of the violence against foreign nationals that swept across South Africa in May and June 2008 is now well known. The violence resulted, not only in 62 deaths including 21 South African citizens and in millions of Rands worth of property looted and destroyed, but also in more than 100 000 foreign nationals violently displaced from their homes and livelihoods. Widely condemned both locally and internationally, the violence stimulated a wide range of explanations and recommendations from analysts and policy makers from different circles, and was followed, perhaps not surprisingly, by a multitude of interventions and responses.

It is now evident that initial reactions and tentative explanations, focusing essentially on material and socio-economic conditions, did not adequately explain the violence. Early analyses failed to account for many historical and socio-political underlying causes as well as specific factors that triggered the violence in some areas and not in others. Inaccurate explanations logically led to recommendations, measures and responses that have not been effective in addressing prevailing xenophobia and related violence. The fact that violence continues to date, even if at a smaller scale, is evidence that few effective preventive strategies have been adopted or implemented. It is for this reason that discussions among scholars, political actors and practitioners continue over the root and immediate causes of the violence, the effectiveness of the responses provided, and measures to be put in place to stop ongoing violence and prevent future occurrences.

Commissioned by CoRMSA, this report provides a detailed account of the causes of and responses to the violence. It uses empirical evidence to discuss the root and immediate causes of the violence; reviews different responses and interventions particularly with regard to interventions to prevent and stop the violence as well as judicial and humanitarian responses; and provides recommendations for the way forward. Some information in this report is also contained in earlier reports⁴ which the FMSP compiled for other institutions (IOM and OXFAM) which provided partial financial support for this set of research endeavours. This compilation report includes additional detail on the case studies with informed previous published material, new case studies, and new analyses of justice system responses.

⁴ See reports: Misago et al (2009) 'Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa' with IOM; and Igglesden et al (2009) 'Humanitarian Assistance to Displaced persons in South Africa; Lessons Learned Following Attacks on Foreign Nationals in May 2008' with Oxfam GB. Both reports are available at www.migration.org.za.

The FMSP's research contributes the following elements to the national discussion about 'xenophobic' violence:

- It is based entirely on empirical evidence gathered in locations affected by violence and institutions responding to the violence. This sets it apart from analyses based on general structural arguments or conjecture which are not tested 'on the ground';
- It makes a clear distinction between discriminatory perceptions and attitudes against foreign nationals, which are widespread throughout South African society, and instances of group-based violence, which only occur in specific locations. It is well established that while attitudes may inform action to some extent, they are by no means sufficient to explain why certain actions take place in certain places at certain times. South Africa is a constitutional democracy, based on the rule of law. While there are strong moral reasons to condemn discriminatory attitudes of any kind, the concern of FMSP's research is to enable a move beyond general moral arguments to illuminate social processes, including violence against particular social groups, which threaten the rule of law and constitutional principles. Only through such understanding can further violence be adequately responded to and potentially prevented.
- Leading on from the previous two points, the FMSP's research is based on a rigorous methodology which compares locations where violence occurred with those where it did not in order to identify the key differences. Furthermore, we seek to understand both functioning and weak institutional responses, to help inform improvements in future practices.

Different sections of this report draw on different sets of data, collected and analysed using different methodological approaches and techniques. We therefore discuss methodological choices in the respective report sections.

The remainder of this report consists of three main sections. Following this introduction, the second section draws on extensive empirical research to discuss underlying and immediate causes of the violence. It starts by situating the May 2008 violence in the country's extended history of exclusion and violence, including political, criminal and xenophobic violence. It then provides detailed individual accounts of eleven cases studies and ends with a summary and a discussion of the main findings. The third section discusses different responses and interventions including immediate interventions to prevent and stop the violence; humanitarian assistance to the displaced; efforts and views on return and

reintegration of the displaced; and victims' access to justice. Conclusions and recommendations are provided at the end of each section.

SECTION II: UNDERSTANDING VIOLENCE AGAINST FOREIGN NATIONALS IN SOUTH AFRICA

INTRODUCTION

While there had been previous attacks on foreign nationals in South Africa, the May 2008 attacks were unprecedented not only by their intensity and geographic spread (as described in detail below) but also by the attention they attracted. Perhaps not surprisingly, they stimulated a range of speculative explanations for the root and immediate causes as well as recommendations on appropriate strategies for short, medium and long-term interventions. As shown later in this section, most of these accounts were based on perceptions and attitudes rather than empirical evidence and did not provide a clear explanation for the emergence and location of the violence. Realising that inaccurate explanations would logically lead to ineffective intervention or, worse, could exacerbate rather than address prevailing xenophobia and violence, FMSP launched an enquiry on the background and immediate causes of the violence, seeking to test the merits of competing explanations to enable effective and sustainable interventions.

Accepting that xenophobic sentiments – the dislike or hatred of foreign nationals – are rooted in a range of macro and micro-level factors, this study collects and collates concrete evidence, establishes facts, and probes for details that help understand exactly what happened, when and why. Xenophobic sentiments are not unique to South Africa, nor is anti-foreigner mobilisation. The challenge for South Africa is why ‘dislike’ turned into mass violent attacks and killings. Therefore, the key question the study attempts to address is: how do attitudes translate into violence? In other words, what are the conditions and factors that enable xenophobic attitudes to translate into the violent attacks witnessed in May 2008 and before? To this end, the study:

- Identifies root causes behind this case of xenophobic violence (rather than xenophobia generally),
- Identifies trigger points to violent attacks,
- Establishes profiles of victims and perpetrators,
- Explores gaps in the immediate interventions to prevent or stop the violence.

These conditions and factors are identified through i) a contextual analysis that situates the 2008 attacks within an extended history of xenophobia in South Africa and violent conflict within the country’s townships and informal settlements, and ii) an analysis of empirical findings from eleven cases studies from across the country. These analyses will follow a brief methodological note below.

METHODS

This section draws on the FMSP's ongoing explorations of xenophobic violence in the country with new comparative qualitative data. While drawing on past work, it extensively draws on four months (August-November 2008) of fieldwork in Gauteng, Western and Eastern Cape Provinces. To understand the triggers of the violence, nine sites were selected where xenophobic violence occurred between January 2007 and June 2008, and two sites with largely similar communities but where the presence of foreign nationals has not led to significant violence. The sites in Gauteng were Itireleng and Atteridgeville in Tshwane; Diepsloot and Sector II and Sector V (non-affected) of Alexandra in Johannesburg; and Ramaphosa and Madelakufa II and Madelakufa I (non-affected) in Ekurhuleni. The two sites in the Western Cape were Masiphumelele and Du Noon. Motherwell was the only research site in the Eastern Cape.

In each site, we interviewed South African residents (including men, women, youth and the elderly); foreign nationals who reside or resided in the same locations; and relevant government officials, community leaders, and representatives of different civil society organisations operating in those selected areas. In addition to individual in-depth interviews, we held at least one focus group (of five to ten members) in each of the communities. In total, over 437 people (including 190 individual South African respondents, 65 foreign national respondents, 67 key informants, and 115 focus group participants) participated in the study. The study's focus was not so much to explain xenophobic attitudes - i.e. why many South Africans dislike or distrust foreign nationals and other 'outsiders' - as to identify immediate triggers and conditions under which these sentiments express themselves in organised and mass violence. See Annex I for detailed notes on research design, data collection techniques and a list of interviews conducted.

CONTEXTUALISING THE VIOLENCE

This section situates the 2008 attacks within an extended history of xenophobia throughout South Africa and particular experiences of violent conflict within the country's townships and informal settlements. While the history of xenophobic violence in South Africa may be the most immediate reference point for understanding the most recent wave of attacks, this cannot be seen in isolation from the more general history of violence in informal settlements and townships in South Africa. Much of the published literature points to a "culture of violence" where violence is endorsed and accepted as a socially legitimate means of solving problems and achieving both 'justice' and material goals (Hamber, 1999; Kynoch, 2005). Although it is misleading to speak of any culture in homogenous or universalised terms, there can be little doubt that high levels of violence have gained a level of social acceptability in South Africa rarely seen elsewhere in the world. We can only understand the regularity of and meaning associated with violence by exploring how the country's past and present violence intersect.

During the Apartheid era, the threat of violence – whether 'vertical' (state against citizens) or 'horizontal' (citizens against one another or rival political and social factions against each other) – saturated the lives of South Africans residing in the volatile, tightly policed townships (Hamber, 1999). In the wake of the ANC's unbanning and Mandela's 1990 release, vertical violence was largely overshadowed by horizontal, inter- and intra-community violence enacted largely through armed conflicts between supporters of the African National Congress (ANC) and the Inkatha Freedom Party (IFP) (Hamber, 1999).

Within this context, opportunities were often exploited by IFP warlords and 'com-tsotsis' – 'comrades' known to exploit violence for personal gain – to pursue non-political ends, and the close of the political struggle did not necessarily signal the end of their personal empires (Kynoch, 2005), whose legacies may well form part of the violence that has continued to characterise South African society since the dawn of democracy. Of course, as Kynoch (2005) asserts, violent crime has been a feature of townships life since the inception of these areas and violence must be seen within this history, characterised as it is by years of social and economic disadvantage, repressive policing, criminal predation and a consequent recourse to vigilantism.

Hamber (1999) notes that the structural violence effected by the state through repression and legislated inequalities of resources and opportunities in the Apartheid era has created a climate in which all forms

of social services – including housing, education, jobs, wages, and infrastructure delivery – are politicised. We must also not ignore the impact of violent masculinities (Kynoch 2005) and tensions between South African ethnic groups and political associations. There is a particularly dangerous legacy in the political mobilisation of young men through the ‘underground armed struggle’ of the 1970s-1990s. This varied history’s effects can be seen in the May 2008 xenophobic attacks in which perpetrators justified their violence by reference to the politics of housing and employment allocation and protecting ‘our women’, and where criminal opportunism in some cases masqueraded under the evidently more acceptable guise of xenophobia.

THE MASQUERADE OF VIOLENCE: ‘POLITICS’ AND ‘CRIME FIGHTING’

In significant segments of South African society, various forms of pre-1994 violence have been idealised as having had political motivations, thereby giving them overtones of legitimacy and indeed nobility (Kynoch, 2005). In the post-1994 period, this has been replaced by a discourse that constructs social violence as ‘crime-fighting’ (Harris, 2003). Both of these constructions of the meaning of violence may sometimes act as covers for predatory and mercenary activity, which Kynoch asserts were a common feature of civil conflicts often deemed political under the previous regime.

Examining the May 2008 attacks from this angle, ‘crime’ assumes at least three different faces. First, there is the state’s definition of crime, which constructs the May violence as criminal in that physical attacks and evictions are against the law. Second, there is a social construction of crime, which sees foreign nationals as criminals and attacks against them as a form of social law enforcement in the perceived absence of law enforcement (and border control) by the state. Finally, there is a third type of crime: opportunistic crime that took advantage of the context of general disruption of law and order, and purposefully masqueraded under the rhetoric of community self-protection.

The latter two forms of crime are difficult to disentangle. Needless to say, it is overly simplistic and reductive to brand the violence in its entirety as opportunistic, as some government spokespeople have tried to do, or to elide these differing constructions of crime and justice by acknowledging only the state definition of criminality. In order to better understand the May attacks within a framework of crime and crime-fighting, it is necessary to examine the history of vigilantism in South African townships and informal settlements.

History of vigilantism

Building on the points made above, any effort to address the attacks must also consider vigilantism's long history in South African townships and informal settlements (Harris, 2001; 2003). Before the April 1994 elections, 'political' community justice was meted out in the form of People's Courts or 'Disciplinary Committees.' In practice, these often were little more than kangaroo courts. Executions by 'necklacing' were a particularly visible form of vigilantism and were often enacted against people perceived to be political opponents. Much that passed as 'political' was merely individuals using their anger opportunistically to eliminate opponents, achieve revenge or impose control through intimidation.

Past research has shown considerable continued support for vigilantism among black South Africans (Hamber, 1999), many of whom reside in townships and informal settlements. As Harris notes,

purely criminal motives remain largely subsumed beneath the crime-fighting banner. Just as vigilantism in the 1980s was defined through political intention, thereby blurring and politicising a range of other motives, so fighting crime remains, for most, the primary explanation of vigilantism in post-apartheid South Africa (Harris, 2001)

Harris (2003) further argues that 'crime-fighting' vigilantes are common within poorer communities, and vary from spontaneous gatherings to organised groups. As an apparent response to crime, vigilantes explain their actions as a stop-gap for a failing criminal justice system which is often perceived as protecting criminals at the expense of law-abiding citizens' rights (Harris, 2003). This perception is encouraged by political rhetoric that often reinforces resistance to due process, such as Deputy Safety and Security Minister Susan Shabangu's statement in a 2008 speech that police should shoot to kill criminals and simply ignore the regulations that govern them.⁵

A further seed of vigilantism is fear: the disproportionate fear, often exploited by political parties keen to illustrate the failings of the current regime, that crime is spiralling out of control. This fear and sense of helplessness contributes to a climate in which the excesses of vigilantism become attractive. Police abuses are another consequence (Hamber, 1999). Also unhelpful has been the prevalence of popular

⁵ <http://www.reuters.com/article/idUSL1037339420080410>

monocausal explanations of crime (Hamber, 1999) – not least of these that all crime is committed by foreign nationals – in the absence of reliable data to verify the risk factors for violence.

Two additional factors help explain widespread involvement in vigilantism: a redistributive ethos and coercion. Where the state justice system holds up rehabilitative justice as an ideal, the ‘community justice’ of vigilantism is often compensatory and retributive (Harris, 2001). Interviewees reporting on vigilante justice in South African townships and settlements reveal that “violence and money co-exist as a way to instil justice and, importantly, ensure compensation for the complainant” (Harris, 2001). The fact that vigilantism can effect immediate ‘justice’ and extract financial compensation, through violence if necessary, is seen to be an advantage. From this perspective, the looting seen during the May 2008 attacks may be interpretable within a framework of compensatory justice rather than simply dismissed as pure criminality in every case. Of course, the flipside of such an interpretation is that much criminality may pass unrecognised by being placed under the rubric of such ‘justice’.

We must also recognise that many South Africans may have been drawn into the violence under threat. This fact should not be ignored. The fear generated by vigilantism often effects a silence within communities that can be misread as complicity or support, but interviews suggest that fear of victimisation by powerful instigators of violence is what causes this apparent consensus. Responding to the claims of host communities that crime levels drop after foreign nationals are violently expelled, researchers should bear in mind that the fear instilled by vigilante violence may indeed lower crime within a specific area, but often displaces it onto surrounding areas and may lead to more violent crime when criminal activity returns to the initially affected area (Harris, 2003). Considering the effect of fear, a drop in crime after large-scale vigilantism against foreign nationals need not mean that it is foreign nationals who are responsible for crime. Local criminals may be just as susceptible to the strong anti-‘crime’ message sent by vigilante acts

Vigilantism as hate crime

As early as 2004, the Centre for the Study of Violence and Reconciliation (CSVR) had linked xenophobic attacks to hate crime, underlining the fact that hate crimes should not be seen as isolated individual incidents, because they are ‘message crimes’ intended to speak to the entire ‘hated group’ (Harris, 2004). As a hate crime, xenophobic incidents communicate to foreign nationals that they are

unwelcome in a particular neighbourhood, community, school, or workplace, and serve a threatening and warning function beyond the particular incident and those directly involved.

Another respect in which hate crime differs from other forms of violence is that structures or people that are associated with or represent the hated group may also be attacked (Harris, 2004). This was certainly the case during the May 2008 violence, and simplistic dismissals of looting and destruction as pure criminality may obscure the 'message-quality' of hate crime and vigilantism, which strives to instil fear and acts as a warning that resonates beyond the individual incident and points towards the possibility of future violence. Reintegration of the displaced into the communities that ousted them through hate-based vigilantism cannot be undertaken without an acknowledgement that the violence was not an end in itself but also a means to prevent foreign residents from returning. In the case of locals who observed or were drawn into the violence through the threatening character of vigilantism, the message against association with migrants will also have been clearly received, and this needs to be taken into account when considering the possibility of reintegration into the fabric of host-community societies.

Violence as an appropriation of state authority

Interviewees from vigilantism-affected communities have suggested that this form of violence is more a product of disappointed expectations about the political change than actual property acquisition (opportunism) or compensation and protection ('crime-fighting'). One of the respondents cited by Harris (2001: 32) said:

What [causes] community mob attacks is truly a factor of expectation [linked to] the 1994 election. People had hope and expected acceleration of change, that's what happened and it's not taking place. People hoped for better jobs, better houses, free education, free medical care. It's not happening. Now people want to go back to the culture of controlling themselves, people want to go back to the culture of taking leadership of their own life.

This interpretation of violence as a reassertion of control and authority over individuals' lives – a rebellion against the passive character of good citizenship within the context of disappointed expectations of the state – links to the uses of violent protest regarding failures in service delivery. More

specifically, such an interpretation becomes possible in an environment in which the legitimacy of state structures – and importantly among them, the police service – comes into question. The vacuum created by these circumstances creates space for the emergence of a competing criminal justice system that redefines crime and asserts its own, often illegal, forms of ‘crime’ control.

Policing failures

Within this context, it should be noted that vigilante violence is often a consequence of a perceived failure in policing due to experiences of police inefficiency, corruption and collusion with criminals (Harris, 2001). This is exacerbated by the Apartheid-era legacy of mistrust of the police and criminal justice system by black township residents.

Historical precedents for community-based forms of policing in the absence of adequate state policing include the establishment of self-defence units (SDUs) in the late 1980s (Harris, 2001). Tellingly, this well-intentioned initiative was itself vulnerable to criminal elements who in some cases turned the community policing structures into opportunistic rackets. The involvement of young and inexperienced leaders was reported to be a factor in the failure of these initiatives (Harris, 2001).

Many of the debates about working (or not working) with the police to ‘fight crime’ extend into debates on community policing forums (CPFs). For many of Harris’s (2001) respondents, vigilantism was seen as a necessary and inevitable reaction to the failure of CPFs to address crime. Some respondents also suggest that CPFs, like the police, are actively part of the ‘crime problem’. This perception has been compounded in certain areas by CPF members abusing their positions for their own ends, or kangaroo courts misusing the CPF banner to legitimate their activities (Harris, 2001: 45).

As a case in point, the attacks against foreign nationals in Alexandra began shortly after residents threatened to take the law into their own hands at a police/CPF meeting. At the time, police allegedly said they would deal with the ‘migrant problem’, but it seems the residents did not perceive their response to have been adequate.

The fact that communities take up the perceived or real slack in state policing presents a challenge in terms of accountable and due process because such initiatives are often unregulated and their definition of crime and its seriousness is often subjective and impulsive. One research project sampling media

reports of vigilante punishment found that death was the most common outcome. Among the fatal forms of vigilante punishment is the practice of 'necklacing', which still carries overtones of political motivation as this was the method of choice for political enemies during apartheid. There has, however, been a shift since the advent of democracy in the profile of 'necklace' victims from those perceived to be – or presented as – political enemies, to those seen to be criminals, including 'drug dealers', 'gangsters', and 'foreigners' (Harris, 2001). Note here how 'foreignness' comes to be seen as a crime in itself – a perception that is not countered by the regular scapegoating of foreign nationals in political rhetoric and the careless use of the label 'illegal immigrant' in the media.

In the context of perceived police ineffectiveness, residents often see vigilante structures as performing a helpful service that, though illegal, and characterised by disadvantages such as the nature of the punishments meted out, is not seen as entirely wrong (Harris, 2001). This is not least because of the lack of checks and balances in assessing guilt: the visibility of the punishment represents a verdict in the eyes of onlookers, who then assume that punishment is meted out to the guilty.

SOCIAL AND INSTITUTIONAL XENOPHOBIA

The factors outlined above help to explain the persistence and legitimisation of violence, in general, in South African townships. The reason that this violence is so regularly directed at non-nationals and other outsiders is rooted in South Africa's institutional history and decades of political rhetoric. The history of the 'alien' in South Africa society begins during the colonial era but achieves a more sophisticated if insidious status during the Apartheid era. During this period, the state used the idea of the alien to deny both political rights and rights of residence to cities' 'surplus people'. In most instances this was used against black South Africans. In law, if not always in practice, black South Africans were made temporary sojourners to the city, aliens whose usefulness lasted only for as long as they could build the city, care for gardens and pools, or nurture white children. While in the city, they were denied the rights of citizenship. The system was legitimised in the name of promoting the welfare and security of the (largely white) citizenry. Any interloper who was not explicitly required and authorised was seen as a drain on resources and a threat to the desired cultural and political order.

This system served as an antecedent to contemporary socio-political configurations and the post-Apartheid state's and citizens' approach to outsiders. As a Mozambican respondent in Atteridgeville acknowledges:

This thing is something we inherited from the Boers because when we came to South Africa we arrived into their hands. They encouraged the hatred of outsiders and people would point out to them that at such a place there is a Shangaani person and they would come and deport you. So even the children grew up in that culture of discrimination where they could distinguish that this person is from this area and they are of a certain tribe.⁶

As before democratisation, unregulated human mobility continues to be seen as a threat to the citizenry's economic and physical well-being. An individual's geographic or cultural points of origins are still considered to determine insider and outsider status. Finally, the unbridled use of the state bureaucratic and coercive power continues to be used to label and separate populations. All of these 'technologies of alienage' – means of establishing and enforcing who is an outsider – are evident in the years before the May 2008 attacks. Indeed, in the eyes of the state and the politically empowered, non-nationals are the functional equivalent of black South Africans two decades ago. The primary differences are that the citizenry is now South Africa's black majority and the aliens are — with notable and disturbing exceptions — (African) people from beyond the country's political boundaries.

There are three areas of political action that illustrate how non-nationals have been turned into the violable alien: legal status and documentation; related practices associated with arrest, detention, and deportation; and a more general lack of access to constitutional protections through the court and political processes. Taken singly, none of these exclusions are unique to non-nationals. Many of the poor are similarly marginalised. Those from historically disempowered South African populations — particularly people from the Shangaan, Venda, and Pedi language groups⁷ — often face significant challenges in claiming full citizenship within the country's cities. What separates the experience of non-

⁶ Interview with a male Mozambican national. Atteridgeville, 20 October 2008.

⁷ In South Africa, cultural groups are often referred to in terms of their languages rather than in terms of 'tribe' or 'ethnic group'. Nonetheless, in everyday conversations, groups are often also referred to in terms of ethnic or racial categories, e.g. being Zulu, Pedi, Shangaan, Black, White or Coloured. Given that one of the factors fuelling the violence was politicised ethnic and racial identities, and that many of our respondents used ethnic and racial group terms in speaking of local politics and causes of the violence, we use such terms throughout the report to describe the demographic make-up of our case study areas. This is not meant to suggest a naturalisation of such ethnic and racial terms, but it reflects a political reality which is perceived 'on the ground'.

nationals from that of poor and minority nationals is the degree to which exclusion is both bureaucratically and socially institutionalised. Although there are opportunities for avoiding exclusion through corruption or other forms of subversion and subterfuge (e.g., 'passing' as a local), the barriers to social and political membership are substantial. It is not only the material acts of marginalisation – imprisonment, denial of services, or harassment – that matter, but also the nationalist discourse evoked to legitimise and explain them.

This is not the place to review the full range of exclusive tendencies within South African politics and society. Rather, we wish only to highlight that many of the attitudes and much of the language used during the May 2008 attacks draw directly from political rhetoric espoused by leaders across the political spectrum. The following are but a few examples:

Minister of Home Affairs Mangosuthu Buthelezi (1997):

South Africa is faced with another threat, and that is the SADC ideology of free movement of people, free trade and freedom to choose where you live or work. Free movement of persons spells disaster for our country.⁸

Defence Minister Joe Modise (1997):

As for crime, the army is helping the police get rid of crime and violence in the country. However, what can we do? We have one million illegal immigrants in our country who commit crimes and who are mistaken by some people for South African citizens. That is the real problem.⁹

Former director-general of Home Affairs, Billy Masetlha (2002):

Approximately 90 per cent of foreign persons who are in RSA with fraudulent documents, i.e., either citizenship or migration documents, are involved in other crimes as well ... it is

⁸ Buthelezi, M. G. 1997. 'Keynote Address at the Southern African Migration Project's Conference: After Amnesty, The Future Of Foreign Migrants in South Africa'. (20 June 1997).

<http://www.queensu.ca/samp/sampresources/migrationdocuments/speeches/mgb/200697.htm>

⁹ Human Rights Watch, *'Prohibited Persons' Abuse of Undocumented Migrants, Asylum-Seekers, and Refugees in South Africa* (New York: Human Rights Watch, 1998), 124.

quicker to charge these criminals for their false documentation and then to deport them than to pursue the long route in respect of the other crimes that are committed.¹⁰

Prejudice against foreign nationals is endemic in South Africa, and this problem is magnified by expedient political scapegoating of foreign nationals, baseless inflation of immigration statistics (Crush and Williams 2001; Palmary, 2002), assumptions about opportunistic asylum claims, and xenophobic attitudes within the police (see Newham, Masuku & Dlamini, 2006) and the Department of Home Affairs. For example, Palmary (2002) cites previous Minister of Home Affairs, Mangosuthu Buthelezi, whose highly prejudicial views emerged in his 1994 statement that:

If South Africans are going to compete for scarce resources with the millions of aliens that are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme.¹¹

The legacy of such top-level attitudes is difficult to shake off, although now-Deputy Home Affairs Minister, Malusi Gigaba, has more recently encouraged more tolerant attitudes (SAGI, 2004). Such attitudes are also deeply entrenched among the police. A 2006 survey of police found “pervasive xenophobic attitudes among police officers”, including that 87% of police believe most undocumented migrants in Johannesburg are involved in crime, and over 78% believed that foreign nationals caused a lot of crime regardless of immigration status (Newham, Masuku & Dlamini, 2006). According to Palmary (2002), the attitudes of police officials may fuel existing levels of xenophobia among South African communities, because senior police officials can be important opinion-makers, as can any public service officials who use public platforms to espouse unfounded anti-foreigner sentiments. Xenophobia in the public service also limits recourse options available to non-national victims of crime, who are often subjected to secondary victimisation by such authorities, or have their complaints met with indifference.

Stereotyping of foreign nationals assists in their victimisation and uninformed opinions are often reproduced by the media unexamined. Press references to overwhelming ‘floods’ of foreign nationals entering the country heighten existing fears and defensive attitudes in the absence of reliable statistics

¹⁰ Billy. L Masetlha, ‘Remarks at the presentation of the Department of Home Affairs on the migration system in South Africa to the Home Affairs Portfolio Committee (15 April 2002, <http://www.info.gov.za/speeches/2002/02042002146p1002.htm>).

¹¹ See Palmary, I. 2002. “Refugees, Safety and Xenophobia in South African Cities: The Role of Local Government”. Research report written for the Centre for the Study of Violence and Reconciliation.

or any credible base upon which to measure the true scale of immigration (Crush & Williams, 2001). The careless use of the word 'illegal' in reference to immigrants lends credence to the criminalisation of foreign nationals who in many cases are undocumented due to administrative delays rather than criminal intent. This is a particularly dangerous form of stereotyping as the label 'illegal' legitimises police abuses and community 'justice' by positioning the migrant as a criminal deserving of punishment.

These kinds of statements from elected officials, the police, and the media were directly reflected in the perceptions of respondents interviewed during FMSP's 2009 research in locations affected by violence in May 2008. As an example, a South African justified the 2007 ethnic cleansing of Somalis living in Motherwell in the following terms:

The approach for the Somalis to come and just settle in our midst is a wrong one. Somalis should remain in their country. They shouldn't come here to multiply and increase our population, and in future we shall suffer. The more they come to South Africa to do business, the more the locals will continue killing them.

Communities in areas visited (both affected and non-affected) generally entertained deep-seated negative perceptions and attitudes towards non-nationals living amongst them. Statements from respondents indicate that most residents strongly believe that the presence of foreign nationals in their communities is a primary cause of challenges to their economic and physical well-being. They perceive foreign nationals as illegal criminals, troublemakers and ill-mannered people, a threat to their livelihoods (by stealing jobs and undermining local business capacity) and political independence, and carriers of deadly diseases. A respondent from Madelakufa II reflected this widespread perception:

These people come here to destroy. They come here and as South Africans we are deprived. They don't even have ID documents, they commit crime and when you report that to the police, where will they find that person? They also have illegal guns and these people don't mind to shoot when they pick pocket you.¹²

Similarly, a resident of Itireleng stated:

¹² Interview with a female South African, respondent M2D1. Madela 2, 18 August 2008

We don't want them here. While they were here, they wanted to rule us and they occupied most spaza shops [...] Yes, these people wanted to rule us, they were taking over our place.¹³

As these examples illustrate, the broad historical and institutional factors outlined above directly fed into the incidents of violence in May 2008. The next section of this report describes these cases of violence in detail.

¹³ Interview with a South African female, respondent ID2. Itireleng, 4 August 2008

XENOPHOBIC INCIDENTS IN SOUTH AFRICA

INCIDENTS PRIOR TO MAY 2008

For activists and scholars working in the field of migration, the government's apparent lack of preparation for large-scale xenophobic attacks and widely held perception that they 'appeared out of nowhere' were bewildering. Xenophobic violence has been an ongoing reality in post-1994 South Africa, and has steadily increased throughout the recent past in townships and informal settlements. In the weeks and months leading up to the May 2008 outbreak, indicators of violent xenophobic sentiment and intent were clearly evident to government agencies as well as communities. Eviction notices and threats of violence had been publicly issued, and police and authorities had been notified. Even the African Peer Review Mechanism's country report on South Africa in 2007 featured a cautionary note warning that 'xenophobia against other Africans is currently on the rise and must be nipped in the bud' – a recommendation that was unfortunately rejected and excluded from South Africa's resultant programme of action (Johwa, 2008). The following is a list of major xenophobic violence incidents recorded since 1994.

Dec 1994	Alexandra (Gauteng): Armed youth gangs destroy foreign-owned homes and property and demand that foreign nationals be removed from the area.
Sept 1998	Johannesburg (Gauteng): Two Senegalese and a Mozambican are thrown from a moving train by a group of individuals returning from a rally at which migrants and refugees were blamed for the levels of unemployment, crime and AIDS in south Africa.
Oct 2000	Zandspruit (Gauteng): Fighting breaks out between South African and Zimbabwean residents.
Aug 2005	Bothaville (Free State): Zimbabwean and Somali refugees are beaten.
Dec 2005	Olievenhoutbosch (Gauteng): Groups of South Africans chase foreign Africans living in the township's Choba informal settlement from their shacks, shops and businesses.
July 2006	Knysna (Western Cape): Somali shop owners in a township outside Knysna are chased

	out of the area and at least 30 spaza shops are damaged.
Aug 2006	Cape Town (Western Cape): During a period of just over a month, between 20 and 30 Somalis are killed in townships surrounding Cape Town.
Feb 2007	Motherwell (Eastern Cape): Violence triggered by the accidental shooting of a young South African man by a Somali shop owner results in the looting of over one hundred Somali-owned shops in a 24 hour period.
May 2007	Ipelegeng township (North West): Shops owned by Bangladeshi, Pakistani, Somali and Ethiopian nationals are attacked, looted and in some cases burnt.
Sept 2007	Delmas (Mpumalanga): After a service delivery protest by residents, 41 shops owned and staffed by non-nationals are attacked and looted. One death and two serious injuries are reported, and 40 non-nationals take refuge at mosques and with friends.
Oct 2007	Mooiplaas (Gauteng): After a clash between a Zimbabwean and a South African family went awry, the local population retaliated by attacking the migrant residents, killing two people, seriously injuring 18 and looting 111 shops.
Jan 2008	Duncan Village (Eastern Cape): Two Somalis are found burned to death in their shop. Police later arrest seven people in connection with the incident after finding them in possession of property belonging to the deceased.
Jan 2008	Jeffrey's Bay (Eastern Cape): After a Somali shop owner allegedly shoots dead a suspected thief, a crowd of residents attack Somali-owned shops, and many Somali nationals seek shelter at the police station.
Jan 2008	Soshanguve (Gauteng): One foreign national is burned to death, three others killed, 10 seriously injured and 60 shops looted after residents apprehend the suspects and attack foreign residents in retaliation for the alleged robbery of a local store by four non-nationals. Subsequently, residents call for foreign nationals to leave, and many non-nationals flee the area.
Jan 2008	Albert Park (KwaZulu-Natal): The community forum holds a meeting to address the issue of non-nationals living amongst them, during which the residents indicated that they wanted foreign nationals living in the area to leave.

Feb 2008	Itireleng, Laudium (Gauteng): At a community meeting in the informal settlement of Itireleng some members encourage residents to chase non-nationals out of the area. Violent clashes take place. Shacks and shops belonging to non-nationals are burnt and looted.
Feb 2008	Valhalla Park (Western Cape): Residents of Valhalla Park forcefully evict at least five Somali shop owners from the area, injuring three people after having apparently 'warned' the shop owners to leave three months before.
Feb 2008	Kroonstad (Free State): One person is seriously injured and 80 shops ransacked after a Somali shop owner retaliates with force against two drunken locals who attempt to rob him. Police arrest 39 people.
Mar 2008	Atteridgeville (Gauteng): At least seven lives are lost in a series of attacks that take place over a week. The deceased include Zimbabwean, Pakistani and Somali nationals as well as a South African who was mistaken for a foreign national. Approximately 150 shacks and shops are burnt down, destroyed or vandalised. Approximately 500 people seek refuge elsewhere.
Mar 2008	Worcester (Western Cape): A large group of Zwelethemba informal settlement residents destroy foreign-run shops and leave a large number of foreign nationals homeless.
April 2008	Mamelodi (Gauteng): In a similar pattern to the attacks in Itireleng and Atteridgeville, residents of Mamelodi go from house to house, attacking and displacing large numbers of non-nationals and setting alight the shops and houses abandoned by non-nationals.

THE MAY 2008 ATTACKS

Although anti-foreigner violence has been common in South Africa since the end of Apartheid, it reached a new peak of intensity in May and June 2008. A brief timeline of the attacks reported during this period follows.

11 May	<p>Alexandra, Johannesburg:</p> <p>Armed mob breaks into foreign nationals' shacks, evicting them and then looting and/or appropriating their homes. Two men killed (1 Zimbabwean, 1 South African) and two women raped, one by four men. 60 people injured.</p>
12 May	<p>Violence continues in Alexandra: 56 people injured; one man killed, two new rapes reported. 27 arrests.</p> <p>Residents blockade London Road from 6pm; clash with police.</p> <p>1,000 displaced people estimated to be sheltering at Alexandra Police Station.</p>
13 May	<p>Two teens shot and one stabbed.</p> <p>Hundreds of people conduct a door-to-door eviction of foreign nationals in Ext 7.</p> <p>Police stoned and fired upon with handguns. Arrests reach 66.</p>
14 May	<p>Mob burns looted possessions on a pyre; locals move into homes of the displaced.</p> <p>Clash between police and 2,000 residents on London Road.</p> <p>Diepsloot, Johannesburg: A mob of around 150 blockades the township entrance against foreign nationals.</p>
15 May	<p>Sporadic violence continues in Alexandra; 5 arrests.</p> <p>Somali- and Pakistani-owned businesses looted and destroyed in Diepsloot.</p> <p>Diepsloot: clashes between residents and police leave five seriously injured. 13 arrests.</p> <p>Olifantsfontein, East Rand: 32 foreign nationals attacked and robbed, then deported by police.</p> <p>Tembisa, East Rand: Man accused of being an illegal immigrant attacked and robbed.</p>
16 May	<p>Another door-to-door eviction in Alexandra.</p> <p>Locals burn immigrants' possessions in Diepsloot.</p> <p>Tembisa, East Rand: Hostel dwellers and then other residents attack outsiders' shops.</p> <p>Thokoza, East Rand: Public violence and shack burnings lead to 6 arrests and flight of 50 foreign nationals.</p> <p>Kwathemba, East Rand: Informal settlement residents attack and loot foreign-run shops.</p> <p>Emlotheni and Emandleni, East Rand: Foreign nationals attacked and robbed, and a woman gang raped.</p>

16 May	<p>Soweto, Johannesburg: Mozambican shot at point-blank range; nothing stolen.</p> <p>Fisantekraal, Durbanville, Cape Town: Somali shopkeeper killed and his brother wounded by armed robbers.</p>
17 May	<p>Attacks continue in Diepsloot, Thokoza and Emandleni. Shops and shacks attacked in Tembisa. 1-3 people die.</p> <p>Jeppestown, Johannesburg CBD: At least one foreign-owned shop stoned by a mob; one home stoned and burgled.</p> <p>Katlehong, East Rand: 2 people killed, 18 shacks razed, 29 people arrested for public violence.</p> <p>Lwandle, Strand, Cape Town: Somali shop owners receive 'eviction notices.'</p> <p>Cato Crest, Durban: Mozambicans living in the informal settlement beaten, robbed and told to go home.</p>
18 May	<p>Attacks and looting continue in Jeppestown; foreign nationals and minorities told to leave. In Tembisa, 50 shacks burned and four men murdered. Seven arrests made.</p> <p>Hillbrow, Johannesburg: Locals attack street vendors.</p> <p>Cleveland Informal Settlement, Johannesburg: Two people burnt and three beaten to death; 50 hospitalised. 15 shops vandalised and looted, 10 cars burned. - 300 people flee to Cleveland police station.</p> <p>Katlehong, East Rand: Foreign nationals in Moleleki section told to leave peacefully after a community meeting.</p> <p>Daveyton, East Rand</p> <p>Attacks break out.</p> <p>Reiger Park/Ramaphosa, East Rand</p> <p>Shacks razed and at least four people killed; two deliberately burned to death.</p> <p>In Actonville near Emandleni, a South African dies in a home set alight during a search for foreign nationals.</p> <p>In White City Jabavu, Soweto, a mob loots homes.</p> <p>Makausi, East Rand</p> <p>Five people killed after shacks are burned and torn down. Locals threw rocks and petrol bombs at police.</p>

18 May	<p>Dukathole, East Rand Violence breaks out; a witness saw people stabbed, mutilated and burned.</p> <p>Zandspruit, West Rand Mob destroys shacks and shops and pelts police with bricks.</p> <p>Kya Sands, Gauteng Violence erupts after a foreign national is accused of stealing a South African's jewellery.</p> <p>Du Noon, Cape Town 30 Somali spaza-shop owners receive 'eviction letters'.</p>
19 May	<p>Violence continues in central Johannesburg with 6 people reported dead in Cleveland.</p> <p>More mobs, shack burnings and spaza-shop attacks in West Rand areas.</p> <p>Residents barricade roads in Kya Sands; 8 arrested for public violence.</p> <p>East Rand violence continues with three assaults in Boksburg, one death in Makausi and at least three killings along with destruction of property and homes in Ramaphosa.</p> <p>In Dukathole, roads are barricaded and a vehicle smashed.</p> <p>In Actonville, a foreign national is shot dead and a local burned alive in his home.</p> <p>Marathon Informal Settlement, East Rand A mob chases foreign nationals out and burns their homes to the ground.</p> <p>Jerusalem Informal settlement, East Rand A mob of 500 attempts to loot shops and fires on police.</p> <p>Kagiso, West Rand A mob of around 1,000 people starts attacking foreign nationals.</p> <p>Mayfair, Johannesburg Several Somali mothers and children threatened by a mob at their home.</p>
20 May	<p>Violence continues in Tembisa. Hundreds of people dispersed by police and 7 people arrested.</p> <p>Violence including shack torchings and assaults continue on the East Rand. Two men killed at Ramaphosa.</p> <p>Joe Slovo Informal Settlement, Boksburg One man is hacked to death.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">20 May</p>	<ul style="list-style-type: none"> - Muvhango, Bophelong, Gauteng - Hundreds of foreign nationals are attacked and seek shelter at the local police station. - Duduza, near Nigel, East Rand - 150 people seek refuge in the police station. - Tudor Shaft Informal Settlement, West Rand - Heavily armed police attempt to quell violence. - Umbilo, Durban - Hostel dwellers attack and rob a Nigerian-owned tavern and its patrons. - Elsewhere in Durban, locals order foreign traders out and a foreign national is severely beaten at a taxi rank. - Leslie and Embalenhle townships, Mpumalanga: Foreign nationals' shacks and shops burned and looted.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">21 May</p>	<ul style="list-style-type: none"> - Four people killed in continuing violence in Ramaphosa, East Rand. - Violence continues in Umbilo, Durban; at Cato Manor a man is shot and two others injured. - Sebokeng, Gauteng: Confrontations and lootings break out as foreign nationals sought refuge in the area. - Villiers, Free State: Youths loot Pakistani-run shops, leading to 22 arrests. - Mabopane, North West: Foreign traders running businesses from the station attacked. - Okasie, Brits, North West: Foreign nationals' shops looted and burned; 49 people arrested. - Kenville, Durban: A mob petrol-bomb a Malawian homed and rob 15 South African and 3 Malawian homes. - Bottlebrush Informal Settlement, Durban: Foreign nationals beaten and homes looted, causing 200 to 300 families to flee to the police station. - Violence continues in various towns of North West province, and in Kenville, Durban. - Mohlaletsi, Limpopo - A group attacks foreign nationals' homes, demanding money. A man is stabbed. 11 people arrested.

22 May	<p>Masiphumelele & Du Noon, Cape Town</p> <p>Foreign nationals stoned and Somali-run shops looted in Masiphumelele; mobs loot shops and displace foreign nationals in Du Noon, injuring 12.</p>
22 May	<p>Witlokasie, Knysna: Five Somali shops looted and set alight.</p> <p>Zwelihle & Overhills, Hermanus: 250 foreign nationals displaced by xenophobic attacks and shops vandalised during this week.</p> <p>Namahadi near Frankfort, Free State: Locals broke into and looted foreign nationals' shops. Five arrests made; 3 of minors.</p> <p>Ga-Rankuwa & Shoshanguve, Gauteng: Eviction notices issued to foreign nationals in Ga-Rankuwa; at least one shop looted and burned in Shoshanguve.</p>
23 May	<p>14 more arrests on the East Rand and at least two displacements in Malvern.</p> <p>Looting and destruction of shops continues in Du Noon.</p> <p>Violence breaks out in Lwandle, Strand.</p> <p>Khayelitsha, Malmesbury, Philippi, Kuils River & Mitchell's Plain, Cape Town: Violence and displacement occur.</p> <p>Nyanga, Cape Town: Foreign nationals' homes stoned.</p> <p>Ocean View, Langa: Locals threaten arson if displaced foreign nationals are housed in their community hall.</p> <p>Umlazi, KwaZulu-Natal: A Malawian robbed of household possessions.</p> <p>Quarry Heights, Durban: Five foreign nationals injured in assaults.</p> <p>KwaMsane, KwaZulu-Natal: A foreign family shot at while driving back to Mozambique.</p>
24 May	<p>Anti-xenophobia march buses cancelled after threatened reprisals in Shoshanguve and Atteridgeville.</p> <p>Confrontation between locals and foreign nationals in Actonville; shack and vehicle burnings in Ramaphosa.</p> <p>Kraaifontein, Cape Town: Shops looted and burned.</p> <p>George, Eastern Cape: Attacks said to have broken out.</p>

25 May	<ul style="list-style-type: none"> - A mob destroys shacks in Tembisa's Madelakufa settlement, 41 arrested. In nearby Ivory Park, 25 arrests after shelters were burned and looted. - Sporadic violence continues in the Western Cape, involving at least one killing (Kuils River). - Sporadic robberies continue to occur in areas of Durban. - KwaNdengezi, KwaZulu-Natal: Five Mozambican men assaulted and robbed. - On this day Mbeki condemns the attacks in a national address.
26 May	<ul style="list-style-type: none"> - Police arrest 5 people for inciting violence in Phomolong, near Rustenberg. - Violence declared under control by Safety and Security Minister on this day. Final statistics: 1,384 suspects arrested, 342 shops looted and 213 burnt down. 62 people reported dead, 21 of them South African citizens.

CASE STUDIES

The study identifies a number of critical underlying and immediate causes through the analysis of empirical findings from eleven cases studies. The sites in Gauteng were Itireleng and Atteridgeville in Tshwane; Diepsloot and Sector II and Sector V (non-affected) of Alexandra in Johannesburg; and Ramaphosa and Madelakufa II and Madelakufa I (non-affected) in Ekurhuleni. The two sites in the Western Cape were Masiphumelele and Du Noon. Motherwell was the only research site in the Eastern Cape.

Detailed individual case study accounts below provide a discussion on a number of aspects and conditions, some common and others specifically relevant to particular research sites. Common aspects and conditions discussed include: i) background information on the site; ii) nature of leadership and conflict resolution; iii) profile of the violence; iv) underlying and immediate causes; v) interventions to prevent/stop the violence; vi) views on return and reintegration; and vii) a brief overview of the main issues. A summary and a discussion of the main findings follow the case study accounts.

CASE STUDY I: ALEXANDRA SECTOR 2 (JOHANNESBURG)

Even though violence against foreign nationals had been occurring in other places around the country for several months, the eruption of violence in Alexandra informal settlement in Johannesburg was the spark from which the violence in May 2008 quickly spiralled around the country at an unprecedented scale and rate. This was not least because of the iconic status of 'Alex' in South African political history, as well as the media attention to the violence there.

Given Alexandra's size and diversity there are a range of different sectors within the settlement. Not all of them experienced violence. We selected two neighbouring sectors for our study: Sector 2, which was most strongly involved in the violence, and Sector 5, in which foreign nationals were not attacked or evicted. Given that both sectors have very similar underlying socio-economic profiles and political histories, comparing these two sectors gives us significant insights into what specific factors can trigger or prevent violence. First we present some general background on Alexandra and then describe each sector separately.

Background Information

Alexandra Township (Alex)

Established in 1912, Alexandra is the oldest and one of the most densely populated townships in Johannesburg. It covers an area of over 800 hectares and is now home to an estimated 350,000 to 400,000 people living in very crowded conditions.¹⁴ Accommodations are varied: Alex's residents "occupy 8,500 formal houses, 34,000 shacks, three hostel complexes, 2,500 flats and numerous old factories and buildings."¹⁵

Alex has been home to people from all over South Africa and the African continent, due mainly to its proximity to commercial centres like Sandton and Johannesburg and the variety of employment opportunities nearby. As a result, the area is demographically and culturally mixed. Data from the 2001 Census Report shows that Alex is mostly black (87%). However, white (11%), Indian (1%) and coloured

¹⁴Dlamini, Ndaba. "Two Year Extension for Alex Project." 11 July 2008. Official Website of the City of Johannesburg. Accessed July 23 2008. < <http://www.joburg.org.za/content/view/2375/192/>

¹⁵"Introduction to the Alexandra Renewal Project" August 2001. Accessed July 25th 2008. < http://www.alexandra.co.za/02_overview/introduction.htm

populations (1%) also exist in the minority. Census data also indicates that the demographic composition among the black population is as follows: Zulu (30%), Northern Sotho/Pedi (26%), Tswana (12%) and Xhosa (10%) are the main groups.¹⁶ As a whole, Alex is very young: with high levels of migration and relocation, as well as HIV/AIDS, “most of the population is in the age group 17-35, and 70% are under 35 with an overall average age of 23 years.”¹⁷

Much of Alex does not have access to public services and utilities such as electricity, water, gas, sewage systems, storm drains, or properly maintained roads. Overcrowding has exacerbated the problem, combining a lack of existing infrastructure with hastily-erected informal shack dwellings in uninhabitable places, such as along the banks of the cholera-laden Jukskei River. Levels of unemployment in Alex (32%, or 36% of the economically active population) are high, compared to levels of unemployment elsewhere in Gauteng (29%).¹⁸ Sources of income for Alexandra households come from low-paying formal work and informal sector activities such as hawking. Informal income is typically restricted to the retail sector. A high proportion of the population (22%) depends on domestic work,¹⁹ probably due to the nearby proximity of more wealthy households that create demand for domestic workers. Among marginalised and at-risk youth, crime presents an alternative means of survival.

Alex has a long history of political unrest and organised and criminal violence including xenophobia and violent exclusion of foreign nationals. As far back as December 1994 and January 1995, armed groups in Alexandra destroyed the homes of suspected illegal immigrants and forced them to go to the local police station, demanding deportation.²⁰ The more recent organised violence incidents include taxi violence, protests over service delivery, political protests and protests against migrants.

¹⁶ Background information for the PPT Pilots Project in Southern Africa: Alexandra Township. May 2004. Accessed July 15th 2008. < http://www.pptpilot.org.za/Alexandra_Township.pdf.

¹⁷ Statistics South Africa (2001) Census 2001. Accessed July 15th 2008. <http://www.statssa.gov.za/SpecialProjects/Census2001/Census2001.htm>

¹⁸ Isserow, M & Everatt, D (with Yanta, M & Schneider, M) 1998(b). “Determining our own Development: A Residents-based Socio-Economic Profile of Alexandra.” CASE: Johannesburg

¹⁹ Ibid

²⁰ Rabkin, Franny. “Alexandra, South Africa: Frustration boils over into violence.” The Weekender, 17 May 2008. http://www.csvr.org.za/index.php?option=com_content&task=view&id=909&Itemid=21 Accessed 7 Aug 2008. 1. Originally written for the Center on the Study of Violence and Reconciliation

Sector 2: the area most affected by the May 2008 violence

Sector 2 is the area that was most affected by the May 2008 xenophobic violence in Alex. It is one of the 6 Community Policing Forum (CPF) Sectors of Alexandra Township. It extends from 1st to 7th Avenue and overlaps between two council wards (1-5 avenues fall under Ward 75, and 6-7 avenues fall under Ward 76) because CPF Sectors do not match the usual administrative demarcations. It is located next to the Madala and Nobuhle hostels.²¹ The housing is mixed: bond houses, RDP houses²² and shacks. There is free communal tap water and prepaid electricity in all shacks. There seems to be no effective rubbish collection service. The shacks are very congested. There are visible construction projects going on including renovations of hostels and roads. The area has enough schools (according to residents and leaders), a clinic, a community centre, a public library and a nearby police station.

Sector 2 is predominantly populated by Zulu-speakers from KwaZulu Natal. There are however other ethnic groups, although in minorities. These include Xhosas, Pedis, Shangaans, Tswanas, etc. The hostels have almost exclusively Zulu residents, many of whom are IFP members. Before the May 2008 violence, a significant number of international migrants, particularly from Zimbabwe, Mozambique and Malawi, lived in Sector 2. While respondents reported that most migrants had been living in the area for a long time, they also perceived that the numbers had significantly increased in the recent past. Some respondents were convinced that foreign nationals were more populous than locals in the area: "...we do not have jobs because of them. They are more than us here in South Africa."²³ In terms of political parties, the area is an IFP stronghold. The ANC is also present but only in the shack area and in some hostels.

In addition to the general challenges of poverty, unemployment and poor service delivery faced by many residents of greater Alex, Sector 2 is particularly known for its high crime rates and political violence. The area has been nicknamed 'Beirut': "In 1992 there was a fighting between ANC and IFP. This area is called Beirut. It's happening here, there is lot of violence in this area."²⁴ According to respondents, the fighting resulted in Zulu-speaking IFP supporters removing ANC supporters and other ethnic groups from

²¹ Hostels are single sex accommodation which were originally created to house mine workers in ethnically segregated housing. In the 1970s, 80s and 90s, political and criminal violence often emanated from the hostels.

²² Reconstruction and Development Programme (RDP) housing is government housing provided for free to poor South Africans.

²³ Interview with respondent A1D6. Alex Sector 2, 1 September 2008

²⁴ Interview with a South African female respondent A1D5. Alex Sector 2, 29 August 2008

the area in 1993-4. The removed groups have settled in other parts of the township such as Sector 5/ Setswetla.

Leadership and conflict resolution

While respondents talked about different resident-led leadership structures including street committees, a CPF, 'comrades' and political parties (IFP and ANC), the most visible and active structure in the area seems to be the CPF Sub-Forum. It is not clear how the members of the Sub-Forum are appointed. As a male South African resident indicated: "It looks like the committee members elected themselves. You hear talks such as 'we were here for a very long time, sleeping outside for 3 years'."²⁵ According to respondents, the role of the sub-forum is to convene meetings regarding service delivery issues and assist in solving problems and complaints about domestic violence, housing, space allocation and crime. The ANC Councillor had passed away and had not yet been replaced at the time of the research. Divisions in terms of political affiliations made difficult the relationship between people and those local leadership structures. For example, the ANC Councillor was reportedly not trusted in predominately IFP areas (especially hostels) and tended to leave the residents to deal with their problems on their own.

Respondents reported that local leadership structures helped in resolving conflicts in the area. It was however also common for the residents of the area to take the law into their own hands particularly when dealing with crime. They did not trust the police or the criminal justice system as the members of the men's focus group stated when asked how residents deal with crime in the area:

For many years, this area does not tolerate crime. If someone is caught he is given a serious hitting. Most people died in the process. [...] If you take a criminal to the police station, police want at least three witnesses. This sometimes destroys the case because sometimes there are only two witnesses who are prepared to go to the police station. And then there is no case.... What is the point of taking the matter to police? Criminals will be on the street the following day. At least if he is beaten, he has to heal the wounds first.²⁶

²⁵ Meaning, they deserve to be sub-forum members because they lived and suffered long enough in this place. Interview with respondent A1G5. Alex Sector 2, 3 September 2008

²⁶ Men focus group interview. Alex Sector 2, 5 September 2008

Profile of May 2008 violence

The attacks

Attacks on foreign nationals in Alexandra started on Sunday night, 11 May 2008 and lasted for two weeks, according to the Alex SAPS Communications Officer. Foreign nationals' shacks and shops were looted and destroyed; foreign nationals were stopped on streets and taxis, assaulted, beaten and killed. Women were raped. Attackers carried guns and other traditional weapons and sang: "They must go. ... Mayiphume inunu [*animals must get out*]", said a South African woman who witnessed the attacks. She also stated: ".....it started on London road. I saw people running in the streets. Anywhere they could find a foreigner, he was beaten till he is could not move. They stopped people in the street and in taxis; if you failed to respond in convincing Zulu, then you were beaten."²⁷

Respondents reported that the attacks were organised by Zulu-speakers from Madala Hostel located along London Road. Many people, including South Africans, were killed. The Alex FM radio news editor shared what the station reporters sent to the scenes witnessed:

Violence started on 11 May evening at Madala Hostel. People were assaulted, others killed. Attacks were planned by Zulus from the hostel; they formed a group and went house to house identifying foreigners. Some people were killed, women were raped. They were running around during the day identifying houses that were going to be attacked at night. Attacks took place late in the night, from 1am. We got news on Monday morning; that foreigners were fleeing to the police and the injured were taken to the clinic for treatment. Things were getting really serious. Before Wednesday, 6 people had already been killed; some were South Africans. 42 people died, many of them were not identified.²⁸

Who was targeted?

All foreign nationals, irrespective of their nationality, age, gender, legal status, or length of stay in the area were attacked. There were also reports that South Africans coming from other provinces were attacked; Shangaans and Vendas from Limpopo Province were the most affected. South African women

²⁷ Interview with respondent A1D5. Alex Sector 2, 29 September 2008

²⁸ Interview the News Editor of Alex FM. Alex, 2 September 2008

married to foreign nationals were also attacked and had to flee to the police station with their husbands as confirmed by the male focus group:

In most cases there are mixed marriages here. If we enter a house to attack a Zimbabwean who is in this case your father there is no way you cannot be affected, even if your mom is a South African. There were lots of cases that happened because the woman was a South African and married or cohabiting with a foreigner. Some of these women ended up at the police station.²⁹

The Alexandra SAPS Station Director, who believed that the attacks were politically motivated, was convinced that South Africans were attacked because they did not belong to the IFP. He stated: “The attack was not directed to the foreign nationals only but to South Africans who were not aligned to the IFP or who were ANC members.”³⁰

During the violence, most foreign nationals fled to the nearby Alexandra police station where they stayed for three and a half weeks before they were moved to government-provided shelters. Their houses, shacks and businesses were looted and later appropriated (‘attached’) by local residents.

Perpetrators

Respondents report that a large number of residents, men and women, participated in the attacks. The majority were hostel dwellers, according to some respondents. Some in the area were reportedly coerced to join but the majority said that they participated voluntarily. There is a general agreement that the attacks were planned and led by Zulu-speakers from the hostels (Nobuhle and Madala) under the leadership of Indunas³¹ and the CPF Sub-Forum. Asked whether local leaders were involved, the Alex FM radio news editor responded:

They were involved, even if they can’t come out and admit it openly; they were not surprised, they were happy; when I called them, they did not want to come on air to address people. They were also saying: ‘they [foreigners] should go’. [...]There were secret meetings

²⁹ Men’s focus group interview. Alex Sector 2, 5 September 2008

³⁰ Interview with Alexandra SAPS Station Director. Alex, 2 September 2008

³¹ Indunas are leaders of hostel dwellers, based on a ‘traditional’ leadership model but with a long history of urban politicisation.

at Madala Hostel. It's a dangerous place, people have guns; the police are also scared to go there. Meetings are still going on at night.³²

An official of the Alexandra SAPS Victims Support Unit also reports that planning meetings were organised by local leaders. She said:

Meetings were held that side... from 1st to 8th Street. It's probably in those meetings where attacks were organised; but in the end the whole town bought in.³³

The local leaders' role was not only limited to the planning of the violence; they led and were actively involved in carrying out the attacks. The members of the men's focus group were surprised when we asked what leaders did to stop the violence. One of them said: "No, you are missing the point. Leaders were with us at all times. They directed us on where to go and when." Another member of the focus group who participated in the attacks testified further: "Every time they entered the site, they wanted South Africans to join. Even myself I joined but I was at the back. I was not carrying sticks and spears as the leaders in front."³⁴ Respondents revealed that women were also actively involved in the attacks, especially in pointing out where foreign nationals lived. A woman confirmed:

What can I say? I would say they do not like them. Even women. Normally the first person during any violence is always a woman. This violence was no different, it was mothers who were leading and pointing out where foreigners lived.³⁵

Underlying causes

The following were the reasons given by respondents as to why foreign nationals are not liked and were removed from the settlement sector:

- Foreign nationals steal jobs and are cheap labour, which creates unemployment for South Africans,
- Foreign nationals are criminals and cannot be traced because most of them are undocumented,

³² Interview the News Editor of Alex FM. Alex, 2 September 2008

³³ Interview with an official of the Alex SAPS Victims Support Unit. Alex, 3 September 2008.

³⁴ Men's focus group interview. Alex, 5 September 2008

³⁵ Interview with respondent A1D7. Alex Sector 2, 1 September 2008

- Foreign nationals illegally occupy RDP houses while locals have been living in shacks for more than 20 years,
- Foreign nationals are overcrowding the area and South Africans have no space to build their own houses/shacks,
- Foreign nationals run cheap businesses and are involved in illegal trading, which undermines local business capacity,
- Foreign nationals get social grants and continue to claim grants even when they are no longer in SA,
- Foreign nationals are the cause of rising house rentals.

In light of the above perceptions, respondents reported that the residents in general perceived foreign nationals living in their midst as a serious threat to residents' lives and livelihoods. Most South African residents supported the attacks and felt satisfied when foreign nationals were removed from their space and society. A man stated: "...others were crying with excitement; they were saying 'at last action is taken against foreigners.'"³⁶

Foreign respondents³⁷ expressed awareness that they are blamed for the problems affecting the South African residents of Alexandra. While they agreed that some foreign nationals may be blamed for some of the problems, they believed that most of those allegations were baseless and certainly did not justify the violence they experienced. They did not believe that they were criminals, although they admitted a few among them may be involved in criminal activities, in most cases in collaboration with South Africans. With regard to RDP houses, they expressed disappointment that local residents did not understand that under certain circumstances foreign nationals can legally gain a right to occupy RDP houses; through, for example, the acquisition of citizenship by naturalisation or a citizen spouse or partner. They further indicated that they were prepared to work, even for low pay, because they were often in a desperate situation and needed something to survive on. They dismissed the belief among local residents that they always worked for nothing. A foreign woman laughed at the idea. She said:

³⁶ Interview with respondent A1D11. Alex Sector 2, 3 September 2008

³⁷ All foreign nationals were removed from the area during the violence. Some had relocated to Tembisa and other surrounding townships. We met our respondents at the Pan-Market in Alex where they come to do business and go home after business hours.

I would like to know how they justify that. Even the property they were looting is expensive. How will they justify working for nothing? It was just jealousy. Right now you can come and forcibly take over this tent, but you will not manage to run it and make it work...³⁸

Foreign respondents furthermore accused South Africans of laziness and pride when job seeking.

The local police did not believe there were many illegal immigrants in the area, as they conducted regular raid operations in collaboration with Immigration Officers from the DHA in the area. They also refuted allegations that most crime is committed by foreign nationals although they confirmed that some individuals may be involved. In most cases crime suspects were traced back in KwaZulu-Natal, and the police took this as evidence that most crime in the area was committed by South Africans.

Triggers

2009 elections

Some respondents who felt that the violence was politically motivated believed the attacks were connected to preparation for the 2009 elections. Most respondents reported that a significant number of foreign nationals had South African IDs and voted during election time. According to a Friends for Life (a local NGO) worker, IFP supporters chased foreign nationals out of the area because they thought the foreign nationals were going to vote for the ANC. She stated: "... because the area is dominated by Zulus, it happened even before when they were fighting Xhosas before the 1994 elections. Some foreign nationals have South African IDs and these people think they were going to vote for ANC."³⁹ Similarly, the Alexandra SAPS Director believed that the Zulu/IFP leaders organised attacks to remove foreign nationals in an attempt to create an IFP stronghold before the 2009 elections. In his words:

Firstly, the violence was not about xenophobia as you people refer to it, it was about politics; you must look at this within the context of the previous violence, the history, violence prior to the 1994 elections and the violence in the hostels last year. The violence was started by Zulus at the hostel and not by the general community; it was started by the same group that instigated violence in the early 90s. The cause of the violence was the

³⁸ Interview with a female Mozambican national, respondent A1X6. Alex Pan-market, 05 September 2008.

³⁹ Interview with an employee of Friends for Life. Alex, 9 September 2008.

political ploy and the purpose was to create a stronghold for IFP/Zulus in preparation for the elections.⁴⁰

Inability of local authorities to address residents' concerns

Judging from a number of events that preceded the attacks, it is evident that the violence was triggered by residents' frustrations over the inability or perceived unwillingness of local authorities to address or 'do something' about their concerns/complaints (substantiated or not) with regard to the presence of foreign nationals. As briefly discussed below, meetings between residents and the police were held in which residents voiced their concerns (especially about crime) and asked the police and authorities to address them. As one member of the focus group reported, the police did not appear to have a solution for the issues raised. He said:

There were a number of people who had been victims of migrants. They had all along been wishing for that day to remove foreigners. When in meetings it appeared that police were failing to deal with migrants, people then saw a golden opportunity to revenge and take law into their own hands.⁴¹

Another group member even believed that the police indirectly encouraged residents to deal with foreign nationals themselves. He stated:

At this meeting even the police spoke, I think what lighted the spark is that police said 'when we try to do investigation of people who are committing murder, we do not know these people. When we try the fingerprints there are no records'. When we look at what has been happening here, we realised that there are a number of people who have been robbed and others killed. Police then said 'to you as the community, what do you say when a person has come to your area and do whatever he wants, what do you do?' There was a police who issued a statement that people must decide on how they deal with someone who has entered his kraal and took his cattle. This statement for me started the violence. [...] Everybody knew what the decision was. People said it in front of the police. Police

⁴⁰ Interview with Alexandra SAPS Station Director. Alex, 2 September 2008

⁴¹ Men's focus group interview. Alex, 5 September 2008

supported this decision. They were behind people who were singing songs and removing foreigners.⁴²

Mass influx

Although respondents reported that most of the foreign nationals had been living in that area for a long time and no mass influx was recorded in the recent past, there was a general feeling that the number of foreign nationals had increased significantly and residents were not happy about it. An Induna and IFP leader at Madala hostel reported that the residents were concerned about the influx of foreign nationals in the country as it was creating unprecedented levels of unemployment and poverty. If the government was not able to solve the problem, the residents would. In his own words:

The government is now pampering them and taking care of them nicely; as long as the foreigners are here we will always have unemployment and poverty here in South Africa; ... there was no poverty and unemployment in SA before the influx of foreigners, ...there is too much of them now, if the government does not do something people will see what to do to solve the problem because it means it's not the government problem, it is our problem.⁴³

Some respondents felt that the government must find a suitable place where migrants can live and be somehow assisted, but not that they should live among South Africans.

Events that preceded the attacks

The police confirmed that a few days before the attacks, the police and CPF called a community meeting whose purpose was to discuss residents' concerns over the rising rates of crime, especially robberies and murders, in Sections 2 and 4. Alexandra SAPS Communications Officer described what happened in that meeting:

There was a meeting here at the police station a week before the attacks on the 6th of May, 2008. Hostel dwellers complained that people including foreigners commit crime and run to the hostels and this makes hostel residents to be seen as criminals, as the ones committing crime. Our response was 'we would like you to point out those involved in crime'. We need

⁴² Men's focus group interview. Alex, 5 September 2008

⁴³ Interview with an Induna and IFP leader at Madala Hostel. Alex, 7 September 2008

them [hostel residents] to co-operate and assist us to identify the criminals. The reason for the police to ask the community to assist them is because in many instances where there are murders and robberies the suspects are traced back to KZN, therefore SAPS say that foreigners cannot be blamed for such crimes but we must blame our own South Africans. The community and hostel indunas were very upset after the meeting because they wanted the police to say that foreigners are responsible for the crime in the area. The police felt it was going to be a serious indictment to blame the foreigners whereas in certain or most instances South Africans are responsible.⁴⁴

Respondents reported that from that meeting Indunas and other community leaders started organising meetings in which attacks were planned. The Alexandra SAPS Director was aware of those meetings. He said: "Prior to the attacks, there was a meeting on the 10th of May, 2008 and it was decided that they will attack around the hostel and the shack area. This was not the first meeting; it was a follow up meeting."⁴⁵ Even though the police were aware of these meetings, nothing was done to prevent the violence. This seems to confirm the belief that they are 'scared' to go to or act against hostels, as the Alex FM News editor stated: "There were secret meetings at Madala Hostel. It's a dangerous place, people have guns; the police are also scared to go there."⁴⁶ The police refuted this allegation but admitted that the police waited for Indunas to come to them when they needed help; otherwise they let them solve their own problems. The Alexandra SAPS Communications Officer said:

It is important to understand that the hostels have dynamics of their own, there are Indunas and we have to acknowledge them. We give the Indunas the responsibility to come to us when there is a problem. There are instances when we raided the hostels and Indunas were very helpful.⁴⁷

⁴⁴ Interview with Alexandra SAPS Communications Officer. Alex, 12 September 2008

⁴⁵ Interview with Alexandra SAPS Station Director. Alex, 2 September 2008

⁴⁶ Interview the News Editor of Alex FM. Alex, 2 September 2008

⁴⁷ Interview with Alexandra SAPS Communications Officer. Alex, 12 September 2008

Intervention to prevent/stop the violence

The police

While local police officials claim that their response was prompt and effective in dealing with the violence, there was a general feeling that the local police intervention was too late and not effective. Some respondents reported that the police took more than 24 hours to react and believed that a strong police intervention could have stopped the violence. There were also respondents who were convinced that some police officers supported or at least passively tolerated the violence as they shared residents' feelings and wanted foreign nationals to leave. Alternatively, officials did not want to jeopardise their institution's legitimacy by being seen to protect unpopular people in the area. A local NGO worker reported:

Police responded to the attacks, but were very frustrated because they can't shoot; it looked like the perpetrators had more power than the police. Interventions were limited; they knew that they were at risk, so they let the community to do what they did: loot. The police are caught in the middle because they are members of the community themselves and fear being victimised. They did not show energy; no will because foreigners put their work at risk because they have a lot of pending dockets ...they can't catch criminals as they keep changing names.⁴⁸

Respondents further reported that where local police were reluctant to intervene, only the police from other areas were seen actively involved trying to stop the violence. "The police that came from other areas were very serious and people respected them and everything stopped," said one member of the men's focus group. The local police however were adamant that they did a very good job under the circumstances, in spite of being stoned and shot at, and that apart from logistical support they did not need intervention from other police stations or the army. The Communication officer dismissed the allegations that local police were reluctant to intervene. She said:

That's a very wrong perception. As the police we put our personal feelings aside and perform our duties. We took control of the situation as local police; we did not want to take

⁴⁸ Interview with an employee of Friends for Life. Alex, 9 September 2008

sides, not for foreigners, not for the community. With limited resources, we did a very good job.⁴⁹

In the context of organised violence committed by one group against another, rather than two groups fighting each other, it is not clear what 'not taking sides' means for a police force mandated to protect and maintain order. According to the police, 62 people were arrested on several charges including public violence, arson, and attempted murder. All of the arrested were Zulu-speakers, according to the Police Director. The leader of the sub-committee, allegedly known to be the driving force behind the attacks, was not among those arrested. When asked about consequences for those who incited the violence, the police Director said that this was a 'political issue' that was being dealt with by 'higher offices'. Those arrested were taken to court in the days following their arrest, and cases had not been finalised at the time of the research.

Government authorities and political leaders

A number of prominent government officials and political leaders came to Alexandra to address and engage with residents after the violence. These included the Gauteng MEC of Safety and Security, Firoz Cachalia; Alex Baphela of the Parliament Task team; Winnie Madikizela-Mandela of the ANC National Executive Committee; Mangosuthu Buthelezi, the IFP leader; Morgan Tsvangirai, the leader of the Movement for Democratic Change in Zimbabwe, and others. Indunas also reported that Zulu Chiefs, sent by Zulu King Zwelithini, came from different parts of KwaZulu-Natal to address the residents of Alexandra. Some of these meetings (for example with the MEC) were interrupted by residents when they were told what they did not want to hear. The Alex FM News editor stated:

MEC of Gauteng came to address and calm people but the meeting was called off; people left fuming; they wanted to hear what local people were going to do to get rid of foreigners and not being told to stop the violence.⁵⁰

⁴⁹ Interview with Alexandra SAPS Communications Officer. Alex, 12 September 2008

⁵⁰ Interview the News Editor of Alex FM. Alex, 2 September 2008

Return and reintegration

From all respondents in Section 2 it was clear that foreign nationals were not wanted back in the area and that 'returning would have been committing suicide'. In addition to the continued strong emotions against foreign nationals, all foreign nationals' shacks/houses and businesses had been 'attached' and the new owners had sworn to release them only over their dead bodies. As an indication, foreign nationals who are attempting to do business at the nearby Pan Market were regularly harassed and abused. The following are some respondents' reactions to the suggestions that foreign nationals could come back:

If they come back, where would they stay? We have attached the houses. You guys are advocating for another war. Lets us talk about myself; I did not have a space to stay. I used to sleep in a car. Now I have my own house. The problem is very simple; there is no more space for them.⁵¹

Their safety cannot be guaranteed. Besides, their shacks have been taken over by local people who are now living in them. ...You see, there would be trouble if they came back. A foreigner recently opened a case; he wanted the police to help him get his shack back, he wanted the police to remove the current occupant. He was told 'you choose either to die or forget your shack'. It would be risky for them to come back now. ... Besides they have been given money; they can use that money to rent flats in town.⁵²

Evicted foreign nationals were aware that returning into the area would have been problematic. Most foreign respondents did not feel safe in the country anymore and were contemplating going back to their home countries, as stated by a male Mozambican:

I plan to go back home and start thinking about my future at home. I see that I might work hard here and after some time this thing might start again and they will take everything and I will be left with nothing. So I think of going home at some point to start a future where I will be free, safe, and without fear.⁵³

⁵¹ Men's focus group interview. Alex, 5 September 2008

⁵² Interview with an official of the Alex SAPS Victims Support Unit. Alex, 3 September 2008.

⁵³ Interview with respondent A1X2. Alex Pan-Market, 3 September 2008

Efforts by local leaders and government

All respondents reported that they had not seen any effort or initiative by the government or the local leaders to prepare the residents to accept foreign nationals back. They reported hearing about the government reintegration strategy in the media, and some were concerned that government was forcing the reintegration on residents without even attempting to address their concerns first. The official of Alexandra SAPS Victims Support Unit argued:

The government is pushing this reintegration thing but the communities don't want these people back. They are not doing anything to address the issues the community raised; ...they are not even talking to the communities, and when they do they don't talk in a right way. They tell people 'stop attacking foreigners, ... you are lying that foreigners commit crime, foreigners do this and that without evidence'.Even when Baphela came here, they were using the same way of talking...' This is not the right way to talk to people; it's going to make people angry, it's going to make things worse.⁵⁴

At the time of the research, the only reconciliation attempt was being made by the African Diaspora Forum (ADF) that was running awareness raising workshops in some primary schools in Alexandra. Each school in the selected areas had adopted three African countries, and South African learners chose among themselves a president and cabinet members for each country. It was hoped that the initiative would help South African pupils learn about other countries' history and culture, which in the long run would lead to a tolerance of cultural diversity. The effects of such an initiative could not yet be judged at the time of the research.

⁵⁴ Interview with an official of the Alex SAPS Victims Support Unit. Alex, 3 September 2008.

MAIN FINDINGS IN SECTOR 2, ALEXANDRA

- Inability of police and local authorities to address concerns raised by the residents
- Inability of the police and local authorities to prevent the violence despite evident warning signs
- Inflammatory language by the police
- Inability of local government to exercise authority and apply the rule of law in a multi-party constituency
- Involvement of local leaders in planning and carrying out of the attacks
- Late and ineffective police intervention
- Return not desired and hindered by houses and businesses being 'attached'
- No reintegration preparation efforts or initiatives by government and local leaders

CASE STUDY II: ALEXANDRA SECTOR 5/SETSWETLA (JOHANNESBURG) (NON-AFFECTED AREA)

Background information

Setswetla is another of the sections constituting the greater Alexandra Township. It is said to be the least affected by the May 2008 violence in the area. Residents said it was established in 1987 and currently counts about 20 000 people, many of whom were displaced from other sections of Alexandra during the 1993-4 Zulu-Xhosa violence. A Sotho woman remembered both the violence and the displacement:

I am from Section 3 near London Road. That is it where I was born. Then I moved from that place during the 1993/1994 political conflict when Zulus were fighting with Xhosas. In fact, we were evicted from that area by Zulus. It was no longer safe to live in 3. [...] Yes, I was there, both my parents were living in with us, but we all had to run away because of the tensions between Xhosas and Zulus and those houses were occupied by Zulus. We just left things hanging like that.⁵⁵

Setswetla is separated from the Alexandra main settlement by a cemetery. Contrary to most sections, it is exclusively informal: packed with unorganised shacks with no through-roads; mobile toilets only along the main road; no electricity; no public services (e.g. schools, clinics, etc.). Residents go to other sections for such services. Free communal tap water is available. The area is very dirty. Residents live in deplorable conditions with regard to hygiene and general sanitation. In the words of one of the women focus group members, these conditions are a serious health hazard. She said:

The community throw stools, feces in these drains, it is rotten. People are sick inside these shacks. You know even little babies are sick because of the living conditions we live in. When you eat, someone will come with a bucket of urine and pour it next to your door, you end up losing appetite. You cannot even breathe...⁵⁶

⁵⁵ Interview with respondent A2G3. Setswetla, 9 September 2008

⁵⁶ Women focus group interview. Setswetla, 12 September 2008

The informal settlement is also regularly affected by severe flooding. Most of the area is said to be below the 1:100 year flood-line⁵⁷ and heavy rainfall often results in extensive flooding as the Jukskei River rises and sweeps away surrounding shacks. Most residents expected to be relocated soon to RDP houses that were being built in a nearby section. Residents showed us where the houses were being built. Unemployment was said to be another major challenge in addition to the above mentioned lack of adequate housing and proper hygiene and sanitation facilities.

With regard to the population composition, the area is so mixed that respondents had difficulty establishing what the main population group was. There were Pedis, Shangaans, Zulus, Tswanas, Xhosas, Vendas, and Southern Sothos. There was also a significant presence of a foreign population, which some respondents believed outnumbered South Africans. A male South African respondent stated: "Foreigners are the majority. South Africans are about 40% and foreigners are 60%."⁵⁸ Leaders did not agree with the assessment that foreign nationals outnumbered citizens, although they admitted that there were many non-nationals in the area and their numbers had been gradually increasing. Residents' perceptions could be due to the fact it was difficult to distinguish between nationals and non-nationals in the area as they speak the same languages. A female resident confessed: "I know that we have those who come from Zimbabwe and Mozambique, but when they talk I cannot differentiate the Shangaan they speak and those who speak Shangaan from Giyani."⁵⁹

According to respondents, Zimbabweans formed the majority of the foreign population in the area, followed by Mozambicans. Many foreign nationals had reportedly been living in the area for more than ten years. Some foreign respondents admitted to not having papers despite being in the country for a long period of time. They blamed the Department of Home Affairs for this.

The ANC is by far the predominant political party in the area, although other parties such as PAC and UDM have a few members. All political parties seemed to work effectively together when dealing with issues affecting the residents. The ANC Branch Coordinator confirmed:

The ANC is the dominant political group, and then there is PAC and UDM. Even though these groups have different political ideologies, problems regarding the community or that affect

⁵⁷ <http://soer.deat.gov.za/Themes.aspx?m=301>

⁵⁸ Interview with respondent A2D1. Sestwetla, 9 September 2006

⁵⁹ Interview with a respondent A2G2. Sestwetla, 9 September 2006

everyone are addressed collectively. Members of different political parties sometimes enjoy debating about 'issues' with each other.⁶⁰

One PAC leader with whom we spoke⁶¹ confirmed that, although he was 'tired' of the ANC leadership because of poor service delivery, they indeed get invited to meetings to discuss issues affecting the residents. SANCO played an important role in bringing different parties together. The ANC Branch Coordinator said: "There is a civic structure, SANCO, ...meetings are convened by SANCO because they are not a political party."⁶²

Leadership and conflict resolution

The local leadership structures known to the residents are the block leaders and the CPF. The role of the block leaders is to maintain law and order, work with CPFs to alleviate crime and to help resolve socio-economic issues affecting the residents of their area. The block leaders are elected by the residents in general meetings every year. The ANC Branch Coordinator stated: "Yes, every year we call a meeting and the community elects new members if they are not happy with the current leaders or re-elect the existing leaders." Residents confirmed that block leaders are chosen by the residents. A male respondent reported:

There are block leaders even though you cannot tell for sure where the block ends; meetings are called and leaders are elected. They are voted by the community. [...] I do not know for how long but they change very frequently. Some simply say they are tired of being leaders and the community elects someone else.⁶³

Apart from a few respondents who complained that some leaders were corrupt and asked for a bribe for solving problems, there was a general satisfaction about the performance of the local leaders i.e. block leaders and CPF. Most respondents reported that the residents had trust in their leaders as: "I think there is a general understanding of how the 'comrades' work and there seems to be no problem at

⁶⁰ Interview with the ANC Branch Coordinator. Setswetla, 9 September 2008

⁶¹ In an interview on 12 September 2008.

⁶² Interview with the ANC Branch Coordinator. Setswetla, 9 September 2008

⁶³ Interview with respondent A2D1. Sestwetla, 9 September 2006

all.”⁶⁴ A South African man confirmed, when asked if the residents was happy with the performance of the block leaders: “Yeah, sometimes you find a person that has been chosen wants to quit but the community still want him to stay. So he has to state his reasons as to why he can’t continue.”⁶⁵ Local leaders were also satisfied with residents’ understanding and cooperation as the Chairperson of Block A Committee stated: “The community trusts and respects the leaders. We call meetings and they attend ... if we condemn bad behaviour the community will listen to us.”⁶⁶ The residents and their leaders were however not happy with the performance of the councillor and SAPS. They reported that the councillor was never present when needed and the police were not helpful, especially with regard to crime fighting.

There was a general agreement among respondents that when there was a conflict, the residents approached the nearest leadership structure (block committee members or CPF) and in case the matter was beyond the structure’s capacity, it would be referred to the police or a court of justice. A woman explained: “So when we have problems we go to them and if it’s beyond their capacity then they call the police or they forward it to the police.”⁶⁷ However, some respondents reported that suspected criminals get beaten up by the residents or CPF, probably because of the low levels of trust in the police and the criminal justice system in general.

Knowledge of May 2008 violence

Residents and community leaders in the area appeared to have followed closely the unfolding of the May 2008 violence. The interest is understandable as violence was happening in the sectors next door and there were fears that it could easily have spread to their area too. Respondents are aware that violence in Sector 2 was masterminded by Zulu-speakers from the hostels. The ANC Branch Coordinator did not understand why the government does not arrest the leaders who organised the violence. He lamented:

⁶⁴ Interview with respondent A2G5. Sestwetla, 12 September 2006

⁶⁵ Interview with respondent A2D2. Sestwetla, 9 September 2006

⁶⁶ Interview with Blok A Committee Chairperson.

⁶⁷ Interview with respondent A2G4. Sestwetla, 12 September 2006

People think they are above the law or government; they want the area to be controlled by Zulus. They have attacked other community members in 1993 and the government did not do anything about it. They have done it again because they think that the government is afraid of them. The violence happened in May because they anticipate that the next president is going to be Zulu and they will own the area and have control in Sector 2.[...] arresting them [perpetrators] will be wrong, the police must arrest their leaders because they are behind the attacks, they called the meeting and fuelled the violence.

Respondents were also aware that foreign nationals were accused of all sorts of things, from being criminals, to stealing jobs, houses, businesses and women. They shared the same negative feelings. Like in Sector 2, foreign nationals in Section 5 were generally perceived as criminals: “they steal, they rape our children, if they see you carrying a phone they want to take it from you and they don’t have ID’s that time. If you want them where will you trace them?”, asked the members of the women’s focus group.⁶⁸ A South African man believed: “Foreigners do not have manners, if you are a visitor, you must wait for the host to say this is what you can do and this is what you cannot. That is why I do not feel for them. They came here to destroy this country.”⁶⁹

Why were foreign nationals not attacked in Setswetla?

All respondents reported that Zulu-speakers from hostels attempted to attack foreign nationals in Setswetla. A few shops at the entrance of the informal settlement section were attacked. However, local leaders negotiated a ‘deal’ with them. The terms of the deal stipulated that Zulus were not going to attack foreign nationals in the area but ‘comrades’ or local leaders were going to remove foreign nationals themselves. It was agreed that Zulus would come a few days later to check whether the ‘comrades’ had kept their promise and all foreign nationals had been removed from the area.

Residents and leaders alike reported that they negotiated the deal not necessarily because they wanted to protect foreign nationals but because they wanted to protect themselves. In such a mixed settlement, there was no way the outsider Zulus would have been able to distinguish foreign nationals from South

⁶⁸ Women focus group interview. Setswetla, 12 September 2008

⁶⁹ Interview with respondent A2D5. Sestwetla, 10 September 2006

Africans. South Africans would inevitably have been attacked in the process. The following is what some respondents had to say. The story is narrated differently but all respondents confirmed the same thing.

The way I know it is that people from outside came but the block committees went up there next to the river to stop them from entering this area. A deal was made that block committees will remove foreigners themselves without assistance and method used up there. There was an agreement that yes, there are a number of foreigners in this area but we shall remove them ourselves. This deal was out of fear that people from outside will even attack South Africans as they do not know the difference.⁷⁰

The main reason is that it is difficult to differentiate between Amashangaane, the Mozambicans and locals from Giyani. People were afraid that if Zulus come here to remove foreigners, they won't be able to know the difference. Even South Africans may get affected.⁷¹

As leaders we were concerned that if the foreigners are attacked the whole Setswetla will go into flames if one shack is attacked. The attackers didn't know who the foreigners are and they were going to attack South Africans as well. We told the attackers that we will call the meeting and ask the foreigners to leave and they can call us later and come and check if that has been done. We called a meeting and we told the foreigners that they needed to leave Setswetla and come back when the violence has gone down.⁷²

After the deal was concluded, community leaders called a meeting and indeed asked foreign nationals to leave the area on their own before they could go house to house to remove them by force. The residents were happy about the decision as expressed by a South African man:

The community was on the side of the 'comrades'. They also said foreigners must go. The 'comrades' said foreigners, people from Mozambique and Zimbabwe must go. I think it was a Tuesday or Monday. 'Comrades' said by Thursday all foreigners must leave the area. If

⁷⁰ Interview with a male South African respondent, A2D1. Setswetla, 9 September 2008

⁷¹ Interview with a male South African respondent, A2D2. Setswetla, 9 September 2008

⁷² Interview with Chairperson of Block A Committee, Setswetla, 9 September 2008

they do not, they will come in house to house to identify them. All people from here at the meeting shouted 'they must go.., they must go'.⁷³

There were some groups within the sector who were enthusiastic to collaborate with the attackers from Sector 2 in attacking foreign nationals. They were however discouraged when the attackers made the deal with the local leaders. The leaders claimed that they were able to recover - and give back to owners upon presentation of proof of ownership - some property which Zulu-speaking attackers had stolen from the few shops attacked. This was not confirmed by foreign respondents we spoke to. Contrary to the police belief that the residents of the area formed a human shield to protect their area and migrants from Zulus, respondents reported that because of fear, people stood out every evening, ready to run for their lives in case Zulus came to attack the area. A South African female respondent stated:

We used to be worried every afternoon, after 4pm we would become alert, cooking was very difficult and we did not even eat properly fearing violence. At about 7 everybody would be outside the houses with blankets waiting to see if we are being attacked. We did not even sleep in our houses. Other people used to run away as far as Marlboro service station. [...] We went outside because we did not want surprises. We stood outside to see what was happening; we did this out of fear that we may be attacked inside our houses. This is largely because of a fear that attackers may not be able to distinguish that this person is from Giyani and this person is from Zimbabwe, they would attack all of us, that is why we stood outside. Even Xhosas were afraid that they may be attacked. The Xhosas that are here used to stay in the township.⁷⁴

Most foreign nationals left the area; some went to the police station for the night and would come back during the day to check on their property. There are some who did not leave; some families decided to send children and other family members away and leave at least one member of the family behind to look after the house and property. Most of them returned when violence had subsided in the greater Alexandra area.

⁷³ Interview with respondent A2D2. Setswetla, 9 September 2008

⁷⁴ Interview with respondent A2D4. Sestwetla, 9 September 2008

Foreign respondents⁷⁵ gave a more or less similar account of the events. Local leaders called a meeting and asked all foreign nationals to leave. Local residents were also scared and some ran to the police with foreign nationals. One respondent stated:

It happened that side, and then a meeting was held, where upon the leaders gave us two days to leave his area, and some of us ran and slept at the police station. There was nobody here, even the South Africans, they ran away. We were together with some of them at the police station because those people could not differentiate between Zimbabweans, Mozambicans, Venda, the Shangaan and Shona. They only wanted Zulu speakers only. Everybody else was in for it.⁷⁶

On the xenophobic violence in general and the local residents' negative perceptions, foreign nationals reported that they are aware that they are blamed for many social ills. They admitted that some foreign nationals may have been involved in crime and lamented the exploitation they suffered at work places because they did not have the right papers. They believed that authorities could be able to resolve these issues and there was no need for residents to attacks and kill them. Some found accusations such as stealing women ridiculous. A Zimbabwean laughed it off: "[...] they say this, but Mr. Mandela is married to a Mozambican, why don't Mozambicans say that South Africans take their women?"⁷⁷

Views on future interactions with foreign nationals

After the violence in neighbouring sections of Alexandra subsided, there seemed to be no significant changes in the nature of interactions between foreign nationals and local residents of Setswetla, but the later were not happy that foreign nationals were back in the area. Respondents reported that residents were angry at the government decision to reintegrate foreign nationals in general. They were living with them only because 'there is nothing they can do'.

We asked leaders and residents if, since there was no violence in this area, they would welcome foreign nationals who cannot go back to areas from which they were displaced. The answer was "No", although

⁷⁵ All non-national respondents were contacted in Setswetla

⁷⁶ Interview with a male Zimbabwean national, A2X1. Setswetla, 9 September 2008

⁷⁷ Interview with respondent A2X6. Setswetla, 11 September 2008

some put it in a very tactful way. The Chairperson of Block A Committee for instance said: “Between the end of October and January 2009, the Department of Housing will be relocating all of us to the new houses; ... therefore there will be a problem and we can’t accommodate them.” Similarly, the Deputy Chairperson of the CPF thought there could be a problem. He said: “If they have all the right papers they are welcome. If they don’t have IDs or permits there will be a problem and they will be attacked again.”⁷⁸

MAIN FINDINGS IN SETSWETLA

- Mixed population; no single population group claiming ownership and autochthony
- Positive relationship and interactions between people and democratically elected local leaders
- Political unity to deal with issues affecting the residents
- Prevailing negative attitudes toward foreign nationals
- Resisted external pressure to start violence
- Leadership played an important role in preventing violence, not for the love of and solidarity with foreign nationals but for the interest of the broader community

⁷⁸ Interview with the Deputy Chairperson of local CPF. Setswetla, 12 September 2008

COMPARING SETSWETLA TO SECTOR 2

- Setswetla is worse off than Sector 2 in terms of poverty and service delivery
- Setswetla is more diverse in terms of language groups and population composition
- Political opposition in Setswetla is not as strong as it is in Sector 2
- There were more foreigners in Setswetla than in Sector 2
- Residents in both areas have deep-seated negative perceptions and attitudes towards foreigners living in their communities and in the country in general
- Unlike in Setswetla, local leaders in Sector 2 were actively involved in planning and carrying out the attacks on foreigners
- Foreigners' property (businesses and house/shacks) was not 'attached' in Setswetla. This is probably one of the reasons why leaders and residents did not resist foreigners' return

CASE STUDY III: DIEPSLOOT (JOHANNESBURG)

Background information

Diepsloot is a township located in the north of Johannesburg Metropolitan municipality. It is a densely populated area made up of formal and informal settlements. It was established in 1995 as a transit camp for people who had been relocated from Zevenfontein (1994) and Alexandra (2001). People were to stay in the transit camp until land became available where proper houses were to be built. The promise never materialised and the camp has now become a permanent home for its residents.

The informal settlement area, particularly the Extension 1 part of Ward 95, was the most affected by the violence against foreign nationals. This area, where many people live in shacks assembled from scrap metal, wood, plastic and cardboard, faces high levels of poverty mainly due to high unemployment rates and lack of service delivery. The local councillor estimates unemployment to stand at 70% and that most residents survive mainly on petty trade and government grants.⁷⁹ Most residents have no access to electricity and congestion hampers services such as sewage and rubbish removal. Crimes including rape, assaults, robberies, car high jacking and house break-ins are also reported to be a major problem in the area. The area is also notorious for its history of organised crime and public violence, particularly taxi violence, violent service delivery protests, vigilantism and mob justice.

The population in the area is mixed. The local population consists of Pedis (said to be the majority), Zulus, Tswanas, Xhosas, Shangaans and Vendas. The foreign population consists of (in descending order of their reported numbers) Mozambicans, Zimbabweans, Somalis and Pakistanis.

Leadership and conflict resolution

In addition to the ward council, the community is reportedly led by a number of different leadership structures including block committees, the CPF and SANCO. The distinction between these structures did not seem clear to most respondents as some individuals are simultaneously members of different structures. "We had SANCO but I do not know where it ended but now it merged with CPF. CPF and

⁷⁹ Interview with ward councillor. Diepsloot, 21 November 2008.

SANCO is one thing”, said a South African woman.⁸⁰ The members of these structures are all commonly known as ‘comrades’. According to respondents, the ‘comrades’ are responsible for everything that happens in the area and are the primary authority for dispute resolution. Their work is however riddled with allegations of corruption and favouritism, expressed by a Zimbabwean respondent: “They are corrupt; they accept bribes to solve your case.”⁸¹ Similarly, the residents have no trust in the ward councillor who is said to be incompetent. As a South African man indicated:

We used to have a councillor but the community told him to go, chased him away. People need houses and he brings toilets. So people are tired of living in the shacks. There was money to build houses but he did not do that, so the community told him to resign, because he stole all the money to build houses. There was a march which went to the offices of the councillor and the community of Diepsloot protested that they don’t want the councillor because he is not delivering. At the moment the community of Diepsloot knows that the councillor has been recalled, but the councillor is still very active in his office, maybe until his term ends.⁸²

The lack of community trust in local leadership structures is exacerbated by reported divisions and tensions within and between the structures themselves. A captain at Erasmia police station reported that there were tensions and infighting within local CPF.⁸³ More worrying are the tensions and the competition for power between the local ward council and SANCO, whose secretary admitted to being behind the frequent violent service delivery protests. He said:

We make sure interests of people are not compromised; we are the watch dog of the ruling party. Our collaboration with the councillor is not good because he is grumpy and arrogant. They do not like us. Information is not flowing as it is supposed to when projects come. When we see things happening behind our back, we object and we stop the project before it starts. We do marches, peaceful but also violent when they do not want to listen. We do not succeed all the time because of the metro police but the community is with us.⁸⁴

⁸⁰ Interview with respondent DD1. Diepsloot, 17 November 2008.

⁸¹ Interview with respondent DK8. Diepsloot, 21 November 2008

⁸² Interview with respondent DG8. Diepsloot, 17 November 2008.

⁸³ Conversation on 19 November 2008. Erasmia is the police station responsible for Diepsloot.

⁸⁴ Interview with SANCO Secretary in Ward 95. Diepsloot, 20 November 2008.

Given their internal divisions, it is little surprise that these structures do not provide reliable conflict resolution mechanisms, as experienced by residents. A woman noted that most residents do not report their problems to the 'comrades' anymore:

You see, these people were fine at first but now when I go to them, say I have a problem with my husband, they do not react immediately unless I pay them R50. That's why even when people have problems they do not go there because they would not be having the money.⁸⁵

Mob justice in the area generally involves beating and burning criminal suspects to death. According to respondents, five or six suspected criminals were burnt alive in 2008. "They burnt a lot of people this year, I think about five of them", said a local man.⁸⁶ As is often the danger with vigilante justice, innocent people may be falsely accused and beaten up, as reported by a South African woman: "... but sometimes they do make mistakes like they beat up wrong people and found out later that they beat up a wrong person."⁸⁷

According to the ward councillor, mob justice is encouraged by the absence of a police station nearby⁸⁸ and an ineffective justice system. In his words:

Mob justice is caused by community frustration. There is a problem with the justice system. A killer, a rapist would be back into the community tomorrow, out on bail. That person is a danger to the community. There is also poor police visibility here. The nearest police station is thirteen kilometres from Diepsloot. Because of the wide radius and shortage of transport, we wait for four to five hours for the police to come when we request their intervention. They are too far away.⁸⁹

⁸⁵ Interview with a female Zimbabwean national, respondent DK2. Diepsloot, 17 November 2008.

⁸⁶ Interview with respondent DG6. Diepsloot, 19 November 2008.

⁸⁷ Interview with respondent DG1. Diepsloot, 17 November 2008.

⁸⁸ At the time of the fieldwork, a police station was being built in the area.

⁸⁹ Interview with Ward 95 Councillor. Diepsloot, 21 November 2008

Profile of violence

Attacks on foreign nationals in Diepsloot started in Section 1 of the township on 14 May 2008 and lasted five days, according to respondents. Other sections such as Section 2 and 4 were mildly affected. Local residents destroyed, looted and burnt down businesses and houses belonging to foreign nationals. Attackers (mostly youths, according to most respondents) targeted all foreign nationals irrespective of their nationality, age or gender. Some South Africans belonging to minority groups such as Shangaans and Pedis were also attacked, deliberately or by mistake. According to a Zimbabwean woman from the area, Pedis were deliberately targeted:

... they attacked all foreign nationals because the locals would point to the shacks belonging to foreigners and the attackers would burn the shacks. The attacks were widespread and some of the locals were not spared. Zulus ended up attacking the Pedis, saying they should go back to Petersburg.⁹⁰

South African residents, however, thought that South Africans were attacked because they were mistaken for foreign nationals. A man said: "They were fighting everybody, women, men and children. Sometimes they made mistakes; they would attack Tsonga people thinking they are from Mozambique."⁹¹

According to both local and foreign respondents, the attacks were organised and led by the 'comrades'. The 'comrades' started by checking identity documents of people suspected to be foreign nationals. The following respondents confirmed the checking of the documents and the involvement of the 'comrades':

They would come and ask to see your identity document and if you did not have it they would beat you up while others took anything of value they could see.⁹²

For me, I think it was right for the committee to demand papers because those who have IDs turn to act responsibly. Now that they are aware that government knows about their existence, they would not do crime in fear of being caught. It is those without papers who must go.⁹³

⁹⁰ Interview with a female Zimbabwean national, respondent DK1. Diepsloot, 17 November 2008

⁹¹ Interview with respondent DG3. Diepsloot, 17 November 2008

⁹² Interview with a male Zimbabwean national, respondent DK7. Diepsloot, 21 November 2008

⁹³ Interview with respondent DG2. Diepsloot, 17 November 2008

It was the 'comrades' and the community joined in since it was something discussed at the meeting led by the 'comrades'.⁹⁴

Respondents and local authorities reported serious injuries but no rape cases or deaths as a result of the violence. Most of the victims of the attacks fled to the police station. Some were reportedly deported by the Department of Home Affairs while others returned into the area when violence subsided (see the following section on return and integration).

Underlying causes

According to local residents, foreign nationals were attacked because they were perceived to be the source of most problems the residents faced. The problems include high levels of crime, unemployment and 'illegal' occupation of RDP houses. A South African man summarised other respondents' views:

It started by accusations that foreigners are taking our wives and jobs. Sometimes you may find that you are already married even though you have not been to home affairs. There were also stories that foreigners commit crime and came with diseases ... really we do not know.⁹⁵

Tensions have always existed between locals and foreign nationals and the May violence was not the first time foreign nationals were attacked in the area. There had been occasional attacks in the past, particularly when a foreigner was caught committing or suspected of having committed crime. All foreign nationals would then be attacked as a result:

It is common practice that when a foreigner does something wrong the community attacks shacks belonging to all foreigners [...] Yeah, before the May violence foreigners' shacks were destroyed after some foreigners had committed a crime and run away.⁹⁶

Foreign respondents believed they had just become an easy scapegoat for residents frustrated by poverty and unfulfilled promises. They believed that all foreign nationals should not be attacked just

⁹⁴ Interview with a male Zimbabwean national, respondent DK7. Diepsloot, 21 November 2008

⁹⁵ Interview with respondent DG2. Diepsloot, 17 November 2008

⁹⁶ Interview with a female Zimbabwean national, respondent DK1. Diepsloot, 17 November 2008

because some individuals within the foreign population commit crime. They also reported that they create jobs for themselves (spaza shops and street vending) and take on hard jobs South Africans are not interested in. A Zimbabwean woman stated: “We do not take their jobs but when a job is there they freak out, especially if it requires hard labour and foreign nationals work. So there is no reason for someone to come and beat me up saying I took their job when they were not interested in it.”⁹⁷ Another Zimbabwean woman stated in a similar vein:

South Africans can't stand the scorching sun because they do not have the problems that we have as foreigners. Most South Africans get grants so they do not work as hard as foreigners do to get money [...] They can say that [we take jobs], they are alright but they should understand that we do not have a choice because employers take advantage of the fact that most foreigners do not have documents.⁹⁸

Triggers

The systematic attacks on foreign nationals in Diepsloot seem to have been influenced by media reports on acts of violence against foreign nationals in Alexandra and other parts of the country. According to respondents, the attacks on foreign nationals in Diepsloot were triggered by a meeting the ‘comrades’ organised following the outbreak of the violence in Alexandra on 11 May. Accounts vary about the initial agenda of the meeting. Some respondents reported that the meeting originally aimed at preventing what happened in Alexandra and elsewhere from happening in Diepsloot, while others contended that the meeting was specifically called to discuss the removal of foreign nationals. A South African man stated:

Yes, there was a meeting and some foreigners were in attendance as this was a community meeting. The issue of removing foreigners was discussed [...] We discussed the crime that foreigners are committing. We realised that whenever a person is caught and beaten, at

⁹⁷ Interview with a female Zimbabwean national, respondent DK6. Diepsloot, 19 November 2008

⁹⁸ Interview with a female Zimbabwean national, respondent DK2. Diepsloot, 17 November 2008

least 70% were foreigners. Crime played a role but we also saw other areas removing foreigners on TV.⁹⁹

Whatever the initial agenda, respondents reported that the attacks immediately followed the meeting. “They started attacking after the meeting on the same day. They started attacking at our house because it is known that Shonas stay here”, said a Zimbabwean victim of the violence.¹⁰⁰

Intervention to prevent/stop the violence

Despite the fact that a public meeting was held to organise the attacks, and so authorities should have had advance warning, the local authority and the police were not able to prevent the violence. However, both local and foreign respondents commended the police’s efforts to stop the violence when it started. The police from Erasmia station reportedly battled with the attackers and brought calm to the area. They however faced problems because violence would start in different locations at the same time, and access to those locations was not easy due to road barricades, congestion and lack of sufficient man power. The statement below by a victim of the attacks was corroborated by many others:

They tried by all means to stop the violence. Some even slept on guard with horses. The only problem is that the police do not go into the shacks. They just stop by the main road yet the damage is often done on the inside of the area. [...] maybe it is because of the fact that the streets are narrow and it’s difficult for them to move in the passages.¹⁰¹

Some respondents also described the intervention of the army as not achieving much, as the police already had the situation under control: “It was only the police who worked flat out to stop the violence. The soldiers came but the police had already halted the attacks.”¹⁰²

According to the secretary of the local SANCO Branch, twenty-five people were arrested but most of them were released either on bail or because cases were dismissed. “Two or three are still behind bars”, he said.¹⁰³

⁹⁹ Interview with respondent DG2. Diepsloot, 17 November 2008

¹⁰⁰ Interview with a male Zimbabwean national, respondent DK7. Diepsloot, 21 November 2008

¹⁰¹ Interview with a male Zimbabwean national, respondent DK1. Diepsloot, 17 November 2008

¹⁰² Interview with a female Zimbabwean national, respondent DK7. Diepsloot, 19 November 2008

Return and reintegration

At the time of the fieldwork, it was visible that many displaced foreign nationals had returned to the area. Those interviewed reported that the situation had normalised but feared that violence could recur as tensions remained. It was the strong presence of the police that made return possible. A Zimbabwean man stated:

There was nothing we could do as people who like staying in this place. We were running around avoiding the attackers and when it was quiet we came back to our shacks. They couldn't attack us again because the police maintained a presence in the area.¹⁰⁴

Many returnees preferred not to go back to their former locations to reclaim or rebuild their shacks. Another Zimbabwean man returned to his former place but reported that many others did not. He said: "Some went back home and never came back while others are back but did not rebuild their shacks, they went to other sections."¹⁰⁵ "Some did [return] but a number of them swapped their stands", confirmed a South African man.¹⁰⁶ None of the foreign nationals interviewed had knowledge of government or the local leadership's efforts or initiatives to diffuse tensions and reintegrate displaced foreign nationals in the area. Those who returned did it independently.

Some local respondents expressed their dissatisfaction about the return of the displaced and said there was no guarantee that they will not be attacked again. A South African man who is among those who are unhappy, said: "They are back but it's not nice to have them here again. They have RDP house and we don't have. It's like we are helping them; we vote, they get anything they want and we get nothing."¹⁰⁷

In addition to resentment among residents, some local politicians were reportedly using the removal of foreign nationals as a campaign tool in their political rallies. This was at least the view of the secretary of the local SANCO Branch, who stated: "It can start again, for campaigners it is their language. They say

¹⁰³ Interview with Ward 95 SANCO Secretary. Diepsloot, 19 November 2008

¹⁰⁴ Interview with respondent DK7. Diepsloot, 19 November 2008

¹⁰⁵ Interview with respondent DK8. Diepsloot, 19 November 2008

¹⁰⁶ Interview with respondent DG2. Diepsloot, 17 November 2008

¹⁰⁷ Interview with respondent DG6. Diepsloot, 17 November 2008

'we will vote for Zuma because he will help us get rid of foreigners. Lekota did nothing to prevent foreigners from pouring into the country'."¹⁰⁸

MAIN FINDINGS IN DIEPSLOOT

- Long history of public violence and organised crime
- Infighting among local leadership structures
- Lack of community trust in local authority, police and criminal justice leads to vigilantism and mob justice.
- Absence of nearby police station
- Involvement of 'comrades' in violence
- Media influence in triggering violence
- Relatively good intervention by the police
- Rapid return due to maintained police presence but no initiatives by the government
- Removal of foreign nationals used a campaign tool in local political rallies

¹⁰⁸ Interview with Ward 95 SANCO Secretary. Diepsloot, 19 November 2008

CASE STUDY IV: MADELAKUFA 2 (TEMBISA, EKURHULENI)

Background information

Madelakufa 2 (commonly called Madela 2) is the area that was most affected by the May 2008 violence in Tembisa. It is one of the six Sectors constituting Ward 8 of Ekurhuleni Metropolitan Municipality and was established 16 years ago. The area comprises of developed and non-developed zones. According to the ward councillor, the non-developed zone forms 70% of the area.¹⁰⁹

The non-developed area where most of the violence took place is heavily congested; shacks are built very close to one another and in an unorganised manner. As the councillor stated, the municipality was not able to assist residents with basic services because of the congestion; emergency vehicles for instance could not get in when there is need for intervention. When one shack burns, it affects the whole area. Efforts by the municipality to organise shacks to create space were resisted by residents. The non-developed area surrounds a dam that floods during the rainy season. It has free communal water taps but no drainage system and no toilets. There is no refuse collection service. There is no electricity; people use paraffin for illuminating and cooking. Unemployment and crime are the other two main challenges in the area. The area counts an estimated 1200 occupied shacks, according to the councillor.

With regard to population composition, the residents are mixed. There are Vendas, Pedis, Sothos, Tswanas, Shangaans, Zulus, Xhosas and Ndebeles. Xhosas from the Eastern Cape are reportedly the majority. While no open clashes were reported, there appeared to be simmering tensions among different ethnic groups, with the dominant group (Xhosas) threatening other minority groups. Asked how people coming from different areas related, a male South African responded:

That is another question; you see here there is a group that I won't mention that thinks it owns this place. You see I am Sotho; there is this thing that "You Pedis". We have that kind of tension here. If I recall the xenophobic violence, there were statements that 'you Pedis are next'.¹¹⁰

¹⁰⁹ Interview with the Ward 8 Councillor. Tembisa Municipal offices, 22 August 2008.

¹¹⁰ Interview with respondent M2G5. Madela 2, 22 August 2008.

The Tembisa CPF Chairperson also confirmed that there is tribalism in Madela 2 and that “Xhosas feel they are running the show.”¹¹¹ The main political party is the ANC but the councillor reported that, judging from the last elections, there is a significant presence of other parties such as IFP, UDM, APC, AZAPO and DA.

Profile of non-nationals living in the area

Mozambicans are said to be among the people who started the settlement. They constitute a sizable group but Zimbabweans, who started moving into the area in the past five years, were said to be the majority. Judging from the foreign national respondents we spoke to, most Mozambicans used their passports and had visas that they renewed periodically, while some Zimbabweans used asylum papers. Foreign nationals had been living in this area for a long time and many had South African spouses or partners. They reported having relatively easy access to some public services such as schools and clinics.

While some South African respondents reported not to have a problem living with foreign nationals, most respondents expressed negative perceptions and attitudes towards non-nationals living in the area. They perceived foreign nationals as criminals, illegal, corrupt and ill-mannered. Most respondents felt that it would be better if all foreign nationals left the area and went back to their countries of origin. One female South African respondent stated:

These people come here to destroy. They come here and as South Africans we are deprived. They don't even have ID documents, they commit crime and when you report that to the police, where will they find that person? They also have illegal guns and these people don't mind to shoot when they pick pocket you.¹¹²

Who is a foreigner?

While South African residents spoke of foreign nationals as people coming from other countries, the Xhosa majority group in the area claimed autochthony and ownership of the place and treated other South African minority groups as foreign nationals. Asked who is a foreigner in the area, a South African man said: “It is someone from outside the country. But in this case, we as Pedis are treated like foreigners. We are now even afraid of mixing with Xhosas.”¹¹³

¹¹¹ Interview with the Tembisa CPF Chairperson. Tembisa Police station, 18 August 2008

¹¹² Interview with respondent M2G3. Madela 2, 18 August 2008

¹¹³ Interview with respondent M2D5. Madela 2, 22 August 2008

Knowledge of immigration laws among local residents

Most respondents seemed to have little knowledge about the country's immigration laws. They were not able to distinguish between different categories of migrants and had little understanding of not only how foreign nationals entered the country but also of legal steps they could follow to regularise their stay in the country and acquire permanent residency and/or citizenship. A South African man stated: "[...] the government is failing us somewhere. It is not clear how people apply for permanent citizenship. A number of people enter the country illegally."¹¹⁴ To the question of when a person stops being a foreigner, a South African man responded:

A person never stops to be a foreigner. Even if a child is born here with a South African mother, the child takes the father's surname and he becomes a foreigner. Even though he may have South African ID, the child will remain a foreigner. Even whites are foreigners.¹¹⁵

Leadership and conflict resolution

While the local councillor listed a number of grassroots leadership structures (from Ward Committees to Block Committees to Sector Forums to Sectional Committees), the structure commonly known among the residents we interviewed was the street committees. Opinions were divided with regard to the effectiveness of the street committees. Some respondents expressed dissatisfaction and questioned the effectiveness of the committees while others reported that the committees were helpful in solving problems such as domestic violence and dispute over land or space. For some respondents, the committee members got elected by the residents and for others by the police. Some respondents were probably referring to the Sector Policing Forum (a sub-committee of the CPF) that was also said to be operating in the area. This confusion with regard to different structures operating in the area could be explained by the fact that some street committee members were also members of the CPF sub-committee and vice-versa; and the roles and mandates of the two structures were not clearly defined. Respondents reported that the CPF, whose mandate is 'exclusively fighting crime' – according to the Tembisa CPF Chairperson – was also involved in solving socio-economic issues.

¹¹⁴ Ibid

¹¹⁵ Interview with respondent M2D4. Madela 2, 20 August 2008

There was a general perception that the police were doing 'a good job' in the area. Their interventions were said to be swift and effective. Asked how he would describe the police-community relations, a male respondent stated: "it is very good now, police come here when there are problems. We are working very well with the police, even the crime that I was talking about has gone down."¹¹⁶ One of the committee members agreed: "They are OK. I think the way they reacted to the xenophobic violence in this area has boosted public confidence in police. They were very strong."¹¹⁷

The community in general did not seem to have trust in other local structures such as the ward council, the street committees, the CPF and others. The main reasons mentioned include poor service delivery, corruption, and infighting or competition for power, favouritism and general ineptitude. There was also a feeling that some local leaders were involved in crime. The following are one female respondents' statements in this regard:

I do not see what they are doing. They fight amongst themselves. A councillor may have his own people within these committees. There is one, she was a friend of a councillor. She was selling houses and people became aware. They attacked her and she ran away and left her houses here, [...] they know how [to sell houses], some are from housing [department]. They know this house belongs to so and so but they sell it.¹¹⁸

She further stated that it would always be difficult to solve these problems as long as the leaders' infighting still existed. She said: "There is no solution. The committees are working in two different groups. They can have two meetings at the same time ... These people are fighting amongst themselves at the grounds."¹¹⁹ This lack of trust and collaboration among leadership structures was confirmed by the councillor who admitted that some committee members were corrupt. For instance, when asked how foreign nationals acquired shacks, he responded: "There is no mechanism in place; sometimes they use corrupt committee members who grant space without the knowledge of authorities; foreigners also pay protection fee to those leaders."¹²⁰

¹¹⁶ Interview with respondent M2D5. Madela 2, 22 August 2008

¹¹⁷ Interview with a female committee member. Madela 2, 22 August 2008

¹¹⁸ Interview with respondent M2D2. Madela 2, 20 August 2008

¹¹⁹ Ibid

¹²⁰ Interview with the Ward 8 Councillor. Tembisa Municipal offices, 22 August 2008.

Some respondents complained about the fact that the CPF charges people and households a varying amount of money for their supposedly 'voluntary' services. A male respondent said: "Yes, there is no one [patrolling here]...in the township they have CPFs. Here they wanted R5 to pay those patrolling at night. People refused."¹²¹ The CPF Chairperson confirmed that, apart from the newly introduced vouchers of R300 per three months, CPF Sub-Committee members did not get paid and survived on 'community compassion,' which may be what the above respondent was referring to.

Regarding conflict resolution, vigilantism and mob justice appeared to be the norm in this area, particularly when dealing with crime. When asked how the community deals with crime, a man said:

If they find a suspect, they beat him. He is lucky if police get him still alive. But it also has to be said that it depends who it is that committed the crime. If it is Xhosa, he will only be sent to police station, no one will beat him up, and he gets protected. There is one guy who was accused of raping a child. He was not beaten. This is not right. All others get beaten.¹²²

Profile of May 2008 violence

The attacks

Violent attacks against foreign nationals in Madela 2 started on Friday, 16 May 2008, in the evening around 7.30 pm. They lasted about a week or two according to different sources. Respondents reported seeing a large number of people holding 'Xhosa' sticks and other traditional weapons running around looking for foreign nationals, beating them up and vandalising their shops and shacks. A female respondent who participated in the attacks narrated:

It was on a Friday night, when we saw a group of residents... and they were knocking on our doors demanding us to join them as they went to attack migrants. I had no choice but to go with them. We went and vandalised migrants' shacks and shops. Some were taking migrants belongings and stock for themselves.¹²³

¹²¹ Interview with respondent M2D5. Madela 2, 22 August 2008

¹²² Interview with respondent M2D5. Madela 2, 20 August 2008

¹²³ Interview with respondent M2G4. Madela 2, 20 August 2008

There is no official record of how many shops or shacks were destroyed and looted. It is only known that shops and houses were vandalised and thoroughly looted. The councillor reported that 2 to 3 people died as a result of the violence and many were seriously injured. The foreign nationals' account of the events that took place during that time is not different from the one provided above by local residents.

The targets

All respondents reported that the attacks were initially directed at foreign-owned businesses: spaza shops and shebeens. These were ransacked before being destroyed. Foreign nationals' shacks and houses were also destroyed in the process, as many ran businesses in their houses where they lived. As the violence continued, however, foreign men not necessarily owning businesses became the target, as a male respondent reported:

[...] it started at a fruit and vegetable spaza shop owned by Mozambicans near here. It was largely directed against foreigners owning spaza shops. Once they finished with those owning spaza shops, they then went to some few foreigners who did not own spaza shops and destroyed their houses. People were beaten.¹²⁴

Women and children were not physically attacked, although they also were asked to leave. They fled to the Tembisa police station. There seemed to be no evidence to support views by some respondents that some women were raped.

Some South Africans were also victims of the attacks. Respondents reported that a number of people from Venda and Bushbuckridge were also attacked because attackers mistook them for foreign nationals or deliberately considered them as outsiders. Respondent stated:

Yes, a number of them [South Africans] were attacked [...] Even myself I ran away. Xhosas do not understand. They are unable to separate Shangaan, IsiPedi and Zimbabwean Shona. When they say they are attacking Amashangane, they did not check whether you are a South African or not. A number of Amashagane from Venda, Bushbuckridge were attacked.¹²⁵

Other South Africans lost their property during the attacks: houses belonging to South Africans but rented out to foreign nationals for businesses were also destroyed.

¹²⁴ Interview with respondent M2D5. Madela 2, 22 August 2008

¹²⁵ Ibid

Most of the evicted foreign nationals fled to the Tembisa police station for safety. Others ran to nearby townships to stay with friends and some went back to their home countries (e.g. Mozambique). Those who fled to the police were later accommodated in Rabasotho Community Hall (located behind the local municipality offices) where they were provided with assistance. According to the councillor, an estimated 500 people who stayed in the hall went back into the area a few days later after the violence had subsided. Stolen stock and personal belongings were never recovered.

Perpetrators

Some respondents reported that the leaders of the violence were not local residents as they were not known in the area. According to the councillor, the attacks were carried out by outsiders who came and found some locals who bought into the idea. "They asked other community members to join and that's how it became a big group" he said. According to the CPF Chairperson, however, there was no tangible evidence that attackers were transported into the area from other areas such as Alexandra. People who claimed to have seen vans carrying people were not able to provide evidence.

The majority of respondents believed that the attacks were organised and led by 'Amabhaca': a sub-clan of the Xhosa ethnic group; some living in the same area and others coming from a nearby township. A female respondent reported:

Amabhaca were responsible. Amabhaca is a sub-clan of the Xhosas but I do not know how to separate Amabhaca from Xhosas but here they do. Amabhaca speak their Xhosa with a Swaziland influence. Police came and arrested a number of them. Some came out on bail, some who did not have money remained in jail.¹²⁶

While some people may have been coerced to participate, most respondents believed that the majority of those who participated joined voluntarily when asked. They did not refuse to participate because they had seen these kinds of attacks in other places such as Alexandra. There was a general agreement that the attacks did not have wide-ranging community support. This was evidenced by the fact that the residents refused to make contributions to secure bail for the arrested. The residents also rejected attempts made to organise a protest march to demand the release of those arrested. The same female respondent stated:

¹²⁶ Interview with respondent M2D2. Madela 2, 20 August 2008

No, the community said it did not send anyone to attack foreigners. Their families helped them to get out of jail. Amabhaca tried to get the community to contribute as most of them are in street committees without success. It became Amabhaca issue. They contributed to get some of their boys out. [...] Amabhaca called a meeting asking the community to help to stage a march in order to free the people who were arrested. People were not interested. Then Amabhaca realised they will not get help and met amongst themselves for contributions for bail money.¹²⁷

The councillor confirmed that some committee members pleaded with him to intervene to get the arrested released but he refused as he believed that 'due process must be followed'. Some of the arrested were out on bail, others were still in jail at the time of this research.

Foreign respondents and victims of the attacks believed that local leaders were involved in the planning of the attacks and that the violence could have been prevented if they had stood against it. A Mozambican man stated:

... they sat down and planned. There are street committees. This would not have happened were the street committees doing their job. They were in meetings with the street committees, and they did this thing, and the street committees just stood back [...] it would not have happened, remember that in Madelakufa 1, this thing did not happen because the street committees and members of the community stood together and said 'no one was going to come in and kill another human being.' But here since the street communities did not stand up to the violence, people came and did what they liked with us.¹²⁸

Underlying causes

As elsewhere, foreign nationals in the area are blamed for most of the problems the residents are facing. They are accused of i) being criminals and corrupt, ii) stealing jobs and working for low wages which leads to unemployment for South Africans, iii) undermining local businesses because of their cheap prices, iv) stealing people's wives, v) illegally accessing government social grants, etc. A South African respondent shared the reasons why he does not like living with foreign nationals and why they were attacked. He said:

¹²⁷ *ibid*

¹²⁸ Interview with respondent M2X2. Madela 2, 25 August 2008

I am one of those people who are not happy to live with migrants. They are criminals. They are a cheap labour, because when we work together and we demand increase, they will tell you straight they won't participate in those protests. They tend to accept any salary given to them by the employer. Some of them live in RDP houses; we know they got them through bribing the officials responsible. To me, that kind of behaviour frustrates me.¹²⁹

Most respondents however admitted that those accusations were not founded - or at least not relevant in the area - and became only known and popular through the influence of the media. Criminal elements in the area took advantage of the situation and looted foreign nationals' businesses and houses.

Crime

Some respondents were convinced that crime rates went down after foreign nationals were removed and that this was sufficient evidence that most crime was committed by foreign nationals. Others even believed that foreign nationals were still committing crime in the area. Most respondents acknowledged that, although some foreign nationals may be involved, most of the crime in the area was committed by local youth under the influence of alcohol and drugs.

Stealing jobs

"... our children do not understand humble beginnings..."

Most respondents found this accusation absurd because it was evident that most foreign nationals in the area ran their own businesses and therefore created their own jobs. They felt that those foreign nationals who got jobs did so because they were more skilled, were willing to work hard and to take on 'dirty' jobs local residents did not want. A woman explained:

They were saying foreigners are taking jobs. We are lazy as South Africans. We feel we are entitled to a good life and we do not want to do jobs that will make us dirty. Foreigners do not care about all that. To build a house, you need to be dirty. I wish the government can come and say, here is employment, and you will see no one will go. We just want to sleep the whole day.¹³⁰

¹²⁹ Interview with respondent M2G8. Madela 2, 22 August 2008

¹³⁰ Interview with respondent M2D2. Madela 2, 20 August 2008

A young, single unemployed male, with a standard 10 certificate is among those who would not want to work for low wages or start a small business. He said:

They said they did not want foreigners because they take their jobs. If you look at me, I won't work for R 30 a day. I won't stand with tomatoes in the corner; I would be stressed the whole day. These people created work for themselves.¹³¹

Similarly the women's focus groups expressed concern over the fact that young people do not 'understand humble beginnings' and want jobs they are neither qualified nor have the required experience for. One of the group members was not happy about this; she stated:

Our children don't want to run spaza shops; they don't want these small jobs. So, they saw migrants and they wondered how they survived and started attacking them. Our children do not understand humble beginnings,... in life you have to start somewhere; ... to give an example, one of my children has studied Hotel Management and has a certificate, ...she is looking for what she studied for, nothing less than that.¹³²

Working for low wages

"... it's a problem to be a South African..."

Most respondents, local residents and migrants alike, agreed that foreign nationals accepted lower wages than South Africans. A South African man complained: "Yes they work for lower wages. I charge R150 when I do a garden for my client. A migrant does not mind to accept R50, so it's a problem to be a South African..."¹³³ Foreign respondents admitted that they worked for lower wages because they did not have a choice; they took whatever came their way to survive. A 28 year old Zimbabwean man explained:

[...] it can be true. You see, here we are nobodies, and we have to find somewhere to hide our heads. But we still have to pay for where we hide our heads. Before you sleep, you have to eat something. You may take part in the strikes, but you will still need to pay rent. You cannot go stealing to pay the bills. So sometimes we have to take whatever little comes our way, just to survive. We don't enjoy working for next to nothing, but sometimes we have to

¹³¹ Interview with respondent M2D7. Madela 2, 22 August 2008

¹³² Women focus group interview. Madela 2, 26 August 2008

¹³³ Interview with respondent M2G5. Madela 2, 22 August 2008

try anything. Besides, where we come from, there is hunger, and there are more mouths to feed there.¹³⁴

Undermining local businesses

"...but there is still no shoemaker here..."

Some residents complained that the presence of foreign nationals undermined local business capacity. They said the area was overcrowded by foreign-owned businesses and there was no space for South Africans to operate their own. South African-owned businesses were closing down because they could not compete with foreign nationals' low prices. Most respondents however did not share these views. A woman opined:

I think it was jealousy. Look they said they are taking their jobs. When the foreigners were not here, no one was selling tomatoes and vegetables. Even now, the boy who was a shoemaker is still not back, but there is still no shoemaker here.¹³⁵

Illegally accessing social grants

"...they want to blame their laziness on poor Mozambicans..."

Some residents, especially those having problems accessing social grants, were not pleased that some foreign nationals were receiving grants which they believed they were not entitled to. Most respondents however understood that foreign nationals can be entitled to such grants provided they have proper documentation. A female South African from Giyani in Limpopo Province believed residents should not blame foreign nationals if they are not able to access government grants. She stated:

[...] Yes, there are a number of Mozambicans who receive social grants. What is needed is that they must have South African papers. The problem is that there are a number of those who think this place is theirs; the Xhosas who do not have IDs. They are not receiving grants and they are complaining that Mozambicans are receiving while they are not. It is them who

¹³⁴ Interview with respondent M2X1. Madela 2, 25 August 2008.

¹³⁵ Interview with respondent M2D6. Madela 2, 22 August 2008

have not applied for South Africans IDs and they want to blame their laziness on poor Mozambicans.¹³⁶

Triggers

Third Force

The councillor and some residents believed that the xenophobic violence in the area was triggered by an external 'third force'. The councillor stated:

There was no doubt a third force, a political force, otherwise how would you explain that individuals went from one area to another. They may have not thought about the effect of the attacks, they may have had a narrow thinking ...maybe trying to speed up service delivery not thinking that their actions may have unintended effects like what happened.¹³⁷

As previously mentioned, however, other respondents including the CPF Chairperson did not believe that people who started the violence were 'transported' in from Alexandra and/or other areas.

Media influence

There was a general belief among respondents that violence in Madela 2 was triggered by what people saw and read in the media about attacks in other townships such as Alexandra. The media influence fell into a fertile ground of frustrations and dissatisfaction because of poverty, unemployment and poor service delivery. Criminals then organised themselves and mobilised other residents to emulate what was happening elsewhere. A young woman indicated:

...I do not believe in these reasons [third force]. It was just thugs from us who took advantage of what was going on in Alexandra. If you can see, spaza shops were targeted first; our guys were hungry and wanted to steal from foreigners. Alexandra gave them a reason.¹³⁸

There was no evidence of the influence of the following factors:

¹³⁶ Interview with respondent M2D6. Madela 2, 22 August 2008

¹³⁷ Interview with the Ward 8 Councillor. Tembisa Municipal offices, 22 August 2008

¹³⁸ Interview with respondent M2G4. Madela 2, 20 August 2008

- *Mass influx*: most foreign nationals had been living in the area for a long time. Their numbers were said to have increased but it was 'continuous' settlement; no mass influx was recorded in the recent past.
- *High food prices*: foreign nationals were instead commended for helping residents deal with rising prices. A male respondent stated:

Foreigners assisted us in this regard. Even though prices went up, foreigners made it possible for food to be affordable. They sold things in small quantities so that even the poorest of the poor is still able to buy vegetables. I do not understand where they bought their stock,... somehow they were able to sell food cheap.¹³⁹

Foreign nationals were however worried that rising prices can push poor people over the edge and can make get them involved in criminal activities. A Mozambican man predicted:

[...] the way I see it, I think it will get worse. Most people are without a job. Prices keep going up. It will get tough for people to make a living... and hunger can be the cause of many horrible things. Things can get worse, you know, anything can happen.¹⁴⁰

Interventions to prevent/stop the violence

The police

While most local respondents praised the police for their intervention, it was evident that they were not able to stop the violence or protect foreign nationals and their property. The attacks stopped only after all foreign nationals had left the area and there were no more businesses to loot. It was only after the violence that the police were seen to be active and dealing firmly with the situation, especially when arresting suspected perpetrators and searching houses for weapons. According to the councillor, many people were arrested although he did not have the exact number. The CPF Chairperson estimated the

¹³⁹ Interview with respondent M2D7. Madela 2, 22 August 2008

¹⁴⁰ Interview with respondent M2X1. Madela 2, 25 August 2008

number of arrests at 1000.¹⁴¹ Most arrests were made after the violence as residents provided the police with relevant information on the identity and whereabouts of the perpetrators. Most people arrested belonged to the 'Amabhaca' group, according to respondents.

Government authorities and political leaders

The councillor reported that there was a prompt response from various community and political leaders to deal with the aftermath of the attacks. All local leadership structures, churches, political party leaders such as the UDM's leader Bantu Holomisa and national level traditional leaders came to address the residents. There was, however, no intervention from the government at national and provincial levels.

Return and reintegration

Most of the displaced foreign nationals seemed to have returned to their community after reassurances from local leaders that there would be no more violence. The councillor reported that: "Life is normal now, most foreigners are back ... no problem except the availability of shacks, no space, no expansion possible ... some shacks were taken over by others but some are still empty."¹⁴² During our fieldwork, we could establish that indeed some foreign nationals had returned into the area and those were able to speak to confirmed that most foreign nationals were back. Those whose businesses had been vandalised were busy rebuilding and restocking and others were carrying on with their lives as usual.

Some local residents were however not happy about the decision to bring foreign nationals back in the area. Some still verbally abused and discriminated against foreign nationals, especially women at communal water taps. A South African woman told the research team:

The problem is left with women at the communal water taps. They still have some kind of discrimination. They make some offensive remarks that foreigners do not have IDs and they are getting free water like us. They simply will not be behind foreign women. They want to jump the line...this is abuse.¹⁴³

¹⁴¹ Efforts to speak to the local police in order to confirm these numbers and gain their perspective were in vain. They required permission from the provincial authority which we could not get in time.

¹⁴² Interview with the Ward 8 Councillor. Tembisa Municipal offices, 22 August 2008

¹⁴³ Interview with respondent M2D3. Madela 2, 20 August 2008

Foreign respondents reported that although the situation was calm, they lived in fear that violence could erupt again. They were still occasionally verbally abused and insulted and there were worrying tensions where foreign nationals returned to live next to neighbours who looted their shops/houses and were still keeping the looted property. A Mozambican man was worried:

We will keep quiet and suffer in silence. One will just hope that this situation improves, and perhaps think about going back, because any day this present situation may return to the chaos that we witnessed.¹⁴⁴

There are also fears that once out of jail, the arrested may attempt revenge by attacking foreign nationals.

As for a way forward, the councillor expressed the need for the government to educate, inform and consult with its citizenry about the national and regional migration laws and policies. He observed:

I think opening Southern African borders must be addressed carefully. Government must sensitise South Africans on challenges we face as a country and as a continent. People should be told they won't be foreigners if they go somewhere else on the continent. This should be a lesson to prepare the nation.¹⁴⁵

¹⁴⁴ Interview with respondent M2X2. Madela 2, 25 August 2008.

¹⁴⁵ Interview with the Ward 8 Councillor. Tembisa Municipal offices, 22 August 2008

MAIN FINDINGS IN MADELA 2

- Tensions among different population groups
- Relatively strong political opposition
- Lack of trust in local leadership institutions
- Infighting among local leadership institutions
- Local leaders' possible involvement or support of xenophobic violence
- Late intervention by the police but arresting most perpetrators and warning residents may have served as a deterrent for future violence
- Residents in general did not support the violence and this could be one of the reasons why return was possible
- Good and timely aftermath intervention by local leadership and traditional leaders
- Residents tolerate foreign nationals but do not really want them in the area
- Concerns that residents have no knowledge about the country's immigration laws and are not consulted or informed about government decisions and policies
- Foreign nationals still abused/discriminated against and living in fear

CASE STUDY V: MADELAKUFA I (TEMBISA, EKURHULENI) (NON-AFFECTED AREA)

Background information

Established in the late 1980s, Madelakufa 1 (Madela 1) is an informal settlement located a few hundred meters away from the Tembisa Municipality offices. It falls under Ward 6 of the Ekurhuleni Metropolitan Municipality. According to a 2005 audit, there were about 942 shacks and +/- 3000 people in Madela 1. The ward councillor believed however that many more shacks had been built and many more people moved into the area after the audit.¹⁴⁶ The housing in the area is exclusively informal. There is free communal tap water but no toilets or electricity. The councillor reported that this was due to the fact that Madela 1 was not an approved residential area and most people were to be relocated to RDP houses soon. Like in other informal settlements, there were fears that relocating people into RDP areas would not make the area less congested or the informal settlement disappear all together because, instead of demolishing their shacks, relocated people leave them to their other family members or rent them out to newcomers. The area is nevertheless less congested and less filthy compared to the neighbouring Madela 2 (the area of Tembisa most affected by the May violence). The two informal settlements are separated just by a road passing through, but fall under different wards (6 and 8 respectively).

The population in the area is very mixed. There are Zulus, Xhosas, Tsongas, Shangaans, Pedis and Sothos. There seems to be no obvious dominant population group. The councillor believed Zulus and Xhosas were the dominant groups with more or less equal numbers. Respondents reported that, apart from inevitable individual conflicts, there were no major tensions among different population groups. The foreign population was estimated at 35% according to the councillor, who also reported that the numbers were increasing. "To determine the influx is very difficult, but the influx is there,"¹⁴⁷ he said. Respondents report that foreign nationals, particularly Zimbabweans and Mozambicans, were among the first people to live in the area. Indeed some of the foreign respondents we spoke to lived in the area for more than 15 years.

¹⁴⁶ Interview with Ward 6 Councillor. Tembisa Municipal Offices, 19 September 2008.

¹⁴⁷ Ibid

Local respondents reported that they did not have problems living with foreign nationals in the area. They perceived them as normal people who were also struggling to make a living. As a South African man indicated: “We see them as normal people who came here for jobs, that is how I see them. We live in peace with them; we don’t have problems with them.”¹⁴⁸ He also reported that the issue of foreign nationals committing crime was resolved in community meetings and believed it is the government that should be blamed if foreign nationals have RDP houses. He said:

We did experience criminal activities in the area, that was a long time ago and some of those perpetrators were migrants. Then we called several meetings and addressed this issue. Those meetings helped a lot because we are able to live in peace with them. [...] RDP houses, ...you see, I cannot comment much on that, that is a government problem because these officials are the ones who sell these houses to foreigners. So that is a problem which the government needs to resolve.¹⁴⁹

Foreign respondents also reported that they lived in peace with their local neighbours and had access to available services like everybody else. They did not seem to mind when they occasionally received verbal abuse. A single mother from Mozambique stated:

That is a fact of life. The key is to exercise self control. It really does not matter what other people are going to say. That is why we did not trouble each other in May because we are all here in Gauteng for the same reason, which is to get money.¹⁵⁰

The area is exclusively ANC. Local residents shared the councillor’s view that “...there are no other parties” in Madela 1.

In addition to a lack of proper housing and sanitation, unemployment and ensuing poverty were reported to be the most bitterly felt problems in the area. According to the councillor, 40% of the Madela 1’s population were unemployed. Crime was also mentioned but did not seem to be a major concern. Most people in the area survived on part-time jobs, others on small businesses (spaza shops and street vending) or government grants.

¹⁴⁸ Interview with respondent M1G1. Madela 1, 16 September 2008

¹⁴⁹ Ibid

¹⁵⁰ Interview with respondent M1X1. Madela 1, 16 September 2008

Leadership and conflict resolution

According to the councillor, the following structures were operational in Madela 1: Street Committees, Block Committees, Sectional Committee, Developmental Committee, Ward Committee and CPF. He reported that apart from the CPF, all these were ANC structures. Some committees were borne out of other committees and consequently some individuals served in different committees. The only structures residents seemed to be aware of were street committees and the CPF. Most respondents reported that street committee members get elected by the community. A South African woman stated:

They are all elected by residents. The community does not elect them into specific portfolios, once a committee has been elected, it meets and discusses various portfolios. A person is elected by the community because there is a belief that she/he can make a contribution in making better life for the community.¹⁵¹

Street committees dealt with socio-economic problems and conflicts in the community while the CPF's primary role was fighting crime in collaboration with the local police.

Respondents and the councillor reported a good relationship between the members of the community and their leaders. There was however a cloud of suspicion between the CPF and the local police, although the two were said to work together to fight crime in the area. Asked about their relationship with the police, the CPF Chairperson said:

Mmmmm... I am not going to buy your face. It is just about there. The police as individuals, everybody has his/her own issues. Some accept us and some do not want to accept us. Some see us as a threat and some see us as friends because we work together but it is not always the same, I must tell you that.¹⁵²

With regard to conflict resolution, respondents reported that residents reported to street committees when there was a problem or a conflict. Crime was reported to the CPF. According to the CPF Chairperson, the CPF patrollers get trained by the Department of Community Safety. They have the right to arrest criminals like any other citizen (citizens' arrest) but sometimes get frustrated when the police

¹⁵¹ Interview with respondent M1D1. Madela 1, 16 September 2008.

¹⁵² Interview the Tembisa CPF Chairperson. Tembisa police station, 18 August 2008

does not provide the much needed backup or when the criminals get released back into the community without being punished for the crime they were accused of committing.

May 2008 violence

Knowledge of and attitudes towards the violence

Respondents in Madela 1 were well aware of the May 2008 violence against foreign nationals, particularly the events that took place in Madela 2. They were aware that in Madela 2 (like in other places), foreign nationals were accused of being criminals, stealing wives and jobs, selling for low prices, etc. For some respondents some of those accusations had no substance. A South African woman said:

Again our education system did not encourage us to be able to do odd jobs. Look at Buccaneer from Mozambique, he is fixing cars. How does he do it? I was at a meeting yesterday discussing projects. People do not want to do hard jobs, there is this view that some jobs are reserved for foreigners, things such as “I won’t be a shoemaker”; “I won’t fix cars” and so on. People say I have standard 10 and what what ... these things do not work.¹⁵³

There was a general belief among respondents in Madela 1 that what happened in Madela 2 was purely criminal as foreign nationals that owned businesses were the primary target. The councillor shared this opinion. He stated:

In own opinion, this was just pure criminal element. Not all foreigners were attacked. Not all foreigners ran away. Most foreigners who were attacked, their spazas were targeted... if the spaza was big and it attracted more customers. There are some I know who owned just small spaza shops they were not attacked. That is why I say in my opinion it was just pure criminal activity.¹⁵⁴

Why were foreign nationals not attacked in Madela 1?

From all respondents, locals and foreign nationals, it was very clear that local leaders, with support from the police, played a crucial role in preventing violence against foreign nationals in Madela 1. Groups from Madela 2 attempted to attack foreign nationals in the area but were stopped by the residents and

¹⁵³ Interview with respondent M1D1. Madela 1, 16 September 2008.

¹⁵⁴ Interview with Ward 6 Councillor. Tembisa Municipal Offices, 19 September 2008.

the leaders after they had agreed in a meeting that they did not want violence in the area. This resistance was arguably organised due to the good relationship that existed between locals and foreign nationals (as locals did not see any reason why foreign nationals should be attacked and chased away) but also to the highly diverse nature of the community. As in Sector 5 in Alexandra, there were fears that attackers would not have been able to differentiate foreign nationals from South Africans and so the whole community would have been affected. In the following quotes, respondents narrated what happened.

Leaders here met and resolved that what we see in other areas, we certainly do not want to see it happening here. We started this area with foreigners and we said nothing has changed and we see no reason why we should fight foreigners. [...] We had a general meeting and we agreed as the community that no one would be attacked and no one would be told to leave the area. [...] Another factor here is that leaders are very much respected. If you are a leader you must respect the community and the community shall respect you. When our leaders say we do not want this, we also do not want violence. For us to ensure that this violence does not happen, we decided to close entrances to Madela 1.¹⁵⁵

We asked them how they will differentiate between migrants' shacks and South Africans' shacks. We also reminded them that, this is an informal settlement and the shacks are close to each other, if they burn one shack, the whole place catches fire. [...] Yes, they did come in here, but as the men of this community, we formed barricades and stopped them from entering this place. There are only two entrances, one is the side of the police station and the other is the side of the green sale, vegetable stand. So they decided to use the vegetable stand. We were waiting there on the other entrance and we reasoned with them.¹⁵⁶

Having noted the role of the local leaders in preventing violence in Madela 2, we still asked if there were other fundamental differences between Madela 1 and Madela 2. The two informal settlements are in close proximity and have more or less the same socio-economic conditions. According to residents of Madela 1, tribalism and a leadership crisis were reported to be the main factors that enabled violence in Madela 2 as the following respondents stated:

¹⁵⁵ Interview with respondent M1D1. Madela 1, 16 September 2008.

¹⁵⁶ Interview with respondent M1G1. Madela 1, 18 September 2008.

In Madela 2 there is a big mix of people who themselves are not united, leadership and community are not on the same page. They do not get along. Madela 2 is too congested and that is one of the reasons why they do not get along. It is so easy for people to be at each other's toes. There are Pedis, AmaShangaane, Zulus and Xhosas and within these people there is a leadership crisis. All these groups are fighting for the control of the committees. That is why you found that foreigners found themselves in big trouble because they did not take part in these committees. Then foreigners from Mozambique also had their own leadership. They all refuse to be controlled by the other group and that is why violence erupted. Instead of solving this as leadership, you must remember I told you that leadership is fragmented on ethnic lines, violence erupted. Now thugs took advantage of the situation and they started spreading statements that AmaShangaane must go. [...] I'll tell you why. In Madelakufa 2 there is this thing of tribalism. There are Xhosas in fact. They are the ones who feel they are running the show there. These are people who perpetrated crime during those days. Like they said to the people "You must pay us protection fee", you must know about that, R 500. [...] In Madela 1, I call it a cosmopolitan section if you understand what I am saying. Now, you know it is like a territory, in a territory there must be people who are running a territory. Now in Madela 1, there is no one group that will say it is running Madela 1 but in Madela 2, there is one tribe that says we run this place.¹⁵⁷

In Madela 2 you find there are UDM members and ANC members. So that tends to create problems. So in Madela 1, all people who live there are ANC members. [...] Mainly in Madela 2, there are Xhosa speaking people who also belong to the UDM party ... Also there was no leader who was leading them... whereas in Madela 1, there are members of the ANC. So in Madela 2 tribalism is very strong but it is hidden under party affiliations.¹⁵⁸

Foreign respondents confirmed that local leaders were instrumental in preventing xenophobic violence in Madela 2. They were very appreciative of how local leaders protected them and how they handled the situation in general. A Mozambican woman reported:

I can say that there was just one tuck-shop that was attacked and vandalised, but in my opinion, we here value so much the work of the street committees in this place; they work

¹⁵⁷ Interview the Tembisa CPF Chairperson. Tembisa police station, 18 August 2008

¹⁵⁸ Interview with Ward 6 Councillor. Tembisa Municipal Offices, 19 September 2008.

for us. During the times of the trouble, they were not sleeping; we have neighbours that are in the street committees, they were not sleeping for the whole time until [...] They were patrolling at night, blocking all the entry points into this place until the violence was over [...] We would hear them at night...we would be asleep by then; they were telling us to not come out of our houses, that we should sleep. We would sleep until the next day, knowing that the street committees were working.¹⁵⁹

Another Mozambican resident shared the same view:

There was a meeting on Friday when the 'comrades' from that side [Madela 2] came here and tried to convince the 'comrades' here to lead the campaign in forcing the foreigners to leave, but what happened was they told them that 'we have struggled with these people for so long, we cannot turn against them'.¹⁶⁰

A few foreign nationals left Madela 2 and ran to the police station out of fear. They came back a few days later after realising that violence was only confined to Madela 2. They reported feeling free and safe and have no plans to leave the area any time soon. A Mozambican said:

We do not think about it anymore. I feel free even when I walk outside here. We were able, together with the street committees, to control the violence. Even right now when I have a problem I approach the street committees and they will take care of it.¹⁶¹

¹⁵⁹ Interview with respondent M1X2. Madela 1, 19 September 2008.

¹⁶⁰ Interview with respondent M1X1. Madela 1, 16 September 2008.

¹⁶¹ Ibid

MAIN FINDINGS IN MADELA 1

- Mixed population with no obvious dominant group that claims ownership of the space
- Single political party
- Trusted community leaders
- Continued positive interactions between locals and foreign nationals
- Attempt by external elements to influence violence in the area
- Community leaders (street committees) played a key role in preventing violence to protect foreign nationals but also the community as a whole
- Foreign nationals in the area felt safe and protected

COMPARING MADELA 1 TO MADELA 2 (THE MOST AFFECTED AREA IN TEMBISA)

- Tribalism and tensions among different population groups in Madela 2
- Political opposition in Madela 2; single party in Madela 1
- Infighting among community leaders (leadership crisis) in Madela 2
- Community leaders involved in the violence in Madela 2
- Foreign nationals back in Madela 2 but lived in fear that violence may erupt again

CASE STUDY VI: RAMAPHOSA (REIGER PARK, EKURHULENI)

Background information

In existence since 1994, Ramaphosa is a mixed residential area. It consists of both formal (RDP houses) and informal (shacks) residential sections commonly known as 'Stands' and 'Reserve' sections respectively. It is situated on the East Rand, in the Reiger Park area and is part of Ward 42 of the Ekurhuleni Metropolitan Municipality. It has a mixed population including Xhosas, Pedis, Zulus, Vendas, Shangaans, and Coloureds. Xhosas are said to be the majority. Prior to the violence, the area was also host to a significant number of foreign nationals, making up approximately ten per cent of the total population, according to the local ward councillor.¹⁶² The largest group of foreign nationals were reportedly Mozambican nationals. There were also Zimbabweans, Malawians and Somalis. The residents of the area, particularly the Reserve Section, reported that they were faced with severe challenges of poverty due to unemployment and poor service delivery as well as violent crime including murder and rape. The existing leadership structures include a Ward Committee, Street Committees and a Community Policing Forum. The ward committee is led by a DA councillor, since even though Ramaphosa is said to be predominantly ANC-supporting, it falls under the greater Reiger Park area populated predominantly by White and Coloured DA supporters.

Profile of May 2008 Violence

According to ward committee members, violence started in the 'Reserve' in the night of Friday, 16 May 2009 and lasted five days.¹⁶³ Like in other affected areas, the violence targeted all foreign nationals residing in the area regardless of nationality, age or gender. "In the first place they wanted to kill only men but later on they turned to women also. They started beating up women and children, in fact some were killed", stated a South African woman.¹⁶⁴ Ward committee members reported that twelve people including five South Africans were killed, several injured and hundreds displaced. Some of those killed

¹⁶² Interview with Ward 42 Councillor. Reiger Park, 29 October 2008

¹⁶³ Focus group interview with ward committee members. Ramaphosa, 30 October 2008

¹⁶⁴ Interview with respondent RD1. Ramaphosa, 27 October 2008

were burned alive. Other sources estimated the number of deaths to be between 27 and 30.¹⁶⁵ All sources confirmed that South Africans also died during the violence. Some were mistaken for foreign nationals and others were killed by foreign nationals because “they [foreign nationals] were fighting back”.¹⁶⁶ No rape incidences were reported. Shacks, houses, property and businesses belonging to foreign nationals were looted, destroyed, burnt down or appropriated by local residents. Violence also spread to the ‘Stands’ section and foreign nationals who were living in RDP houses were also evicted. According to respondents, violence stopped only when all foreign nationals had left Ramaphosa. The victims initially sought refuge at the nearby Reiger Park police station. Subsequently some returned to their home countries while others changed places of residence. Many reportedly moved to an area called Far East in Boksburg.

Underlying causes and triggers

According to South African respondents, before the May 2008 violence the relationships between locals and foreign nationals were fairly good. A South African man indicated:

People were okay with the foreigners; there were no problems because even on the day preceding the attacks the Mozambicans were selling their wares as usual with no sign of unrest. No one knew about any plot to attack foreigners. Even the foreigners never felt threatened but they are the ones who started the whole issue of attacks [...].¹⁶⁷

We were unfortunately not able to reach any foreign nationals to get their views on the nature of their interactions with locals. All foreign nationals had left the area and the few who had reportedly returned to Ramaphosa were not reachable.

Other respondents however reported that some locals entertained negative attitudes and perceptions towards foreign nationals prior to the violence, whom they blamed for high crime rates and for stealing jobs and business opportunities. Most respondents found these claims unfounded. A woman stated:

¹⁶⁵ Interview with the manager of I Temba Victim Support (NGO). Reiger Park, 31 October 2008

¹⁶⁶ Ibid.

¹⁶⁷ Interview with respondent RK2. Ramaphosa, 29 October 2008

Yeah, they were accusing people from Zimbabwe and Maputo of stealing. They also accused them of taking their wives, jobs and stealing. Now they are gone but stealing continues. People do not want to understand, South Africans steal also but they do not want to hear that. Even today, Amashangane¹⁶⁸ do not come here in Ramaphosa because they are scared, but stealing continues.¹⁶⁹

Most respondents believed these attitudes had nothing to do with the violence, which they reported was triggered by foreign nationals themselves. Accounts vary with different sources, but the common version is that foreign nationals, after seeing what was happening in other areas such as Alexandra, started having meetings to find ways of protecting themselves should the violence reach Ramaphosa. "They saw this on television and because they were scared, that's when they started protecting themselves", said a South African woman.¹⁷⁰ In this process, foreign nationals allegedly started beating and killing locals, which angered the residents and led to retaliation as a ward committee member explained:

On Friday, they started beating locals, they killed one person. On Saturday evening the killers who had disappeared came back to continue their job; they were beating up locals because they were beaten in Alex. On Sunday morning we tried to defend ourselves; we came together to decide to chase them away because they were killing us. [...] what happened? We beat them; we were not going to talk to them nicely; we went where they were gathered; we went to their shacks and burnt them. [...] our targets were men, they are the ones who started beating us. Even those who were not involved were attacked because they were foreigners. All men in the area participated, they armed themselves with sticks or anything they could find and moved around looking for foreigners.¹⁷¹

Respondents confirmed the suggestion made in the statement above that the attacks on foreign nationals in Ramaphosa were organised and led by the local ward committee. It is indeed the committee that called the meeting and called upon the residents to start fighting all foreign nationals in the name of self-defence. A man who participated in the attacks stated:

¹⁶⁸ 'Amashangane' is a common name for all foreigners in the area

¹⁶⁹ Interview with respondent RD1. Ramaphosa, 27 October 2008

¹⁷⁰ Interview with respondent RG1. Ramaphosa, 29 October 2008

¹⁷¹ Focus group interview with ward committee members. Ramaphosa, 30 October 2008

It was a normal community meeting called by our leaders. It was said we must approach Amashangane because they are fighting us. We must go and fight them also. We went to them straight and war broke out. We killed some and some of our people were killed.¹⁷²

The local ward councillor was not aware of any killings of South Africans by foreign nationals. "It is the first time we hear this", he said.¹⁷³ He believed the self-defence story was fed to residents by 'ring-leaders' he did not want to identify. A female respondent agreed: "Amashangane did not start anything. It was us black people who started killing Shangaans. This is how they were removed."¹⁷⁴

Interventions to prevent/stop the violence

The police

Despite making efforts, the police were not able to stop the violence in Ramaphosa. Violence only stopped when all foreign nationals had fled the area, as a local woman stated:

It stopped when all the foreigners had fled to Reiger Park. Even Robert McBride¹⁷⁵ came to this place to try and restore calm but he failed. [...] The police tried and failed. Even notable people like McBride and Winnie Mandela came to this place but the violence did not stop.¹⁷⁶

The police were however reportedly able to evacuate foreign nationals from the area, and some with their property. "They spoke to people asking them to stop killing other people. They then took Shangaans to the police station. If they knew you were a foreigner, they took you to the police station" said another woman.¹⁷⁷ According to the councillor, 34 people were arrested but all were out on bail. More than five months after the violence, there seemed to be no sign of subsequent legal process; at least nothing the councillor was aware of. "[...] they all got out on bail and nothing more in terms of court appearances", he stated.¹⁷⁸ Efforts to speak to the local police to get details on their response to

¹⁷² Interview with respondent RD2. Ramaphosa, 29 October 2008

¹⁷³ Interview with Ward 42 Councillor. Reiger Park, 29 October 2008.

¹⁷⁴ Interview with respondent RD6. Ramaphosa, 31 October 2008

¹⁷⁵ Robert McBride is the former Ekurhuleni Metro police chief.

¹⁷⁶ Interview with respondent RK4. Ramaphosa, 31 October 2008

¹⁷⁷ Interview with respondent RD6. Ramaphosa, 31 October 2008

¹⁷⁸ Interview with Ward 42 Councillor. Reiger Park, 29 October 2008

the violence were not successful. They required permission from the police provincial office, which the research team could not get in time.

Local government authorities and political leaders

According to most respondents, the local authority did nothing to try to stop the violence. This is hardly surprising as the local ward committee leaders were allegedly the ones responsible for organising the attacks. The DA local councillor did not seem to have a good working relationship with the residents and admitted his own (perceived) vulnerability and lack of influence by stating: "I used to go there for meetings every week, but meetings started turning ugly, it was too much, I was the only white guy there. I do not want to die helping."¹⁷⁹

Voluntary repatriation

Respondents reported that while the displaced victims of the violence were still staying in community halls, the local authority organised repatriation buses for those who wished to return to their home countries. A witness reported:

The victims fled to the civic centre and later the councillor helped those who wanted to go back. Instructions came from the top structures, they did not force them. A lot of buses came and many people were taken to their countries.¹⁸⁰

Return and Reintegration

Local leaders and respondents in general reported that the residents did not want foreign nationals back in Ramaphosa. Some reported that a few foreign nationals had started coming back, and expressed their displeasure about this. At the time of the fieldwork the residents were planning a general meeting to discuss ways of forcing foreign nationals out once again. A ward committee member expressed the concern:

¹⁷⁹ Ibid

¹⁸⁰ Interview with the manager of I Temba Victim Support (NGO). Reiger Park, 31 October 2008

But some of them are coming back and there have not been any discussions with the community on whether they should come back or not. We do not know who is letting them back into the community because as people of Ramaphosa we do not want them here.¹⁸¹

According to many respondents, the main stumbling block for foreign nationals' return was the fact that the locals had appropriated their properties and feared that they would attempt to claim them back. A South African man shared this worry:

[...] the problem is that; if they come back and demand their property from their former neighbours fighting would erupt. [...] You know how people are; obviously if I took someone's property there is no way I would want to see them back because they might want to reclaim what belongs to them.¹⁸²

RDP houses vacated by foreign nationals were also to be reallocated soon. A woman stated: "Another issue is about RDP houses where foreign nationals were removed. Our committees had stated that there will be a meeting to decide how the empty RDP houses will be allocated."¹⁸³

In addition to the resistance caused by property appropriation, the locals seemed to be very bitter about the lack of a comprehensive government response to the violence. "If the government continues to neglect us the way it has always done, this unfortunate incident might recur," said another woman.¹⁸⁴ They believed that they were treated unfairly and labelled as irrational by politicians who did not even understand how the violence started. "The way they came and the way they spoke to us indicated that they had made their conclusions and believed that people from Ramaphosa are not reasonable", the same woman felt.¹⁸⁵ Respondents reported that the residents wanted an apology and a proper handling of the issue on the part of government. Until then, local residents were determined not to allow the foreign nationals back and even to once again chase away those who had started returning discretely.

¹⁸¹ Interview with a female ward committee member. Ramaphosa, 30 October 2008

¹⁸² Interview with respondent RK2. Ramaphosa, 29 October 2008

¹⁸³ Interview with respondent RD6. Ramaphosa, 31 October 2008

¹⁸⁴ Interview with respondent RK1. Ramaphosa, 30 October 2008

¹⁸⁵ Ibid

MAIN FINDINGS IN RAMAPHOSA

- Evidence of involvement of and incitement by local leaders (ward committee)
- Lack of effective response by the police: not able to stop the violence and protect foreign nationals' lives and livelihoods
- Unusual consensus that violence was a community response to killings of locals by foreign nationals (self-defence)
- Absence of local government: inability of the White DA councillor to exercise authority in a Black, ANC-supporting area
- Deportation or repatriation of victims
- Return/reintegration impossible or risky
- No interviews with foreign nationals were possible

CASE STUDY VII: ITIRELENG (TSHWANE)

Violence in Itireleng occurred in February 2008 and so preceded the wave of attacks which swept through the country in May 2008. Nonetheless it was an example of large-scale violence and displacement which followed many of the same patterns as those found elsewhere in May.

Background information

Itireleng is an informal settlement situated in Laudium on the west of the Tshwane Metropolitan Municipality. It is part of Ward 61 of the municipality. It was established in the 1980s in what used to be a scrap yard and currently has about 3000-3500 shacks with a population estimated at 10 000. As of mid-2009, the government had not decided on its residential status; it is not clear whether it will be declared a residential area or whether people will be moved. Surveys conducted by geotechnical teams have apparently concluded that the soil is not appropriate for human habitation.

The area has a mixed population. Pedis (from Pietersburg) are said to be the dominant group followed by Xhosa-speakers. There also Vendas, Tswanas, Shangaans, Zulus and Ndebeles.¹⁸⁶ There are reportedly ethnic tensions between these population groups with the majority Pedis claiming ownership of the location and threatening to chase other groups away. Before the violence in February 2008, the informal settlement was also host to a significant number¹⁸⁷ of foreign nationals including Zimbabweans, Mozambicans and Malawians.

The main challenges the residents faces include: poverty, unemployment, crime, lack of electricity, and lack of proper housing, sanitation and sewage system. According to the councillor, the unemployment rate is estimated at 70% in the area.¹⁸⁸ Those employed mostly work in nearby towns and suburban areas as domestic workers, gardeners, security guards, or shop assistants, mostly in part-time and short-term jobs. Some of the unemployed survive on donations, grants and renting out shacks and/or stands in their yards while others run small businesses including spaza shops, shebeens and street vending. The

¹⁸⁶ See footnote 8 above.

¹⁸⁷ Respondents and local authorities believe that there were many foreign nationals in the area but were not able to provide the exact number or close estimates.

¹⁸⁸ Interview with the local councillor. Laudium, 7 August 2008

area has public or street lights, communal water taps and mobile toilets that are visibly not regularly emptied. The informal settlement is surrounded by a wealthy (predominantly Indian) business area (Laudium). That is where residents of Itireleng go for services such as clinics, schools, churches and all other municipal services. The police station is at about 3 km from the informal settlement.

Leadership and conflict resolution

Ward Committee

Itireleng has a 100% Black population but has an Indian Councillor as it is part of the bigger Laudium area with a predominantly Indian population. It used to be represented in the ward council by two local ward committee members but, at the time of the research, it had only one representative. The other had passed away and was yet to be replaced.

The 'comrades'

While the ward committee is the formal local leadership structure, the real community leadership is exercised by the 'comrades'; a self-elected committee that calls itself the 'Sub-Committee for Development.' The Committee had chased the ward committee from the office at the 'gate'.¹⁸⁹ The remaining Itireleng ward committee member operated from her private home. She still provided services such as registration for indigence grants, but most people seem to go to the 'comrades' - the now more powerful parallel structure - for services. Asked how 'comrades' were elected, a female South African respondent said: "We have no idea, we started seeing 'comrades' operating ... they elected themselves. We no longer see our leaders, we see 'comrades'."¹⁹⁰ Similarly a South African male respondent stated: "We did not elect this committee; they volunteered to help the community with any arising matters such as crime, water, conflict in the family, etc."¹⁹¹ The 'comrades' indicated that they volunteered to help because the residents was tired of the incompetence, nepotism and misuse of funds by the ward committee.

While some in the residents believed that the 'comrades' helped in solving problems, others in the residents did not trust them because of their "illegal activities": reportedly they claim to be volunteers

¹⁸⁹ The main entry point into the informal settlement

¹⁹⁰ Interview with respondent ID4. Itireleng, 8 August 2008.

¹⁹¹ Interview with respondent IG11. Itireleng, 6 August 2008

but they sometimes charge for their services and demand bribes from residents. They also reportedly demanded that residents of the settlement pay a protection fee of R5 from each shack, which some residents members refuse to pay. A South African man stated:

You see, when you go to them and tell them about any problem that you have, they normally want a bribe from you before they can help you.[...] We report to them issues like crime ...I can say mostly crime or if we have problems with running water. When you go to them before they can go and hunt those thugs, they want a bribe from you before they can help.¹⁹²

Most respondents indicated that the residents in general did not trust the elected local leadership because of corruption, incompetence and unfulfilled promises with regard to service delivery. There is also a high level of mutual mistrust among local leadership structures. The 'comrades' accused the ward council of being corrupt, nepotistic, incompetent and causing divisions in the community. The ward committee member on the other hand believed that the 'comrades' were criminals who 'hijacked' the community leadership position for personal interests. The councillor, who seemed to have implicitly accepted the 'comrades' as de facto community representatives (they were together in the office at the 'gate' when they received us the first time we arrived), was not happy about their role during the attacks.

Contrary to a general view that South Africans consider violence as an accepted way of solving any problem, it appears that residents of Itireleng chose to resort to violence only when relevant institutions and existing conflict resolution mechanisms failed to adequately address issues of their concern. The words of a South African male respondent are telling in this regard: "If there are no other ways of resolving these problems even after several meetings, violence seems to be the only voice we have left."¹⁹³ The Itireleng residents said they resorted to mob justice to deal with crime because the local police and authorities had failed to do so. The man just quoted continued:

¹⁹² Interview with respondent IG1. Itireleng, 4 August 2008

¹⁹³ Interview with respondent IG11. Itireleng, 6 August 2008

... when a thief is caught we beat him hard and we take him to the committee to report what he has done. ... we as a community always give them the beatings. We are not necessarily organised; we do whatever it takes to protect ourselves in this regard.¹⁹⁴

Talking about the violence against foreign nationals, another South African man said: "Government is not thinking on our behalf. Government understands us only when we use violence."¹⁹⁵

Profile of February 2008 violence

Violence against foreign nationals in Itireleng started in the night of 18 February 2008 and ended on 22 February, according to the police. According to the ward councillor, after only one day (that is on 19 February), 40 spaza shops and several shacks had already been burnt down and looted. No deaths were recorded, although some foreign nationals sustained serious injuries. Violence targeted all foreign nationals irrespective of their nationality, gender, age, legal status or length of stay in the area. A respondent confirmed: "They attacked every foreigner, children and women. They were all attacked. Luckily, no one died in this area. Though someone was caught at the grounds and they poured petrol on him and they also forced him to drink petrol."¹⁹⁶

All foreign nationals were forcibly removed from the area. Some fled to nearby townships such as Laudium and Erasmia and others ran to the police station for safety. The councillor reported that about 300 foreign nationals were later housed at the Laudium Community Centre where they were provided with assistance for a number of days. Meanwhile "immigration officers came and took those who did not have papers to Lindela for repatriation," reported a Captain of the Laudium SAPS.¹⁹⁷ It is not clear how many among the victims of the attacks were found to be in the county illegally or were indeed deported. With regard to their property, all respondents reported that most shacks and spaza shops were vandalized and destroyed but later taken over by local residents. A respondent reported: "Well ... after we kicked them out of this place, people reassembled the shacks and continued to sell in the same

¹⁹⁴ Interview with respondent IG11. Itireleng, 6 August 2008

¹⁹⁵ Interview with respondent ID1. Itireleng, 4 August 2008

¹⁹⁶ Interview with respondent ID4. Itireleng, 8 August 2008

¹⁹⁷ Interview with a Captain of the Laudium SAPS. Laudium, 5 August 2008

shops.”¹⁹⁸ According to the councillor and the remaining ward committee member, it is the ‘comrades’ who sold foreign nationals’ shacks and spaza shops to locals and took the money for themselves. According to the councillor, some shacks were sold for R1500.

Perpetrators

“Not everybody had real reasons of fighting foreign nationals. This was started by few people and we all joined... Some of us do not have real reasons why we fought”, reported a 20 year old Pedi-speaking female.¹⁹⁹ While a significant number of residents (young and old, male and female) were voluntarily involved, it is evident from all respondents that it is the ‘comrades’ who organised and led the attacks on foreign nationals. Some of them were also among the arrested. The following statements support this:

The leaders at the gate led the fighting of foreigners. They had no option ... they must do what the community wants. If they don’t, we shall remove them. Some of them at the gate were arrested and they later came back. Police know they are the ones who led attacks on foreigners.²⁰⁰

‘Comrades’ were chasing people left and right.²⁰¹

We also suffered; ‘comrades’ from the gate came into our houses and broke our doors looking for foreigners. Our houses have not been fixed, but foreigners received assistance from government. We did not.²⁰²

According to the police, eleven suspects had been arrested by 22 March. They were held in custody for a week or so but on the day when the court hearing was to take place, residents organised a protest march to the court to get them released. All the suspects were released on that day as the court ruled that “the charges be partially withdrawn pending further investigation”, as stated by the Laudium SAPS Captain. Efforts to speak to the investigating officer were not fruitful but it was evident that no “further” investigation was being carried out and some residents were annoyed about it. “This nonsense of ‘comrades’ coming back without being charged is unfair, ... it sends signals that it is OK to attack

¹⁹⁸ Interview with respondent IG11. Itireleng, 6 August 2008

¹⁹⁹ Interview with respondent ID2. Itireleng, 4 August 2008

²⁰⁰ Interview with respondent ID2. Itireleng, 4 August 2008

²⁰¹ Interview with respondent ID4. Itireleng, 8 August 2008

²⁰² Interview with respondent ID1. Itireleng, 4 August 2008

foreigners” said a young South African woman.²⁰³ It also appears that local authorities supported the protest to get suspects released, as the same young woman suggested:

Police were useless, they did nothing. When Atteridgeville police arrested ‘comrades’, councillor told people that if they can go to the police station to demand that people be released, they will be released. So this sends signals that foreigners can be attacked and nothing will happen. The councillor advised them that if they can go there and tell the police that they did this as a group not as individuals.²⁰⁴

The ‘comrades’ denied that some of them were among the arrested; they however supported the residents decision to protest for the release of the suspects. One of them said “they did not do any harm ... they did not kill anybody, they were just chasing foreigners holding sticks, ...it was just xenophobic attacks; ...the warning from the magistrate was enough.”²⁰⁵ While the term ‘xenophobic’ might have been used loosely by the respondent (the interview was conducted in English), it was clear that ‘comrades’ believed that those who attacked and chased foreign nationals from the area did something good for the community and should not be prosecuted.

Underlying causes

Views expressed by most respondents point to a general perception that foreign nationals were to blame for all socio-economic ills the community was facing. Most residents strongly believed that the presence of foreign nationals in the area was the main cause of their socio-economic and safety concerns. Attacking and chasing them away was therefore seen as justified. The following is a brief discussion of some of the main reasons why respondents believe foreign nationals were attacked in February 2008.

Crime

Crime is the main issue residents complained about with regard to foreign nationals. Even with no substantive evidence, respondents seemed strongly convinced that most crime in the area was

²⁰³ Interview with respondent ID4. Itireleng, 8 August 2008

²⁰⁴ Ibid

²⁰⁵ Second interview with ‘comrades’. Itireleng, 7 August 2008

committed by foreign nationals. Specifically residents accused foreign nationals of being involved in house break-ins and of using 'muti'²⁰⁶ to enter houses invisible or make people 'dead' asleep. Other criminal activities foreign nationals are said to be involved in include the stealing and unlocking of cell phones. The lack of evidence did not seem to bother those with such strong beliefs. If anything it reinforced another belief that most foreign nationals in the area came into the county illegally; in their perception, since they have no papers they can supposedly not be traced when they commit crime. A South African man shared this view. He stated:

[...] But most of them came under a fence; they did not go through normal processes. These people's records are not in Pretoria, they have no fingerprints, and they steal cables and so on and no one can say it is them. There is no evidence because their details are not recorded in Pretoria.²⁰⁷

For some respondents, the 'community' is justified to take action because the government is not doing enough to protect the country from these 'illegal criminals'. A woman stated: "Foreigners entered the country illegally. The police are taking their time looking for documents. We do not want that, we simply say 'leave now, we don't want to even see your papers'".²⁰⁸ Similarly a man reported that residents were compensating for government failures. He stated: "... so if government is failing to stop them at the borders, we shall stop them here in Itireleng. We are not police; we do not ask for passports, they are forged anyway."²⁰⁹

There are however some in the residents who do not think that crime was necessarily caused by foreign nationals and who do not share the view that crime has gone down after foreign nationals were removed. A young woman, for example, said:

When foreigners were here, they said foreigners are responsible. Foreigners are gone but every day we get reports that someone was robbed and beaten. They still do house break-

²⁰⁶ Muti is a term meaning traditional medicine, sometimes used to curse or confuse people.

²⁰⁷ Interview with respondent ID3. Itireleng, 4 August 2008

²⁰⁸ Interview with respondent ID2. Itireleng, 4 August 2008

²⁰⁹ Interview with respondent ID1. Itireleng, 4 August 2008

ins at night; we wake up without food and money. Foreigners are gone; they can't keep telling us it is foreigners who are committing crime.²¹⁰

This view was shared by a local church Pastor who believed that crime (and the risk of being arrested) was the last thing in which a poor migrant who was trying to survive and to find ways of supporting his family back home would want to be involved.²¹¹ The police stated that most crime in the area (especially the theft of copper cables) was committed by local South African citizens although some foreign nationals are also involved; most of the time working with or for South African ring leaders.

Property ownership

Foreign nationals were further accused of illegally owning shacks and stands in the informal settlement. The issue did not seem to be how they acquired them, but rather whether or not it is legal or allowed for them to live and own 'things' in the area. A South African woman reported that this was not a big issue in the past. She stated: "When this place started, there were no issues. Anyone could come and build a shack. A number of them when they became aware of this built their shacks. There were no questions asked."²¹² Other respondents were adamant that foreign nationals were not allowed to own stands. One said:

[...] Most are renting like us but about 15 or 20 have stands of their own. These 15 or 20 came with us nine years ago. They got the stands for free but they are not allowed to own stands. The manner in which they got these stands is questionable.²¹³

The 'comrades' are even more categorical. "...the Constitution does not allow foreigners to live in informal settlements,"²¹⁴ said one of them.

This, coupled with the above-mentioned unwillingness to distinguish between legal and illegal migrants, illustrates local residents' and their leaders' limited knowledge and understanding of the country's immigration laws and policies.

²¹⁰ Interview with respondent ID4. Itireleng, 8 August 2008

²¹¹ Interview with the pastor of a local church. Laudium, 7 August 2008

²¹² Interview with respondent ID4. Itireleng, 8 August 2008

²¹³ Interview with respondent ID1. Itireleng, 4 August 2008

²¹⁴ Second interview with 'comrades'. Itireleng, 7 August 2008

Job competition

Local residents complained that they are not getting jobs because of foreign nationals. According to respondents, employers prefer to hire foreign nationals because they settle for low wages (perceived to be sometimes as little as R30/day). The words of this South African man encapsulate the residents' feelings:

[...] When a white man takes five people for employment, about three are foreigners and two South Africans. On arrival at the firm, a white man asks 'how much do you want?' Foreigners always quote a small amount. ...When South Africans state their money, which is normal, employers say no, they will employ foreigners because they accept small money. The result is high employment of South Africans because whites have resolved that the best is to hire foreigners.²¹⁵

Some employers agree that they sometimes prefer hiring foreign nationals not only because they charged reasonable wages but also and more importantly because they were more skilled, more hardworking and less troublesome. As an example, the local church pastor reports to once have preferred hiring a foreigner over a South African because the latter was asking for too much money. He said: "... if there is an available alternative, no one would want to hire somebody who starts by reading you the Labour Act instead of showing ability and interest in the job at hand first."²¹⁶

Other accusations which residents stated against foreign nationals included:

- Undermining local businesses by charging low prices in their spaza shops. Respondents reported that foreign owned spaza shops were relatively cheaper;
- Accessing social grants using fraudulent IDs;
- Bringing many unknown diseases: "our children are dying" (Respondent ID4)
- Stealing women: foreign nationals were said to be 'fast' on women and to have no respect for married women;
- Lack of participation or involvement in local practices and struggles: foreign nationals did not attend community meetings nor did they take part in service delivery protests. They supposedly "just waited" to benefit from the services once these were delivered.

²¹⁵ Interview with respondent ID8. Itireleng, 8 August 2008

²¹⁶ Interview with the pastor of a local church. Laudium, 7 August 2008

Triggers

What turned the above long-standing tensions into violent attacks on 18 February 2008?

In relation to 'explanations' for the violence put forward by various analysts in the immediate aftermath of the violence (as discussed in more detail in section 'summary and discussion of main findings' below), there was no evidence of the following:

- *“Third force”*: attacks on foreign nationals were organised and led by internal elements (comrades whose motivations are briefly discussed above) and it did not appear that any external force was behind them.
- *Mass influx*: no large number of new arrivals to Itireleng was recorded during the period preceding the violence.
- *Significant increases in crime rates*: There were mixed reactions from respondents regarding perceptions of rising crime rates. Some said crime had always been a problem and is still was even after foreign nationals were chased out of the settlement. Further, there was no evidence to suggest that at any point most crimes in the area were committed by foreign nationals.
- *Changes in national political leadership*: while residents seemed disappointed in the current government due to poor service delivery and 'empty promises' and expressed hope for the best in relation to the then forthcoming Zuma Presidency, there seemed to be no direct connection between the change in political leadership and the February violence. It appears that even before the political changes in the ANC, there was no strong community leadership and the residents did not consider or perceive local government (e.g. the ward council) to be useful or legitimate.
- *Food prices*: Most respondents seemed to understand that hikes in food and basic commodity prices in 2009 were a global phenomenon. Some felt however that the presence of foreign nationals made the situation worse for local residents. A number of South African residents stated they and other residents could not afford to buy food because they were losing jobs and businesses to foreign nationals. A South African man said: “Yes.....according to me I can say

this could be some of the many factors contributing..... these things are expensive.....and there are people who cannot afford to buy food given the lack of jobs.....”²¹⁷

More convincing triggers of the February 2008 violence included:

- *Community leadership as a lucrative business:* It appeared that ‘comrades’ organised and led the attacks on foreign nationals for personal interests. Given the perceived vacuum in community leadership, helping to remove the unwanted foreign nationals earned them legitimacy as community leaders. Given how the ‘comrades’ exercised their leadership roles, community leadership was at least partly conceived as an income generating activity for unemployed youth. This is what a young woman had to say when asked who the ‘comrades’ were: “We do not know. They are unemployed youth. At times they came and said they helped us to remove foreigners and therefore we must contribute R5.”²¹⁸ This is in addition to the other fees and the bribes they charged residents for their services. They are further said to have sold foreign nationals’ shacks and property. After the violence, foreign nationals with South African families who wished to visit them in Itireleng were reportedly charged R20-R30 per visit by the ‘comrades.’
- *Fight in a shebeen*²¹⁹: A small number of respondents believed that the violence was sparked by a fight in a shebeen between a foreigner and a South African youth. After losing the fight, the South African boy, who apparently belongs to the ‘comrades group’, allegedly asked his friends to avenge him by removing all foreign nationals from the area. The comrades then supposedly called a meeting to influence the residents to support the removal of foreign nationals. This story could not be definitely confirmed through our research.

Events that preceded the attacks

There was a general consensus that violence against foreign nationals in Itireleng immediately followed an organised community meeting called by ‘comrades’ in the night of 17 February 2008. This meeting

²¹⁷ Interview with respondent IT10. Itireleng, 8 August 2008

²¹⁸ Interview with respondent ID4. Itireleng, 8 August 2008

²¹⁹ A shebeen is an informal drinking place in a township.

had been preceded by a series of other meetings in which the issue of foreign nationals was discussed. The following is the account of events as remembered the local ward committee member in an interview on 7 February 2008.

In the 3rd week of January 2008 there was a meeting with the Gauteng Provincial MEC, Metro Police, the South African Police Services (SAPS), and the Department of Home Affairs. The meeting was to address concerns and complaints about security and safety. The 'comrades' said residents complained about the influx of migrants in the community; that they were used as cheap labour and were responsible for the crime in the area. They said in the meeting that some of the migrants were illegal and did not have IDs or papers. On 30 January another meeting was held with SAPS, the Department of Home Affairs, the MEC of Safety and Security and ward committee members. It was agreed that SAPS and the Department of Home Affairs would raid the area at night to check for the alleged illegal migrants. Two weeks later, on 17 February, the 'comrades' convened a meeting without informing the councillor. In the meeting people were asked what their views were about foreign nationals in the area. It was decided in the meeting that the foreign nationals should be driven out of the area. The attacks then started.

Why did the comrades act before the planned raid that was being prepared by the police and the DHA? Two tentative explanations are plausible: i) due to the usual lack of trust, 'comrades' and South African residents did not believe the raid was actually going to be carried out; ii) the 'comrades' wanted to receive credit for removing foreign nationals, rather than allowing official actors to carry out their mandates. Had official institutions acted, the income generation opportunities for the 'comrades' would also not have materialised.

Interventions to prevent/stop the violence

The police

Most respondents reported that nothing was done to stop the violence once it started. The violence ended after a few days because all foreign nationals had left the area. Officers from the Laudium police station admitted that they were not able to control the mob. Foreign nationals were attacked in their presence. Some police vehicles were stoned and damaged during the violence. Only police officers from neighbouring Erasmia and Atteridgeville were bold enough to arrest 'comrades', even though these were later released, as noted above. When violence subsided, the police were able to escort some

foreign nationals to their shacks to collect any belongings still there. A police officer who tried to stop the violence was later assaulted by local residents. He was later transferred to another station away from the area, for his own protection, although he transferred back when the situation had stabilised somewhat. Asked why the residents assaulted the officer, the 'comrades' said: "... because he fired rubber bullets at people".²²⁰ The officer was still visibly shaken when we spoke with him and he did not want to give us details. He was considering either requesting a permanent transfer somewhere else or leaving the forces all together.

Government authorities and political leaders

Respondents did not remember seeing any government representatives in the area, except for the police. The councillor reported that the Executive Mayor of the Tshwane Metropolitan Municipality came to the police station, not to the still volatile informal settlement, to meet with residents, but that people "did not want to listen."

Return and reintegration

Respondents made it clear that they (and the community in general) did not want foreign nationals back. "Here... no ... but in some areas ... yes... when you chase someone away for dragging you down ... I do not think you can accept the person back..."²²¹, said a South African man. Another man similarly stated: "I don't think they will have guts of coming back. They are strongly hated in this place. It is possible that they can be beaten again. I don't think they are safe here."²²² In addition, 'comrades' had sold the shacks and spaza shops previously owned by foreign nationals to locals. As noted above, 'comrades' allowed those who could afford to pay them R20-R30 to visit their families briefly, but they did not allow them to stay.

Efforts by local leaders and government

Respondents recalled only one meeting organised by the ANC regarding the question of 'reintegrating' the displaced back into Itireleng. Reportedly, residents immediately left the meeting when they were told to let foreign nationals back into the community. They did not want to hear it as a South African

²²⁰ Second interview with 'comrades'. Itireleng, 7 August 2008

²²¹ Interview with respondent IT10. Itireleng, 8 August 2008

²²² Interview with respondent IG11. Itireleng, 6 August 2008

man indicated: “No...here...that has not happened.....there was a meeting that they should come back...but the community, ... community refused”.²²³

According to the ‘comrades’, residents of Itireleng wanted to be addressed by the national government authorities and/or political leaders. Those “who know what they are talking about and who can make things happen”.²²⁴ They are reportedly tired of hearing from the local authorities who have no decision making power. The councillor conceded that his efforts to get the mayor to organise community meetings with high ranking authorities had not been fruitful.

MAIN FINDINGS IN ITIRELENG

- There was a leadership vacuum and general lawlessness;
- Local authority was appropriated by self-appointed ‘comrades’;
- ‘Comrades’ instigated violence for their own political and economic interests;
- Local authorities including the police were not willing or able to hold ‘comrades’ accountable;
- The arrested were released without charges due to pressure by residents and their leaders (‘comrades’ and councillor);
- Residents were not ready to accept foreign nationals back;
- Residents demanded but did not receive intervention from high ranking authorities.

²²³ Interview with respondent IT10. Itireleng, 8 August 2008

²²⁴ First interview with ‘comrades’. Itireleng, 4 August 2008

CASE STUDY VIII: ATTERIDGEVILLE (TSHWANE)

Background information

Atteridgeville is a township located on the west of the Tshwane Metropolitan Municipality. It is divided into four sectors. Sector 1 also known as Mshongo, is the informal settlement area of the township - established in 1991 according to respondents - and was the most affected by the violence. This area falls under Ward 72 of the municipality and is also divided into different sections such as 'Brazzaville' and 'Jeffsville'. The area is mixed in terms of population and language groups. There are Pedis, Tswanas, Shangaans, Xhosas, Zulus, Ndebeles, Sothos and Vendas. Pedis are said to be the majority. Before the violence, Mozambicans were said to be the dominant group among the foreign population but the area also hosted a significant number of Zimbabweans, Malawians, Basotho and Somalis. The ANC is reportedly the predominant political party. This informal settlement area faces numerous challenges including lack of adequate housing, water and electricity; unemployment; crime; drug/alcohol abuse; illiteracy; and perceived corruption among the police and the local leaders. Crime is a major concern for many residents of the area. A female Mozambican resident reported:

The people here are alright but the young generation is not good, they are violent. This place has too much crime especially on weekends, when a person goes to work around 5 am they can be raped, robbed or even killed. The most dangerous area is the cemetery and the passages where people walk. Even in the afternoon, you can be stopped and robbed. In the evening you cannot walk around, especially on weekends.²²⁵

The main livelihood activities in the area include part-time jobs in the construction industry and other businesses around as well as petty trade (spaza shops and street vending).

Leadership and conflict resolution

According to respondents, the local leadership is dominated by GACA (Gauteng Civic Association) whose chairperson is Jeff Rabothlale. He has named the place "Jeffsville" after himself, as he claims to be the

²²⁵ Interview with respondent AK2. Atteridgeville, 20 October 2008.

founder of the informal settlement in 1991. “Jeffsville is the name of this place and it is widely known by most people. GACA is a civic organization that governs this area. This area was started in 1991”, said Jeff in an interview with the research team.²²⁶ Other civic organizations such as the Atteridgeville Civic Organization (ACO) exist, but they are reportedly not as powerful and influential as GACA. Other existing leadership structures, including the CPF subcommittees and street/block committees, seem to operate under the authority of those civic organizations.

Reports from respondents indicate that local residents in general do not trust these structures because they are perceived to be corrupt and are reportedly not helpful when a person does not have money to pay for their services. “People don’t trust them because they are corrupt. I don’t trust them as well even though they are my colleagues,”²²⁷ stated the ACO Chairperson. A male South African resident stated in a similar vein:

The other issue is that, when you have a problem and you go to the office down there, they will ask you how much you have and when you go to the police station, they don’t charge you anything. So that is totally wrong and we are being robbed in this place by these committees [...] Let’s say, I fought with my neighbour, then I feel that, the only people who can bring a solution are committee members, when you get there, they will ask you to give them R20 first, before you can talk.²²⁸

According to respondents, the money requested is dependent on the nature of the case and can be a substantial amount of money as another South African man said: “It all depends upon the severity of the case. Let’s say I sold you my space and you want to pay half, then we have to go there to sign and make payment arrangements and the office may charge 10% of the deal.”²²⁹

These structures are also reported to be in fierce competition for power and legitimacy and this is no surprise given the potential resources that can be acquired through such practices as seen above. They are said to operate as ‘untouchable’ groups with huge influence in the area and often act in parallel or against the local government authorities to protect their own interests. The Atteridgeville CPF Chairperson told the research team:

²²⁶ Focus group interview with GACA committee members. Jeffsville, 21 October 2008

²²⁷ Interview with ACO Chairperson. Atteridgeville, 20 October 2008

²²⁸ Interview with respondent AG4. Atteridgeville, 20 October 2008

²²⁹ Interview with respondent AD6. Atteridgeville, 22 October 2008.

[...] they are influential in the community; you need to get a buy-in from them. You can't do anything in the community without involving the leaders. The problem is that they are parallel structures operating parallel to the government. They are like a government on their own. [...] An RDP area to move the people has been identified by the councillor,²³⁰ but the landlords are resisting development because they won't get rent from their tenants. They mobilised the community and told them lies that they will be moved far from town. People are illiterate and easily manipulated.²³¹

GACA confirmed staging a protest against the relocation because it meant taking people far away from their work places and children to schools whose language of instruction is not theirs. A member of GACA committee explained:

At that time there was a discussion of removing the informal settlement to Hammanskraal. Then that's when the march was called against the removal of people because there are people working in Centurion, Midrand and far away areas, then if you remove them which means they are going to travel more than 100km a day. Those are issues that resulted in a march. Also the matter about school children. That area is dominated by Sotho-speaking people, children attending school here will be having language problems. Those are the reasons the march was called.²³²

The lack of trust in local leadership structures, the police and the judicial system in general seems to lead residents to resort to vigilantism and mob justice particularly when dealing with crime, which is reported to be a major problem in the area. The following statements are telling in this regard:

The community does not usually want to externalize issues because they know that if they take the person to the police he will be out the following day. So if a criminal is known to be causing havoc in the community, they go and attack that person or even kill them.²³³

The police are also criminals. You cannot trust them. They always want money from us, that's why even when the community catches a criminal they punish the person themselves.²³⁴

²³⁰ The current settlement is apparently on land which is not good for human habitation and plans were being made to relocate the residents.

²³¹ Interview with Atteridgeville CPF Chairperson. Atteridgeville, 20 October 2008.

²³² Focus group interview with GACA committee members. Jeffsville, 21 October 2008

²³³ Interview with respondent AK3, a male Mozambican national. Atteridgeville, 22 October 2008.

Profile and May 2008 violence

Attacks on foreign nationals in Atteridgeville started on the 18th of March 2008 and lasted for a week, according to most respondents. Accounts of the violence vary with respondents but the majority reported that the attacks started in the 'Brazzaville' section and quickly spread to other sections of informal settlement. Armed with hammers, knives, knobkerries, sticks or axes, attackers targeted all foreign nationals regardless of their legal status, gender, age or nationality. The attackers reportedly first looted and destroyed shops owned by foreign nationals and then went on to attack foreign nationals in their shacks and kill them and/or loot, destroy or seize their property. A male Zimbabwean victim and survivor of the violence reported:

They did not mind the stands. If they knew that there was a foreigner they would come and take property: fridges, television sets. Some were set alight in the shacks because they were slow to move out. They would come with sticks, knobkerries and axes.²³⁵

According to the Atteridgeville CPF Chairperson, five people died during the period of the violence, including two South Africans. He said:

A total of five people died. Four people died during the week of xenophobia, two South Africans and two foreigners. The two South Africans were caught by fire whilst looting. One foreigner died after two weeks when he attempted to go back to his house.²³⁶

Approximately 150 shacks and shops were burnt down, destroyed or vandalized and 500 foreign nationals were displaced and sought refuge at Atteridgeville police station and nearby community halls. According to respondents, attackers were predominantly young men although women also joined in, particularly for looting.

After realizing that the police were not able or willing to protect them, foreign nationals attempted to organise themselves and fight back but the attempt made the situation worse as a male Somali national indicated:

²³⁴ Interview with respondent, AK4, a male Mozambican national. Atteridgeville, 22 October 2008.

²³⁵ Interview with respondent AK8. Malas Shelter- Pretoria, 24 October 2008.

²³⁶ Interview with Atteridgeville CPF Chairperson. Atteridgeville, 20 October 2008.

What happened in Atteridgeville is that foreigners met and resolved that no one could protect them because some things such as the looting of shops could happen while the police were there. We saw that no one could defend us and we thought it better to fight back. The fighting took almost two or three days and they went for a meeting at the grounds. After that meeting they came in bigger groups, with more people and started destroying even more.²³⁷

Most respondents including local residents, foreign nationals and some local leaders had no doubt that the attacks were organised by local leaders, particularly GACA or Jeff's office. "Some community leaders wanted to benefit"²³⁸ according to the ACO chairperson. A male Zimbabwean national believed the violence was organised and led by Jeff's people. He said:

Yes, he is the one whose name was given to the settlement. This Jeff guy was taken by the police for questioning and came to tell his people to stop. [...] They were Jeff's people because what makes me say they were Jeff's people is that there was a meeting and when they came back they were complaining that the foreigners take their jobs.²³⁹

Underlying causes

According to both local and foreign respondents, foreign nationals and local residents and institutions entertained good and cordial relationships prior to the violence. There was reportedly no discrimination in schools, hospitals and other public services. There were however residents who blamed foreign nationals for most of the problems the area was facing, including crime, unemployment, illegal occupation of RDP houses and undermining local business capacity. As with most of the other case studies, after the violence the following accusations against foreign nationals were cited as the main reasons behind the violence: i) committing crime, ii) stealing jobs by working for low wages; iii) undermining local businesses by charging low prices (foreign nationals reportedly owned most businesses in the area; iv) illegal occupation of RDP houses; v) stealing local women; vi) not participating

²³⁷ Interview with respondent AK6. Atteridgeville, 22 October, 2008.

²³⁸ Interview with ACO Chairperson. Atteridgeville, 20 October 2008

²³⁹ Interview with respondent AK8. Malas Shelter- Pretoria, 24 October 2008.

in local struggles such as service delivery protests; and vii) foreign nationals had become too many in the area.

Foreign respondents dismissed the accusations as unreasonable and reported that some local residents were simply jealous of their achievements and used those perceptions as a pretext to organise the attacks. One foreign respondent (a male Mozambican national) who arrived in South Africa in 1985 believes that hatred and negative attitudes towards foreign nationals originate from the apartheid era. He stated:

This thing is something we inherited from the Boers because when we came to South Africa we arrived into their hands. They encouraged the hatred of outsiders and people would point out to them that at such a place there is a Shangaan person and they would come and deport you. So even the children grew up in that culture of discrimination where they could distinguish that this person is from this area and they are of a certain tribe.²⁴⁰

Triggers

Some respondents reported that, prior to the attacks, foreign nationals had been given a two week notice period to leave the informal settlement or be forcibly removed. Foreign nationals reportedly ignored the notice and the attacks ensued. A South African man stated:

Firstly they gave them a notice to leave the squatter camp after a two week notice. A meeting was held and there were such recommendations coming from the meeting and they gave the foreigners two weeks to leave the area but they did not go. They distributed pamphlets and notices were also posted on the streets [by the committee]. It's then that the fight started.²⁴¹

Foreign respondents confirmed the existence of the notice as a Zimbabwean man stated:

There were posters that were put up announcing that by a certain date all foreigners should be gone [...] When they were speaking they would say it is the community; they are those

²⁴⁰ Interview with respondent AK1. Atteridgeville, 20 October 2008.

²⁴¹ Interview with respondent AD5. Atteridgeville, 22 October 2008.

called 'comrades'. So we do not know whether the office was involved because there was no name on the posters. The notice was supposed to be two weeks. Within that period of the notice they organised a strike for RDP houses.²⁴²

Many respondents believed that the xenophobic violence in Atteridgeville was to some extent influenced by 'comrades' from Itireleng, a neighbouring informal settlement that had experienced similar violence in February 2008 (see details in Itireleng case study). Apparently in pursuit of foreign nationals who had fled Itireleng, the 'comrades' allegedly responsible for the attacks in their area reportedly came to Atteridgeville to encourage local leaders to mobilise residents and start attacks on foreign nationals. Some local leaders reported to have resisted but others evidently seem to have answered the 'comrades' call. A Mozambican ACO committee member reported:

The violence started in a scrap yard, in Itireleng. I am not sure but there were rumours that a girl had died there. The youth from the scrap yard came to the office and asked to go into the community to look for displaced foreigners who had fled the scrap yard and sought refuge in Mshongo. We reasoned with them and suggested that they follow proper channels and engage the police so that there could be a search for those who do not have proper documentation.²⁴³

A male Zimbabwean national concurred: "We do not know what caused the incident in Laudium, and the people from Laudium are the ones who came here and wanted to start the same thing here."²⁴⁴

With or without the 'comrades' influence, evidence indicates that the attacks in Atteridgeville were triggered by a protest march organised by GACA. As mentioned above, GACA reportedly organised the march to protest against the relocation of residents to an RDP area that is allegedly far from their sources of income and means of survival. A male South African resident attended the march and confirmed:

Yes, its Jeff's office. He is the one who organised the march. We marched towards the municipality and we finished the march and on our way back home, that is when some people started attaching the foreigners' shops and looted everything.²⁴⁵

²⁴² Interview with respondent AK7. Malas Shelter- Pretoria, 24 October 2008.

²⁴³ Interview with respondent AK1. Atteridgeville, 20 October 2008

²⁴⁴ Interview with respondent AK7. Malas Shelter- Pretoria, 24 October 2008.

GACA members confirmed that the march was indeed organised by one of its member organisations but had nothing to do with the attacks on foreign nationals. In their words:

On the 18th of March, like I said GACA consisted of independent civic structures before the amalgamation of these civic structures. One of the local civic organisations had a protest march to the Atteridgeville police station to hand over a memorandum.[...] During the process of the march in the Atteridgeville police station, there was a call to the Commissioner that in the informal settlement there were attacks against people of foreign. Mostly it was worse in the western side of the informal settlement, and then here in Jeffsville was a bit of this violence.²⁴⁶

According to the Atteridgeville CPF chairperson however, the protest march and the attacks on foreign nationals were organised simultaneously. He stated:

There was a march, it was started by GACA. They organised the march in such a way that when people came to deliver the memorandum some people were left behind and they attacked the shops and shacks of the foreigners.²⁴⁷

Interventions to prevent/stop the violence

Police

Respondents reported that information that attacks were being planned was readily available but the police did not intervene to prevent the outbreak. In addition to the posters, the police were reportedly informed about the meetings that planned the attacks. The Atteridgeville CPF chairperson reported:

Prior to the xenophobic violence the police were tipped off and were told that there will be a meeting to discuss foreigners. The police were also tipped off about the date when the attack will take place. They didn't do anything about the information.²⁴⁸

²⁴⁵ Interview with respondent AD6. Atteridgeville, 22 October 2008.

²⁴⁶ Focus group interview with GACA committee members. Jeffsville, 21 October 2008

²⁴⁷ Interview with Atteridgeville CPF Chairperson. Atteridgeville, 20 October 2008

²⁴⁸ Ibid

The police response when the violence started was equally ineffective. Respondents reported that, despite initial efforts, the police were not able to stop the violence. Violence stopped when all the foreign nationals had fled the area. A male South African resident stated: “The police were present and they tried to stop the attackers from attacking the foreign nationals. They could not because these people were too many. It was difficult for the police to stop this thing.”²⁴⁹ “It was very funny because people moved in front of the police with foreigner’s goods like TV’s and fridges, but they didn’t do anything to those people”²⁵⁰, another male South African resident confirmed. “They did nothing, they were just following and what they could do was to give you a ride if you asked,”²⁵¹ said a Zimbabwean man.

The Atteridgeville CPF chairperson was also not pleased with the police response and suggested police complicity. He said:

Police were encouraging looting. They were telling people they must not kill the foreigners but must just take whatever they needed. They had an attitude. They escorted the foreigners out instead of stopping the crime.²⁵²

Respondents reported that some people were arrested and, according to Jeff’s office, the court processes were continuing.

Local authority and community leaders

Like the police, the local authorities did little if anything to prevent or stop the violence. This may have been because the local authority is controlled or strongly influenced by informal local leaders who organised the violence. A female Mozambican victim of the violence was convinced that local leaders could have stopped the violence if they had wanted to. She said:

The office could have been involved because those guys have authority to block anything from happening. They did not take any action to stop the violence from the first day. During the violence I found a place to stay in Oliville. I asked the people there about the attacks and they said in that area violence only happened for two days and the community leaders

²⁴⁹ Interview with respondent AD3. Atteridgeville, 22 October 2008.

²⁵⁰ Interview with respondent AG4. Atteridgeville, 20 October 2008.

²⁵¹ Interview with respondent AK8. Malas Shelter- Pretoria, 24 October 2008.

²⁵² Interview with Atteridgeville CPF Chairperson. Atteridgeville, 20 October 2008

called a meeting and told people to stop and they listened. In Atteridgeville it lasted for more than a week without any action from the community leaders.²⁵³

Return and reintegration

At the time of the study's fieldwork, it was evident that some of the displaced foreign nationals had returned to the area but many others were still staying in a shelter in Pretoria (Malas Shelter) and others had relocated to other places. For some, return had been made impossible by the fact that their stands had been appropriated by local residents, as a female Mozambican national stated: "Some came back but others did not come back because their stands were occupied by the locals. They removed their shacks and built their own."²⁵⁴

According to the Atteridgeville CPF chairperson, Jeff's office was charging displaced foreign nationals money for return to the area and protection. He stated:

The organization called GACA, they are community leaders, its Jeff Rabothlale and Themba Ncalo. After the xenophobic violence, foreigners are paying them money to reintegrate into the community and are also paying protection fees. As the leaders of the community they did not show any concern and were nowhere to be found. The Mayor established a task team to assist the victims and they refused to participate in meetings.²⁵⁵

Jeff and his GACA committee members declared that they organised their own reintegration programme when they realized that the local council was not effective and was perceived to be misusing funds allocated by government. They stated:

For instance our civic association is the only organisation, nationally, that has done things properly and the first integration programme. During the xenophobic violence the Provincial government and Parliament have provided two million rand for the reintegration process. The ANC zonal structure in Atteridgeville has made their committee of only ANC members. After that many structures were sidelined and we left them because we saw that it was a

²⁵³ Interview with respondent AK2. Atteridgeville, 20 October 2008.

²⁵⁴ Ibid

²⁵⁵ Interview with Atteridgeville CPF Chairperson. Atteridgeville, 20 October 2008

political thing. And what we did was to launch our own reintegration programme and at the same time we launched the other patrollers. First we must bring stability before we do reintegration. On our own we did that. [...]On the 10th, we launched our reintegration structure. We reintegrated many Zimbabweans, Mozambicans and Malawians. The second reintegration programme focused on Somalis and Pakistanis and the second one was done on the 24th June. The second one was mostly focused on Muslim people. After these two reintegrations there was nobody else to reintegrate then we went back to that ANC committee and we asked them to account because we had already reintegrated everybody, then we asked them what they have done with that two million rand and that's where we clashed with them.²⁵⁶

MAIN FINDINGS IN ATTERIDGEVILLE

- Absence of formal local government
- Parallel leadership groups ('untouchables') operating against local council
- Involvement of these informal groups in organising violence
- External influence ('comrades' from Itireleng)
- Ineffective response by the police and local authority
- Parallel reintegration programmes

²⁵⁶ Focus group interview with GACA committee members. Jeffsville, 21 October 2008

CASE STUDY IX: MASIPHUMELELE (CAPE TOWN)

Background information

Masiphumelele is one of the smallest townships of the Western Cape – about 25,000 residents. It is about 40 km south of Cape Town and is part of Ward 69 of the City of Cape Town. Ward 69 includes other suburbs, namely Fish Hoek, Masiphumelele, Noordhoek, and Sunningdale. It was established in the early 1980s as an informal settlement but was officially recognized by the city in 1992. Since then the city has provided some basic services such as water, a sewerage system, electricity, schools, a clinic and some paved roads. There are a number of brick and block built houses but an estimated 90% of residents still live in shacks.

In terms of demographics, Masiphumelele is a very mixed area. The majority of residents are reportedly Xhosa-speakers from Eastern Cape but there are also Zulus, Tswanas, Vendas, Shangaans and a few Coloured residents. There is a significant foreign population including Zimbabweans, Mozambicans, Malawians, Somalis and Ethiopians. There are reportedly tensions among different ethnic groups with the majority Xhosas apparently claiming ownership of the area and threatening other groups. “The dominant group is Xhosas from Eastern Cape and they don’t like people from other ethnic groups. People are claiming ownership of the territory,” said the councillor of Ward 69.²⁵⁷

In addition to a lack of adequate housing for many, the township faces a number of other major challenges, including a high unemployment rate (estimated at 60% according to the councillor); crime committed by uneducated and unemployed youth; and the risk of shack fires due to overcrowding. The unemployed survive on odd jobs, petty trade and/or government social grants.

Leadership and conflict resolution

Local residents are reportedly led by a number of leadership structures, namely street committees, the Community Policing Forum, street patrollers also known as Bambanani, SANCO and the recently formed Masiphumelele Business Forum (MDF). There is a notable absence of local government actors. The councillor for the ward represents the DA and is white, while Masiphumelele is almost 100% black and

²⁵⁷ Interview with Ward 69 Councillor. Fish Hoek, 26 September 2008.

with the majority reportedly supporting the ANC. The MDF seems to have informally appropriated all local government functions. “There is no real communication between the people and the councillor. This affects service delivery. The Development Forum is often stepping in to fill the gap,” stated a pastor of a local ‘Maranatha Family Church’.²⁵⁸ The councillor admitted to avoiding contact with local leadership structures as she believes they are ANC representatives attempting to undermine her authority. She stated:

I try to stay away from Masi because I want to avoid politics. [...] I am not involved in MDF because it is an ANC branch meeting. [...] the Development Forum was given money, a car and they got away with the money. These structures are about power, control and greed.²⁵⁹

Whilst, according to some respondents, local leaders get chosen by the residents, many others reported not knowing how local leaders get elected as they have been in place for a long time. The latter accuse these leaders of not being helpful to the community particularly in terms of service delivery (e.g. housing). Some perceive leaders as being there to enrich themselves. A South African woman stated:

We have them [leaders] but there is nothing they help us with. When you want a house, they sell you land which I think is very unfair.... the first thing they do is to enrich themselves by selling us land. Even if someone sells you a house, they say for the house to be changed into your name, you must pay. The next thing you find is that the house has not been changed, nothing has been done. I think the leaders are crooks.²⁶⁰

With regard to conflict resolution, some respondents reported that residents report their problems to the above mentioned leadership structures for resolution or for referrals to the police or the courts for cases with merit. However, according to most respondents, mob justice is rife in the area. People prefer resolving their problems themselves which is evidence of the lack of trust in formal conflict resolution mechanisms such as the police and the justice system. Suspected criminals are reportedly beaten to death or their hands chopped off. “If the street committee does not arrive, ... he [the suspect] will be lucky if he survives”, confirmed the Pastor.²⁶¹

²⁵⁸ Interview with a pastor of the Maranatha Family Church. Masiphumelele, 25 September, 2008

²⁵⁹ Interview with Ward 69 Councillor. Fish Hoek, 26 September 2008

²⁶⁰ Interview with respondent MD8. Masiphumelele, 26 September 2008

²⁶¹ Interview with a pastor of the Maranatha Family Church. Masiphumelele, 25 September, 2008

Waves of violence against foreign nationals

Masiphumelele has experienced at least two major waves of xenophobic violence in the recent past. The first was in 2006 and mainly targeted Somali traders. The second was in May 2008 and resulted in all foreign nationals being displaced from the township.

The August 2006 Violence

The violence that consisted mainly of looting and destroying shops and other businesses owned by Somali and Ethiopian nationals (commonly known as 'Baraka') started on 28 August 2008. It has been well documented, and our research confirmed, that the August 2006 xenophobic violence in Masiphumelele was stimulated by a build up of tensions over business competition between Somali- and locally owned businesses. Although not able to provide specific numbers, all respondents report that the number of Somali owned shops had significantly increased in that year. This resulted in the loss of profits of businesses owned by local residents who were not able to compete with the relatively cheap prices offered by Somali traders. Subsequently, local business owners mobilised to organise the attacks on Somali shops. The looting and destruction of Somali shops was carried out by groups of youths, but all respondents reported that it is common knowledge that they were 'hired' to do so by the local business owners. The following statement by a male South African resident summarises the views of most respondents:

During that time, the Somalis came in the area and introduced a system of selling that we liked so much. Have you seen now; in their shops they group things together (hampers), now you can buy mielie meal, samp, sugar, rice and maybe pay R290 or R320, which I think it's still cheap. Now local business people saw that we are supporting this new idea so much and they started to be jealous. What they did, they spoke to these silly boys whom we refer to as thugs in the area to go and loot and vandalize Somali shops. That's how the 2006 violence started.²⁶²

Led by Siyakha Business Trust, local business owners held several meetings to discuss 'unfair' competition and the removal of Somali and Ethiopian shop owners. The police and local authority did not intervene to prevent the attacks despite clear warnings and knowledge of preparatory meetings. When the attacks started, Ocean View Police responded and evacuated fifty Somali and Ethiopian

²⁶² Interview with respondent MG3. Masiphumelele, 24 September 2008

nationals from the township. The victims were taken to a government-provided shelter where they stayed for three months. The police arrested a number of local businesses owners but they were later released without charges after intervention by the former Provincial Premier, the MEC of Community Safety and the local SAPS Commander. A representative of the local South African National Civic Organisation (SANCO) Branch confirmed:

The criminals were arrested but released because the Premier and MEC Ramatlakane negotiated with the police. People said they can't speak to the Premier unless the people arrested are released. The Premier met the Station Commander in Ocean View and they were released, but some were not released. The negotiations started. The South African shop owners did not want the competition with the Somalis – Somalis' prices were cheaper and the residents preferred to buy from the Somalis.²⁶³

The displaced returned after a series of meetings and negotiations reached an agreement with local business owners. Mediated by local authorities, the agreement required Somalis to limit their shop numbers to eight and adjust their prices to those of South African traders. The SANCO representative attested:

The Somalis were allowed to [...] conduct their businesses but they must not be many. It was agreed that they should limit the number of their businesses or shops to eight. Secondly, they must charge the same price as the South Africans' businesses.²⁶⁴

The Somali representatives reported that they were forced to sign the agreement, knowing that those that they represented were never going to comply to these unlawful compromises. Indeed they did not, but rather opened more shops than before, which led to more resentment by local business owners.

To prevent the recurrence of the violence, the government and civil society organizations (such as Africa Unite and others) initiated a variety of peace-building projects and activities including awareness campaigns, indabas, sporting events, and joint (foreign and local) small business projects. Judged successful, the initiatives culminated in 'Celebration of Unity' festivities in 2007. The outbreak of the violence in 2008 (discussed below) is however a testimony that the responses and initiatives were not as effective as they were thought to be; probably because they did not address the real issues.

²⁶³ Interview with the Chairperson of SANCO Masiphumelele Branch, 24 September 2008

²⁶⁴ Ibid

The May 2008 Violence

The violence of May 2008 once again consisted mainly of looting and vandalism of businesses and property owned by all foreign nationals (not only 'Barakas' this time). The looting started on 22 May, according to most respondents, after foreign nationals had fled as a result of threats, abandoning their houses, shops and other belongings. The councillor stated:

It was a bunch of youth. There were threats to the Somalis and they gained momentum, they said 'close your shops otherwise we will kill you'. There was no violence but intimidation. Somalis left voluntarily, and then people broke into their shops and looted.²⁶⁵

Threats were however real, as the attacks were planned and a few Somalis were beaten up before fleeing, as a female South African resident who took part in the planning meeting reported:

There was a meeting on Wednesday and it was confirmed that on Friday, we were evicting foreigners. It started on a Thursday, it didn't even wait for Friday because you would hear that Somalis have been beaten and their belongings have been taken.²⁶⁶

Similarly, foreign respondents reported that they did not leave voluntarily as some locals suggested, but fled when attacks had actually started. A male Zimbabwean victim of the violence told the research team:

...we just heard them saying that all foreigners must leave this place. I was at work at the time. When we were leaving work, we heard people saying that the shacks that belong to foreigners must be torched. They were also saying everyone must go. When we were leaving work, we heard them saying, "wonke umZimbabwe nomMozambique makakhumbul' ekhaya", (all Zimbabweans and Mozambicans must think about going home). They then went to a meeting and even our neighbours here could not tell us when we asked them what the meeting was all about. Those that are married to foreigners are the ones that ended up telling us that the meeting resolved that all foreigners must leave. We did not trust them because they were saying nothing was happening. At around 6 and 7 pm, the

²⁶⁵ Interview with Ward 69 Councillor. Fish Hoek, 26 September 2008

²⁶⁶ Interview with respondent MG2. Masiphumelele, 23 September 2008.

problem started with the Somalis, they were being attacked and robbed of their things. The following day, they said they are finished with the business people; they are coming after the ordinary foreigners. They came straight away, and that is when we started fleeing.²⁶⁷

Like in 2006, the visible perpetrators of the violence were mainly the youth. Most respondents however reported that the violence was once again instigated by local business owners, unhappy that their businesses were losing revenue because of the ever growing number of 'Baraka' shops. A female South African resident stated: "This year's one was very bad compared to the 2006 violence. It was also about local businesses, amaXhosa. I think it had to do with prices because we still continued buying from Somalis."²⁶⁸ A male South African respondent concurred:

Yes, it is not business people who loot the Baraka shops. What they do, which is important, is that they buy the youth to loot the shops of Baraka and evict them. They target unemployed youth to do this on their behalf. Now us who do not have business we go to those with cheap prices, this affects their business.²⁶⁹

Respondents reported that local business owners organised a meeting at a hall and after that meeting the looting began. The councillor believed that some local leaders, particularly street committee members, were involved not only in organising the violence but also in looting. She said: "A street committee member called Captain was one of the people who looted Somali shops..."²⁷⁰

Underlying causes

Most respondents reported that the residents in general did not have a problem living with foreign nationals who rented houses, shacks or business space from them. The residents benefitted greatly from foreign-owned businesses because of affordable prices and availability of necessary commodities in close proximity.

²⁶⁷ Interview with respondent MX8. Masiphumelele, 26 September 2008.

²⁶⁸ Interview with respondent MG3. Masiphumelele, 23 September 2008.

²⁶⁹ Interview with respondent MD7. Masiphumelele, 26 September 2008

²⁷⁰ Interview with Ward 69 Councillor. Fish Hoek, 26 September 2008

There were however some amongst the residents who were not happy about the presence of foreign nationals in their midst. There were complaints that there were too many foreign nationals in the area, occupying a lot of space which prevented locals from extending their stands or building houses. Foreign nationals were also accused of stealing jobs because they reportedly offer themselves as cheap labour. Business owners also complained that unfair competition in the form of cheap prices by foreign traders had cost them their businesses, which are their only livelihood activities. Indeed, respondents reported that many local traders were out of business and had opted to rent their premises to foreign nationals, particularly Somali and Ethiopian traders.

According to respondents, these were the main reasons why foreign nationals were once again attacked in Masiphumele. A male South Africa resident stated:

People are complaining that foreigners are here and they have taken over their jobs, they don't say much about houses because as you can see, that process here is very slow, so they are complaining mainly about jobs; on the other hand local business people are complaining about their businesses collapsing. So that is why foreigners are hated so much. Just to add that whites are the perpetrators of xenophobic attacks because they hire foreigners for cheap labour and that is exploitation.²⁷¹

For some respondents, some of the complaints and accusations (e.g. taking up too much space, stealing jobs and women) were unfounded. They believed the attacks were hate crimes caused by jealousy and a wrong sense of entitlement. In their words:

People said migrants are taking space; there is no space for housing. I do not believe this because migrants stay at least about four of five in one room so they are not taking space. There were also complaints that migrants are taking people's wives; I also do not believe this because this is an agreement between two people. They do not force anyone, women want them also. Everybody is big enough to make his decision.²⁷²

²⁷¹ Interview with respondent MD7. Masiphumelele, 26 September 2008

²⁷² Interview with respondent MD5, a male South African resident, Masiphumelele, 24 September 2008

I personally think it was a hate crime. I don't think foreigners are taking jobs for South Africans. I think it's a hate crime.²⁷³

People were incited by jealousy. People in that place do not want to see the other person doing well, they don't like other see other people step up. When they see someone from outside doing well, they feel that the foreigners' achievements belongs to them; they have a wrong sense of entitlement, they feel they must take their things.²⁷⁴

Foreign nationals interviewed did not believe that they steal jobs from South Africans, as they often take on jobs locals are not interested in or they are hired because they are better qualified, as a male Zimbabwean national stated: "...my friend that is not a fact [stealing jobs]. You know, guys from Zimbabwe and other foreigners have got some courses that they are qualified in; and you cannot employ a labourer when what you want is a skilled worker."²⁷⁵

Triggers

According to most respondents, the May 2008 violence in Masiphumelele was largely influenced by information and knowledge about attacks on foreign nationals elsewhere, including in neighbouring townships such as Khayelitsha and Gugulethu. Local individuals and groups with specific interests took advantage of the general situation to organise the attacks. The pastor of the local church stated: "People heard, read and saw things in the media, and they got excited. People took advantage and told foreigners to leave Masi."²⁷⁶

Public meetings to organise the removal were held and organisers issued foreign nationals with a notice to leave. Foreign nationals apparently did not comply with the notice and forceful removal ensued as a female South African resident reported:

There was a meeting at the hall. No, first there was a speaker during the day that told migrants to leave. Then there was a meeting at the community hall where migrants were

²⁷³ Interview with respondent MG6, a male South African resident, Masiphumelele, 26 September 2008

²⁷⁴ Interview with Ward 69 Councillor. Fish Hoek, 26 September 2008

²⁷⁵ Interview with respondent MX2. Masiphumelele, 22 September 2008.

²⁷⁶ Interview with a pastor of Maranatha Family Church. Masiphumelele, 25 September, 2008

told to leave this area. They did not leave. Then there was a meeting later again at the hall where a decision to forcefully evict them was taken, including those from Somalia.²⁷⁷

Interventions to prevent or stop the violence

As in 2006, there was no intervention to prevent the attacks or to protect foreign nationals and their property in the area. When violence started, the police intervention focused on evacuating and taking fleeing foreign nationals to safety. When violence subsided, the police and some local residents went house to house to retrieve stolen goods from suspected perpetrators. Retrieved goods were later given back to their rightful owners when they returned. A South African man reported:

The groceries were in the hands of police. I am sure they got it. But I am sure that there are those who did not get groceries. Migrants got their fridges back. There was also a large community who did not like what happened, and went with police to show them where the items belonging to migrants were.²⁷⁸

According to an Inspector of the Ocean View SAPS, twelve people were arrested for the violence but the owners of the houses from which looted property was retrieved were never arrested.

Return and reintegration

At the time of fieldwork, many of the displaced foreign nationals had returned to the area. It was reported that some local residents pressurised local leaders to bring them back, as foreign nationals had provided affordable businesses and rented property from landlords before they were displaced. Local leaders went to the Soetwater safety shelter where most of the foreign nationals displaced from Masiphumelele were living, provided a formal apology and pleaded with them to come back. The Inspector of the Ocean View SAPS stated:

²⁷⁷ Interview with respondent MD8. Masiphumelele, 26 September 2008

²⁷⁸ Interview with respondent MD3. Masiphumelele, 24 September 2008

On the 25th of May Premier Rasool arrived with a chopper and met with leaders. The leaders cooperated well and agreed that they will go to the camp and tell the foreigners that they are sorry and that they must return to Masi. Some foreigners came back the same day. A meeting was organised to welcome them back formally.²⁷⁹

Returned migrants reported that they were living in fear because they were still occasionally threatened and regularly targeted by robbers. For them, there were no guarantees that generalized xenophobic violence would not happen again.

MAIN FINDINGS IN MASIPHUMELELE

- Two waves of xenophobic violence and still no effective intervention strategies
- Local business owners involved as instigators
- Late interventions despite early warning signs
- Impunity sanctioned by local and provincial authorities
- Reconciliation efforts and initiatives after 2006 violence did not prevent the recurrence of violence in 2008
- Leadership vacuum: local government absent, appropriation of authority by informal leadership structures
- Inability of local government to exercise authority and apply rule of law in a multi-party constituency
- Unlawful compromises to solve migrant-local tensions (limiting number of shops and price fixing)
- Vigilantism and mob justice, lack of trust in the police and justice system
- Renewed potential for tensions: more foreign nationals now coming to Masiphumele as a perceived peaceful area, more foreign businesses opening

²⁷⁹ Interview with an Inspector of the Ocean View SAPS. Ocean View, 25 September 2008.

CASE STUDY X: DU NOON (CAPE TOWN)

Background information

Du Noon is a township that forms part of Ward 104 of Cape Town City Metropolitan Municipality. The ward also includes wealthier suburbs of Killarney, Parklands and Table View. The township was reportedly started in 1996 and is now an established formal settlement area with private and RDP houses; water and electricity; schools and clinics. It however has one undeveloped area (Site 5) where people still live in shacks. The population of the township is estimated at 30 000 people and includes Xhosas from the Eastern Cape (the dominant group), Zulus, Sothos and Coloureds. The foreign population in the area consists of a mix of nationalities including Somalis, Nigerians, Zimbabweans, Ghanaians, Malawians and Mozambicans. The main livelihood activities amongst all in the area include unskilled labour or piece jobs; and petty trade (spaza shops and street vending), which is dominated by foreign nationals. The main challenges residents face include high unemployment rates, high crime rates, leaking RDP houses, drug and alcohol abuse particularly by the youth, teenage pregnancy and lack of recreational facilities.

Leadership and conflict resolution

In addition to the ward council, the local leadership structures include street committees, the CPF and Bambanani patrollers in some areas, and SANCO. Respondents reported that members of these structures are not elected by residents. They volunteer their services as not many people are interested. A female South African respondent stated: “When meetings are called, people do not attend. People volunteer to be in street committees, they do this because they see no one is interested.”²⁸⁰

The lack of public interest is probably caused by the fact these structures are perceived as being inefficient, corrupt and self-serving. “We have a problem with leadership here; when tenders come, leaders look for friends and not the most in need; it is just corruption and nepotism”, said a pastor of a local church.²⁸¹ The ward councillor shared a similar view: “RDP houses were poorly built and very small

²⁸⁰ Interview with respondent DUG6. Du Noon, 05 October 2008.

²⁸¹ Interview with a pastor of a local branch of the Methodist Church of Southern Africa. Du Noon, 30 September 2008

because leaders share contractors' bribery. Houses are leaking because materials like cement were stolen and people are crying."²⁸² Respondents further reported that there was infighting and power struggles among leadership structures, particularly SANCO and the ward council. They were reported to fight over who should be in control of development project tender processes from which these structures are said to benefit. The councillor believes SANCO is just a corrupt family business. He said:

There is no SANCO in Du Noon, this SANCO thing belongs to one family to enrich themselves. It is only women, ...the way they are corrupt; they have each ten houses. I report this corruption to the provincial government but nothing happens... People are paying rent to them, some since 1996.²⁸³

The helplessness expressed by the ward councillor is a testimony that the local government is not the main power holder in this area.

With regard to conflict resolution, some respondents reported referring their disputes to street committee members, the councillor and the police but the majority reported that it is more efficient to solve their problems themselves. Mob justice is rife, particularly when dealing with suspected criminals, because residents do not seem to trust the local leadership, the police and the criminal justice processes. A female South African resident reported:

About two weeks back. It was the first time I have seen a person killed by the local community next to Godfrey's place [a tavern]. They took a big brick and smashed his head...yo yo yo.....These people are evil. No one gets arrested when a thug is beaten in this place. [...]The problem is that, when you get that person arrested, the case will continue but you won't find your goods. So when that thug is beaten, he can reveal where those stolen goods are. If those goods have been sold, they go to that place and fetch them. That is why people are beaten in this place.²⁸⁴

Similarly, during fieldwork, residents showed us two tyres that they had planned to use to 'necklace' a Nigerian national a day before. He was suspected of selling drugs to the youth. He escaped after confessing and promising that he would never do so again, and has since left the area. When asked why

²⁸² Interview with Ward 104 Councillor, Du Noon, 01 October 2008

²⁸³ Ibid

²⁸⁴ Interview with respondent DUG6. Du Noon, 05 October 2008.

they did not report him to the police, residents said it could have been difficult to find evidence to present to the local police, who are perceived to quickly reject cases without taking time to carry out any form of investigation.

Waves of violence against foreign nationals

Like Masiphumelele, Du Noon experienced two waves of violence against foreign nationals living in the township. The first wave was in 2001 and the second in 2008.

Violence in 2001

In 2001, violence concentrated in the informal area (or Site 5) of the township. According to respondents, it started after an Angolan allegedly stabbed a Xhosa-speaker to death after they were fighting over a woman. All foreign nationals were attacked and chased from the area. Those who returned to the area lived in other sections of the township and not in Site 5. According to the Chairperson of SANCO local branch, local leaders planned the attacks and the removal. There is no record of arrests after the violence.

Following the violence, several organisations including Africa Unite and the South African Human Rights Commission initiated negotiations and reconciliation programmes. The initiatives do not seem to have achieved the desired effect, however, as residents resisted the return and violence recurred again in 2008 as discussed below. Many of the same local leaders who were reported to be behind the violence were involved in these negotiations and reconciliation efforts.

Violence in 2008

In 2008, attacks on foreign nationals started in the evening of 22 May and ended after a few days when all foreign nationals had left the area and their property, including their houses and businesses, were looted and destroyed. Respondents reported that a few people were injured but there were no deaths or rape cases. The attackers, mainly young people, initially targeted foreign owned businesses but all foreign nationals ended up leaving due to threats and fear as a South African man reported:

All Somalis here have shops. Zimbabweans, Nigerians and Mozambicans were not affected on the first two days. [...] Somalis were obvious targets. Nigerians had shops also. The focus of the

youth was going for money and food at Somalis shops. Other migrants left because they were afraid that they will be attacked but they were not targeted.²⁸⁵

Foreign nationals were evacuated to a local race track (in Killarney) and later moved to communal halls by government Disaster Management officials.

Underlying causes

According to most respondents, there were no significant tensions between foreign nationals and local residents except occasional threats and verbal abuses. Other respondents however reported that some residents harboured deep resentment and suspicion and blamed foreign nationals for the hardships they were facing. The abovementioned pastor stated when asked what he thought were the reasons behind the violence:

Different views: jealousy, people say they are losing business, 'these guys came to take over'. Some people believe Somalis are not doing their own business, they are working for Muslims and Islam religion can cause war here like in Nigeria. Foreign nationals are not working. They sell drugs, buy and sell stolen things such as cell phones. Nigerians are crooks, they rob people by telling them that they will double their money. People here have lost a lot of money.²⁸⁶

Many respondents did not believe Somalis were undermining local businesses as it is local people who decide to rent their business premises to the Somali traders. A South African man said:

For Somalis to have shops here, local businesses gave them their shops to rent. People decided to close their shops, sold their remaining stock to Somalis and rented out their shops. This is how Somalis got shops in this area. This resulted to all but three shops here

²⁸⁵ Interview with respondent DUD2. Du Noon, 29 September 2008.

²⁸⁶ Interview with a pastor of a local branch of the Methodist Church of Southern Africa. Du Noon, 30 September 2008

operated by Somalis. It is not that these shops do not have owners, the owners exist, and they are only interested in rent.²⁸⁷

Some respondents also reported that the removal of foreign nationals was instigated by local landlords who, after realising that foreign nationals were being evicted in other places, saw an opportunity to repossess houses they had sold to foreign nationals, as a South African man indicated: "... it started in May this year in Gauteng and then it came here. We had meetings, us as landlords. Then there were reports that houses bought by foreign nationals would be repossessed."²⁸⁸

Triggers

Respondents were unanimous that violence was triggered by a failed community meeting called by the police, the Member of Parliament responsible for the area (Ms Yengeni) and the local councillor during the time of the xenophobic violence in Gauteng. The agenda for the meeting was reportedly not properly communicated and some thought the agenda was to discuss how to remove foreign nationals as it was happening in other places. A big crowd turned up and the police and the MP left before the meeting started, leaving the councillor alone. Chaos, singing and looting started immediately. The councillor reported that he was instructed by the MP and the police against his will to call the meeting. He stated:

Violence in May 2008 started when the police and a national MP, Ms Yengeni Lumka came to me as a councillor and asked me to call South Africans and foreigners to gather at the Resource Centre. They wanted to tranquilize them [foreigners] that violence will never happen here. People turned up in a big crowd and Lumka and the police ran away, which put me in danger. People were calling me to address them and I could not reach everyone with a small speaker. I was trying to tell them not to attack and come back tomorrow for the meeting. It was 7pm and the attacks started, looting, destroying shops, etc.²⁸⁹

²⁸⁷ Interview with respondent DUD2. Du Noon, 29 September 2008.

²⁸⁸ Ibid.

²⁸⁹ Interview with Ward 104 Councillor, Du Noon, 01 October 2008

The Milnerton SAPS Communications Officer said that the police were invited to the meeting but were not aware of the agenda. She stated: "The police were invited to the meeting but before the meeting happened, they started looting. We did not know what the meeting was about. We were just told to go."²⁹⁰ The MP was not available for comment. The local leaders, including SANCO, were reportedly furious that a meeting was called without their knowledge.

Interventions to prevent/stop the violence

Respondents reported that the local authorities and the police did not do much to stop the violence. Asked why the councillor did to stop the violence, a South African man responded: "He was around. He is the one who called the meeting in the first place. He did nothing to stop the looting and eviction of migrants."²⁹¹ Similarly, the local police made little effort to stop the looting. They focused on protecting foreign nationals from being physically harmed as another male resident stated:

Yes but the police just wanted to take the Somalis to safety but that left their shops exposed and they were all vandalised in the process. If the police had tried to protect the shops they could have saved some but nothing survived because the police were just patrolling from outside and only concerned with the safety of the Somalis themselves, to ensure they were not attacked.²⁹²

The previous respondent confirmed this and added that police officers from other stations provided better support. He said:

Police were also around. They had no problems when Somali shops were looted. For police, they did not want Somalis to be attacked. That is why all shops were looted. If police wanted to stop it, some shops were not going to be looted. Police had no problems in seeing people on the street with stolen goods. The police that came to calm the area were police that

²⁹⁰ Interview with the Communications Officer of Milnerton SAPS. Milnerton, 3 October 2008

²⁹¹ Interview with respondent DUD2. Du Noon, 29 September 2008

²⁹² Interview with respondent DUD4. Du Noon, 29 September 2008

came from other areas, not from here. Our local police were just going around this place doing nothing.²⁹³

According to the Milnerton SAPS Communications Officer, sixteen people were arrested for looting and damage to property and the court cases were still continuing. The councillor however believed that all the arrested had been released because of lack of evidence, which he blames on the police. He said: "...more than ten people were arrested but were released free by the magistrate because no evidence. Police were supposed to provide evidence but did not bother."²⁹⁴

Return and reintegration

At the time of the fieldwork, most of the displaced foreign nationals had come back and were living and running businesses like before. Most came back after two months. Some believed that they were called back because residents missed their businesses and monthly rentals as a Zimbabwean man indicated:

[...] we are told that there was a meeting while we were away, on a Saturday. [...] they called a meeting where they resolved to call us back. They were saying that they had no problems with us. You will remember that most of the houses and rooms here are rented by foreigners, so the landlords were worried that they were not going to be able to raise the money from rent.²⁹⁵

Most foreign respondents reported that the situation was calm at the time but were worried that violence could erupt again. A Ghanaian man was among those with concerns. He said: "...when I finish here, I ... what can I say? I will go home. It is not free here. I will tell you the truth. These people can change their minds any time."²⁹⁶

Local respondents also indicated that they did not have problems living with foreign nationals but only if they learned and respected local practices. A member of a women's focus group said:

²⁹³ Interview with respondent DUD2. Du Noon, 29 September 2008

²⁹⁴ Interview with Ward 104 Councillor, Du Noon, 01 October 2008

²⁹⁵ Interview with respondent DUX8. Du Noon, 3 October 2008.

²⁹⁶ Interview with respondent DUX1. Du Noon, 29 September 2008

I don't have a problem with them but we need to sit down with them and educate them on how we do things here in South Africa. For instance if you get a job you don't accept anything the employer offers you. They are human beings, they also deserve a decent salary.²⁹⁷

As for the way forward, the councillor called on provincial and national government to come to Du Noon and address the residents. He said that they should not appear only when elections are close.

MAIN FINDINGS IN DU NOON

- Two waves of violence against foreign nationals (2001, 2008)
- Failure of 2001 reconciliation initiatives to prevent the recurrence of violence against foreign nationals
- Leadership competition and infighting, particularly between the ward councillor and SANCO
- Attempts to prevent violence, if communicated and planned badly, can be counterproductive and actually trigger violence, such as the night-time public meeting called by the MP and councillor
- Influence of violence in other areas of the country
- Ineffective intervention by local authorities and police
- Impunity: release of suspect perpetrators without charges
- Returned foreign nationals live in fear that violence might erupt again

²⁹⁷ Women focus group interview. Du Noon 26 September 2008

CASE STUDY IX: KAMVELIHLE/MOTHERWELL (EASTERN CAPE)

Background information

Kamvelihle is the locality that was most affected by the anti-foreigner violence in Motherwell. It is an RDP housing area established in 2003 when the residents were moved from different informal settlements (such as in Zwide and KwaZakhele) around Port Elizabeth. Kamvelihle is under Ward 53 of the Nelson Mandela Bay Municipality in Eastern Cape Province. The residents of Kamvelihle are mainly Xhosa-speakers from different parts of Port Elizabeth. At the time of the fieldwork, there were no foreign nationals living in the area except a few Somali business owners. Most foreign nationals had fled the area after the xenophobic violence in 2007. Residents reported that the ANC was the dominant political party. Other political parties include the SACP, DA and UDM.

The main challenges the area faces include high unemployment rates (which the local councillor estimates at 75%); crime (robberies, rape, car hijacking, house break-ins, and the vandalism of public infrastructure to steal iron and copper to sell to scrap yards); and lack of public transport. Residents complained that because there are no tarred roads, taxis operating in the area dropped them off far from their houses and walking to or from home in morning or evening hours made them easy targets for crime.

Leadership and conflict resolution

According to respondents, local leadership consists of the municipality officials, regularly elected street committees and the local CPF. For dispute resolution, residents consulted whatever structure they knew or was closest to them and there was no problem with that as a female South African resident stated: "When we have such problems we go to the office, the municipality office. We don't consult street committees first and there seems to be no problems with that."²⁹⁸ Respondents reported that residents were generally unhappy with the local ward councillor, particularly because of poor service delivery. Led

²⁹⁸ Interview with respondent MOG1. Motherwell, 7 September 2008

by their street committees, residents have in the past organised service delivery protests calling for the councillor to go. Another female South African resident reported:

The community is very unhappy with councillor Linda Mlomo. They want the councillor to go. [...] We are complaining about tarred roads. We need tarred roads so that taxis can come inside and drop us nearer to where we live. We need a school in this area and we are still waiting. [...] People are not prepared to wait any longer. So there was a march to the councillor's office. [...] It was our committee members who organised us; they called a meeting and we went to the office. People were throwing burning tyres at that container [office], and then Linda Mlomo called the police.²⁹⁹

Waves of violence against foreign nationals

According to the Somali Association of South Africa (SASA)'s spokesperson, Motherwell has a history of sporadic attacks on foreign business owners since 2000. The main wave of violence against foreign nationals in the area occurred in February 2007 when all Somali-owned shops (over 100 shops according to some respondents) were systematically looted and destroyed following the death of a local young man allegedly shot by a Somali business owner. A local woman stated:

I remember it was a story about a Somali who shot a South African and that man died because of some change issue, I cannot remember well. The next thing people went to every Somali shop and looted everything and all the Somali shops were closed and Somalis left.³⁰⁰

Following the violence, all Somalis and other foreign nationals reportedly left the area. Only a few Somali business owners had returned by the time of the fieldwork. The area did not experience any violence in May 2008 because, according to respondents, there were no foreign nationals living in the area apart from a few Somali business owners that the residents found useful. Asked why there was no

²⁹⁹ Interview with respondent MOG2. Motherwell, 7 September 2008

³⁰⁰ Ibid

violence in May 2008, a South African man said: “we don’t have foreigners here and the ones that are here are helpful to us.”³⁰¹

Underlying causes

According to respondents, while the residents accepted Somalis because they benefitted from their affordable prices, there was a silent resentment because the Somalis occupied and ran businesses in RDP houses even if it was well known that those houses were rented from South African owners. The Service Delivery Mediator and Monitor in the Office of the Premier stated:

They feel that these RDP houses came very hard, it took long for people to receive these houses and now Somalis are running businesses and living in these houses. But we are not complaining too much because we are also benefiting from these Somalis and they make life easier by these shops they are running.³⁰²

There were also accusations that Somalis were using their spaza shops as a front for other underground criminal activities funded through a broader Muslim agenda as indicated by the Service Delivery Mediator. He stated:

There are also allegations that Somalis are involved in criminal activities, even from the police. Business associations are accusing them [Somalis] of fronting with the spaza shops but have underground businesses. They are working with Muslims because they have money. Muslims are accused of using the “have not” to do their underground business.³⁰³

Triggers

All respondents including local residents, foreign nationals and local officials reported that the violence was triggered by the shooting and killing of local young man by a Somali shop owner. Local residents

³⁰¹ Interview with respondent MOG6. Motherwell, 10 September 2008

³⁰² Interview with the Service Delivery Mediator and Monitor in the Office of the Premier. Motherwell, 6 October 2008.

³⁰³ Ibid

believe that the shooting was caused by an argument over change but the SASA spokesperson reported that the Somali shop owner shot back at two robbers who shot at him first in an attempt to rob his shop and a stray bullet hit the small boy. The following are the accounts from respondents:

In 2007 there were two young men who went to buy at a Somalian shop and there was an argument with the change. I don't know what happened then but all we know is that the Somali shot those two men and one died and one went to the hospital. That day, I have never seen Motherwell like that day. The community was angry. People somehow got to hear what was going on and they were angry and they went and burnt that Somali shop which is a house of course. Then, they went on looting other Somali shops and destroyed all of them.³⁰⁴

In Motherwell it was caused by some robberies. They came to a Somali shop and they tried to rob the shop. The owner of the shop had a firearm, an unlicensed firearm. [...] He had an illegal firearm. The robbers fired bullets into the shop. The owner drew the firearm and fired through the door. So one boy was there and he died. No one knows whether it was a Somali bullet that hit him, or if it was a robber's bullet that hit him [...] the robbers left and people saw that a small boy had died and said that it was the Somali who shot him because he was trying to fire at the robbers, but the stray bullet hit the small boy. His father was there. He got cross, the police tried to cool the situation, but it went out of hand very quickly. It was...it started that afternoon, about 4 o'clock. [...] It was not something like xenophobia. It was anger because of what had happened to that boy. So they vandalised that shop. After that, those criminals, or those that have got xenophobia or paranoia or something like that, they took advantage, they spread to the other shops and the police could not stop them. That is why the whole of Motherwell was looted. The police tried whatever they could to stop it and they could not succeed because it was in the location. The next day the people gathered and tried to loot the shops again. Most of them were criminals, young guys.³⁰⁵

³⁰⁴ Interview with respondent MOG1, a South African woman. Motherwell, 7 September 2008

³⁰⁵ Interview with SASA spokesperson. Motherwell, 10 October 2008.

Interventions to prevent/stop the violence

As mentioned above, the police and local authority were not able to stop the violence when it started. All Somali-owned businesses were looted and destroyed and violence stopped when all Somali nationals had left the area and went to stay in other areas of Port Elizabeth, particularly in Korsten. Respondents reported that the police were able to arrest a few people who were later released. They did not know whether these people had been charged or if there were any ongoing court proceedings.

Return and reintegration strategy

Somali shop owners returned to the area after two months following a series of meetings and consultations between the local residents, SASA and national, provincial and local government officials. It was reportedly agreed that the residents could not punish all the Somalis and other foreign nationals because of one person who did something wrong. It was agreed that the law should take its course.

However it appears that additional and unlawful agreements and compromises were made to avoid the recurrence of the violence and diffuse tensions between local residents and Somali traders. One of these was the agreement to limit the number of Somali-owned shops to only nine. The following councillor's statement describes the agreements reached:

In the meeting after the xenophobia violence we decided that we are going to limit the number of shops to nine only. In order to control the massive growth we decided to regulate the numbers by allowing only nine Somali shops and we are regulating the operating times as well in order to curb crime. We said shops should close at eight in the evening and they agreed. Another thing, they sign a contract to rent the house [lease agreement] with the owner of the house. This also helps us to know who stays where and under what arrangements. The family of the Somali who killed the boy offered to pay for the funeral costs as a way of saying sorry to the family of the deceased. The police are patrolling the area on a regular basis, and they visit the Somali shops regularly to check if there are problems.³⁰⁶

³⁰⁶ Interview with Ward 53 Councillor. Motherwell, 7 October 2008.

MAIN FINDINGS IN KAMVELIHLE/MOTHERWELL

- Perceptions that Somali traders are acting as a front for underground 'Muslim' criminal activities
- Lack of trust in local government (in the form of the ward councillor) due to poor service delivery
- Regular sporadic attacks on foreign-owned businesses
- 2007 violence triggered by an accidental shooting of a local young man by a Somali shop owner
- Inability of authorities and police to stop the violence
- Local authorities support of unlawful agreements and compromises to avoid recurrence of violence and tensions between locals and foreign nationals.

SUMMARY AND DISCUSSION OF MAIN FINDINGS

This section summarises and discusses the main findings of the study, drawing on the case studies above. It does so in five brief subsections including:

- nature and perpetrators of the violence;
- causes of the violence as understood by perpetrators, community leaders and residents of affected areas;
- evaluation of those explanations and other common hypotheses;
- general contributing factors; and
- triggers or immediate causes.

Interventions to prevent and/or stop the violence and views on return and reintegration are discussed in the following section on responses.

THE VIOLENCE: NATURE, TARGETS AND INSTIGATORS/PERPETRATORS

The case studies detailed above indicate that the May 2008 violence against foreign nationals consisted of:

- Mass attacks on foreign nationals and South African citizens living particularly in informal settlements and townships;
- Beating and burning people to death. 61 was the official number of deaths;
- Rape: no official number of rape cases but it is estimated that dozens were raped during the violence;
- Looting, destroying and appropriating foreign-owned businesses and houses;
- Forcibly displacing foreign nationals from affected areas or communities.

The attacks targeted all foreign nationals regardless of their nationality, age and gender. South African citizens were also attacked (21 citizens were among the 61 dead). While some citizens were attacked

because they were mistaken for foreign nationals or because they were married to foreign nationals, others were deliberately targeted because they were considered outsiders coming from other provinces of the country and belonging to minority ethnic groups.

The study found that in most affected areas, attacks on foreign nationals were organised and led by local community leadership structures and/or known influential groups: 'comrades' in Itireleng and Izinduna; the CPF sub-forum in Alexandra; Amabhaca in Madela 2; the Siyaka Business Association in Masiphumelele; GACA in Atteridgeville; the ward committee in Ramaphosa; and community leaders/'comrades' in Diepsloot. Young men constituted the majority of perpetrators in all affected areas but there is evidence that the elderly and women also participated, particularly in identifying foreign nationals to be attacked and in looting. While some residents of affected areas participated in the attacks out of intimidation and fear of victimisation, respondents reported that the majority of those who participated did so voluntarily or did not resist when asked. It appears that instigators did not have difficulty co-opting residents who already entertained deep-seated negative attitudes towards foreign nationals. These served as a fertile ground for violent mobilisation.

Causal explanations by residents and local leaders

It is evident that residents and their leaders in both affected and non-affected areas entertained negative perceptions and attitudes towards foreign nationals living in their areas or elsewhere in the country. The perceptions are centred on illegality and crime and perceived illegitimate competition for jobs, houses, businesses, women and public services. For many, these perceptions are the reasons why foreign nationals were attacked and removed from the settlements. Many of these attitudes are shared by residents of locations that did not attack foreign nationals. As such, they should be seen as necessary but not sufficient conditions for the violence. Some are briefly discussed below.

Crime

The study confirms that many citizens maintain the same spurious links between crime and immigration made regularly by the police and government officials. The lack of evidence for such assertions is frequently twisted to reinforce, rather than challenge, existing beliefs: the perception is often repeated that most foreign nationals are in the country illegally with criminal intent, hence cannot be traced if

they commit crime, and therefore are not recorded in crime statistics. For many respondents, the 'community' is justified to take action because the government is not doing enough to protect the country from these illegal criminals. Others argue that as soon as the foreign nationals were chased out, crime rates dropped dramatically.

In contrast to these popular assertions, most local police stations stated that there was no evidence to suggest that most crimes in violence-affected area were committed by non-nationals. Police were often clear on the identity and origin of criminals in their respective areas of jurisdiction, namely that most were South African.

Property Ownership

Foreign nationals are regularly accused of illegally owning and occupying government provided (i.e., RDP) houses. Rarely are accusers concerned with how they acquired them or whether they did so legally. Rather, there is a belief that foreign nationals simply should not be living in any government housing while any South Africans remain homeless. Foreign nationals' occupation of RDP houses was a particularly important issue in Alexandra. Local residents and their leaders complained that foreign nationals illegally owned/occupied RDP houses while local citizens who registered many years ago were still waiting to be allocated houses. Foreign respondents expressed disappointment that local residents and officials do not understand that under certain circumstances foreign nationals can legally gain a right to occupy RDP houses; through, for example, the acquisition of citizenship by naturalisation or by having a citizen spouse or partner.

Employment Competition

Perhaps the most dangerous view held by South Africans is that foreign nationals are 'stealing' jobs. Many argue that employers prefer to hire foreign nationals because they can settle for low wages. Some respondents however dispute such accusations, recognising that many foreign nationals run their own businesses and create jobs, and take up jobs in which local residents are not interested. Foreign respondents confirm that they are prepared to work, even if it is for low pay. While they confess accepting low pay out of desperation, they dismiss the belief among local residents that they always work for nothing. Some employers agree that they prefer hiring foreign nationals not only because they charge reasonable wages but also and more importantly because they are more skilled, more hardworking and less 'troublesome'.

Business Competition

Some South African residents complain that foreign nationals undermine local business. Some report that local businesses are closing down because they cannot compete. Such complaints were the main cause of the violence in Masiphumelele in 2006 and Motherwell in 2007. While business competition certainly exists, many local respondents also dispute these views, arguing that locals are not interested in starting small businesses, even in the absence of foreign nationals. It is also clear that many locals feel they are benefiting from the lower prices, extended shopping hours, and better locations.

Other Accusations

- Accessing social grants using fraudulent IDs
- Bringing many unknown diseases
- ‘Stealing’ women: foreign nationals are said to be ‘fast’ on women and to have no respect for married women
- Lack of participation or involvement in local practices and struggles: foreign nationals do not attend community meetings nor do they take part in service delivery protests.

In addition to these ‘grassroots’ explanations or justifications of the violence, politicians, media commentators and academics suggested additional hypotheses for why violence erupted. These supposed causes included:

- poor immigration controls;
- changes in national political leadership;
- rising food prices;
- the presence of a ‘third force’;
- and service delivery failures.

Considering common explanations and hypotheses

This study provides a solid empirical basis for evaluating the explanatory value of these grassroots and observer hypotheses. The discussion below shows that while some of these factors may have contributed to generalised tensions, they cannot explain why these long-standing processes suddenly

turned into violent attacks and why violence broke out in some areas and not in others under very similar socio-economic and demographic conditions.

Mass influx and inadequate border control

One of most commonly repeated explanations for the May 2008 violence was the supposed mass influx of foreign nationals and a general breakdown of border controls. According to this view, violence was triggered by a human 'tsunami': a mass influx of immigrants (particularly from Zimbabwe) during the period (weeks/months) preceding the violence.

The study confirms that there are strong feelings among certain authorities and residents that the numbers of foreign nationals had significantly increased and that the situation was creating unprecedented levels of unemployment and poverty. This study however finds no substantive evidence that a mass influx triggered the violence. On the contrary:

- While there are no reliable estimates of how many foreign nationals live in the locations where violence occurred, the study suggests that most of those who were attacked and evicted had lived in their communities for years.
- Most respondents reported that no mass influx was observed in the recent past. The numbers of foreign nationals living in their communities may have increased, but it had been a process of continuous settlement rather than a sudden influx.
- The areas most affected in May 2008 were not necessarily those with the highest numbers of foreign nationals. For instance, although there is no statistical evidence, respondents in Sector V of Alexandra, where no violence occurred, reported that even before the violence, their area had been hosting more foreign nationals than the most affected area, Sector II.
- Moreover, violence against foreign nationals has been occurring regularly since 1994 (see list above), even before the political and economic crisis in Zimbabwe caused the perceived influx.

There was, however, strong evidence that many residents felt overwhelmed by a feeling of being 'swamped' by current immigration levels. Another element of this perception was a lack of confidence in the state's ability or will to 'protect' its citizens from perceived outside threats. This lack of confidence in the state's ability and will to protect dovetailed with the widespread lack of confidence in its ability or will to provide services, together possibly contributing to the choice of vigilante violence outside of state structures. The feeling of fear and powerlessness in the face of immigration, although not a trigger, was

clearly a factor in the violence. Many of the perpetrators of the violence explained their actions as attempts to compensate for the lack of border control.

Changes in national political leadership

The study also attempted to test the hypothesis that recent changes in the country's national political leadership were somehow linked to the violence. While communities in research sites expressed disappointment in former President Mbeki's leadership due to poor service delivery and 'empty promises', most respondents did not make a direct connection between the change in political leadership and the violence against foreign nationals. Where the violence occurred, it was the absence of legitimate local leadership (see below) that helped foster the violence.

While there may not have been a direct link to changing national leadership, some respondents, particularly in Sector 2 of Alexandra and in Diepsloot, expressed hopes that the current political leadership would help to rid the country of foreign nationals. They believe the former government protected foreign nationals because most of the cabinet members had been in exile. Further, while changes in the political leadership at the ANC Conference in Polokwane were not a direct causal factor, the then nearing 2009 national elections did seem to have been a trigger of xenophobic violence in Alexandra's Sector 2. Most respondents suspected that a significant number of foreign nationals in the area had South African IDs and would vote during election time. According to many respondents, Zulu-speakers ousted foreign nationals because they thought that they were going to vote for the ANC, which could have had a negative political impact on their efforts to maintain the area as an IFP stronghold.

Rising food and commodity prices

Record increases in the price of food and other basic commodities in the months preceding the attacks led a number of commentators to link the attacks to increased economic hardship among the poor, especially urban and peri-urban residents. While there were some respondents who felt that foreign nationals exacerbated the economic situation as they were 'stealing' South Africans' jobs and businesses, the study found that most respondents understood that the increases were a result of a global economic crisis and not a result of the presence of foreign nationals. In addition, many respondents in affected areas reported that foreign nationals were helping to make life easier during the trying economic times by selling at affordable quantities and prices. In Masiphumelele and Du Noon, for instance, residents pressured leaders to bring back Somali traders because they were not coping with high prices imposed by local traders. Rising food prices can help explain tensions, but should be

understood as a contributing factor that is not on its own sufficient to explain the attacks. After all, rising food prices affected all South African communities, not only those that turned against foreign nationals and outsiders among them.

The 'Third Force'

The shocking nature and scale of the violence gave rise to widespread speculation about the involvement of a 'third force'. This reference to clandestine and counter-revolutionary militias of the Apartheid era was used to suggest significant levels of coordination and orchestration behind the attacks. Such claims were reportedly made by members of the ANC National Executive Committee, Cabinet and local government. The study found no evidence that these attacks were planned and orchestrated by a single organisation or individual across the sites. The claims were later withdrawn by those who had made them.

There were some instances of cooperation and coordination between the various sites where violence has occurred, but at a very local level. For instance, there is evidence that 'comrades' from Itireleng (Laudium) helped in organising attacks on foreign nationals in Atteridgeville in March 2008. There were also attempts (although not always successful) by groups from affected areas to attack or influence attacks in non-affected areas such as Sector 5 in Alexandra and Madelakufa 1 in Tembisa.

In terms of a national factor which linked some attacks to each other, there is evidence that the media inadvertently played a significant role in triggering violence in areas such as Tembisa, Masiphumelele and Du Noon. Respondents in these areas believe that the violence was triggered by what people saw and read in the media about attacks in other townships such as Alexandra. Images and media reports of attacks, of people successfully looting foreign-owned shops, and of the helpless police and authorities were certainly encouraging to the ill-intentioned. Criminals and opportunists then organised themselves and mobilised other residents to emulate what was happening elsewhere. As with many of the factors above, it is important to note that even areas without violence and those communities that actively resisted the pressure from neighbouring affected areas had access to the same media images.

Service delivery failures

It was also claimed that poor service delivery was a factor critical to the emergence of the violence (Joubert, 2008). In addition to the fact that service delivery is a problem across impoverished areas in South Africa, our study's comparison of affected versus unaffected areas shows that service delivery

may be worse in areas where violence did not break out. An example is Sector 5/Setswetla of Alexandra, where there was no violence, which, compared to violence-wracked Sector 2 is worse off in terms of service delivery in that there is no formal housing, no electricity and most residents still use bucket toilets.

Poor service delivery may have played a role in heightening tensions and delegitimising political leadership in many of the affected communities. However, a direct link between poor service delivery - and indeed other factors related to economic conditions - and the outbreak of the xenophobic violence is difficult to pin down. The example above shows that it was not necessarily the most objectively poor or deprived who turned on foreign nationals, and thus confirms Tshitereke's (1999 in Harris, 2002) view that violence is not an inevitable outcome of absolute deprivation.

Underlying contributing factors

In addition to the factors discussed so far, the FMSP study identifies a number of factors that provided a fertile ground for the occurrence of violence against foreign nationals in May 2008 and earlier. As shown in the discussion below, these are common across South Africa and cannot therefore alone explain the appearance of violence in some places and not others.

Xenophobic climate

The study confirms earlier findings by several researchers and analysts (Crush, 2008; HSRC, 2008; Joubert, 2008; Bernstein, 2008) that there is an over-arching anti-foreigner climate in South Africa, in which negative sentiments and hostility towards foreign nationals are held and/or expressed by members of the general public and government officials. More critical perhaps is Crush's suggestion that xenophobic sentiments are worse in South Africa than in other countries – "South Africans are the least open to outsiders and want the greatest restrictions on immigration" (Crush 2008: 1), together with his finding that anti-foreigner sentiments are such that a third of South Africans would be willing to take action against foreign nationals (ibid).

Such a climate is not a sufficient condition for the occurrence of violence against foreign nationals. Indeed, as Brubaker and Laitin remind us, "Violence is not a quantitative degree of conflict but a qualitative form of conflict, with its own dynamics" (1998: 426). It is however plausible to surmise that such an intense climate has the potential to be "exploited to initiate violence" (Parliamentary Task

Team, 2008) and indeed provided a necessary fertile ground for the May 2008 and earlier violence against foreign nationals and outsiders. It is however important to note that these perceptions and attitudes are shared by communities that have not violently mobilised against foreign nationals or other outsiders. They should therefore only be seen as necessary but not sufficient conditions for the violence.

Culture of impunity

The study shows that there is a worrying culture of impunity with regard to perpetrators of xenophobic violence. Foreign nationals have been repeatedly attacked in South Africa since 1994 but few perpetrators have been charged and fewer convicted. In some instances, state agents have actively protected those accused of anti-foreigner violence. Before, during and after the May 2008 violence, some arrests were made at the different scenes of violence but most of them were released without charges due to lack of witnesses, residents' protests and mobilisation and local leadership involvement (see section on justice responses below). Like other analysts have observed (see for example Bekker et al, 2009), the actual and perceived impunity with which perpetrators of xenophobic violence are seen to act is likely to continue to encourage the ill-intentioned to attack foreign nationals and outsiders.

Limited knowledge of country's immigration laws and policies

Most respondents seem to have limited knowledge of the country's immigration laws and policies, particularly the existence of the legal steps a foreign national can follow to acquire permanent residence or citizenship which would allow him/her not only to live in the country but also to work, earn a living and own property like citizens do. It is little surprise, therefore, that such respondents have little knowledge of different categories of migrants, believing that most foreign nationals are in South Africa illegally and that whatever they have, including IDs, houses and businesses, has been acquired through illegal means. This lack of understanding of laws/policies and of the rights of different migrant groups could be one of the reasons why foreign nationals were attacked or forced to leave, regardless of their legal status, and why the appropriation of their property was perceived to be legitimate.

Local authorities' support of unlawful compromises to resolve local-migrant tensions

As discussed further below, as part of the reconciliation and peace-making process, agreements were signed between foreign and local business owners in Masiphumelele and Motherwell. The agreement, mediated by local authorities, required foreign nationals to limit their shop numbers and adjust their prices to those of South African traders. Such compromises are unlawful, and reflect two concerning assumptions: that it is legitimate and 'normal' for businesses to collude on pricing rather than to

compete with each other, and that economic opportunities and spaces should be divided up based on identity (nationality, ethnicity or race), rather than based on administrative and economic criteria such as zoning by-laws or business type. Given the unlawfulness of such compromises, they are difficult to comply with and may reinforce existing resentment towards defiant foreign business owners.

In concluding this section, it is fair to say that an environment with all or some of the above-mentioned conditions and factors is conducive to the violation and abuse of the rights of the marginalised and disempowered, a category in which foreign nationals feature prominently. Once again, these are processes that build over time and certainly create a fertile ground for xenophobic sentiments to translate into violent attacks. They do not, however, provide sufficient explanation why violence erupted on certain days and at certain times in different areas. This is the subject of the following section. It discusses the specific enabling factors and triggers of the xenophobic attacks witnessed in certain areas in May 2008 and earlier.

Specific enabling factors and triggers

Nature of local authority and local leadership

Compared to non-affected areas, the affected sites covered by our study share a number of common characteristics directly linked to the outbreak of the violence. These include elevated crime levels (real or perceived), heightened ethnic divides and tensions, and a pronounced history of organised violence. The most distinguishing feature is however the nature of local authority and community leadership characterised by the following features:

Absence of institutionalised leadership

Where the violence occurred, there was an absence of institutionalised, legitimate and trusted leadership that could represent the full diversity of the residents. Such an absence led to the emergence of informal, self-appointed structures that almost completely appropriated the authority constitutionally mandated to local government structures, operating as an 'untouchable' parallel leadership. Examples of these include the 'comrades' in Itireleng, 'izinduna' in Sector 2 Alexandra, Gauteng Civic Association (GACA) in Atteridgeville, the Masiphumelele Development Forum (MDF) in Masiphumelele, and the 'Advisory Centre' in Du Noon. Even for those commonly known community leadership structures such as

Street Committees, Block Committees, CPFs, SANCO, and so on³⁰⁷, the local government represented in theory by ward councils has no say in their membership, the nature of their mandate, or the character of their operational and disciplinary procedures.

As discussed in different case studies, community leadership is an attractive alternative for the largely unemployed residents of the informal settlements. It is a form of paid employment or an income-generating activity where supposedly voluntary leaders often charge for services, levy protection fees, and sell or let land and buildings, and take bribes in exchange for solving problems or influencing tender processes. The profitability of community leadership positions attracts considerable infighting and competition for power and legitimacy among different groups present in affected areas. Indeed, street committees, Community Policing Forums (CPF) and South African National Civics Organisation (SANCO) members in most areas report involvement in solving all sorts of problems community members bring to them. In Madelakufa 2, for instance, respondents report that the CPF, whose mandate is – according to the local CPF leaders – ‘exclusively fighting crime’, also involves itself in solving socio-economic and service delivery issues. In Du Noon, the local SANCO, which the other local leaders call a ‘family business’ constantly battles the ward council when negotiating development projects with donors. In Atteridgeville, GACA, reported to be behind the violence, was, at the time of fieldwork, organising a parallel reintegration programme and was fighting with the local council for allocated government funds.

For local political players, organising attacks on and removing ‘unwanted’ foreign nationals from affected communities has proven one of the most successful strategies for earning their constituencies’ trust while gaining additional legitimacy, clients and revenues. As mentioned above, the xenophobic violence in most affected areas was organised by those parallel structures and/or by some self-serving members of formal institutions, who capitalised on residents’ feelings, fears and negative attitudes towards non-nationals. Their help in ‘resolving’ this bitterly felt problem served to demonstrate a superior efficacy in ‘crime’-fighting, compared to formal police, and greater empathy with residents concerns, compared with elected and municipal structures, thus consolidating their identity as the only ‘true’ leaders. By removing foreign nationals, local political and community leaders sought to appropriate local state authority for localised political and economic interests. While, to many outside

³⁰⁷ There is no uniformity of structures across sites. Some structures exist in some areas and not in others and even where the same structures exist, its only by name; they have different composition and different modus operandi.

observers, violence against foreign nationals in affected areas appeared to be a spontaneous community uprising, the study shows that it is in all observed cases engineered and fuelled by influential individuals and groups that have direct and self-centred interests to serve.

Lack of conflict resolution mechanisms

Without denying that South Africa's townships have a documented history of violence used as a means to solve problems, it appears that communities resort to violence, vigilantism and mob justice only when relevant institutions and existing conflict resolution mechanisms have failed to adequately address issues of concern. The lack of effective conflict resolution mechanisms was particularly evident in local authorities' failure to engage residents of informal settlements during the events that preceded the attacks. It is evident that, in some areas, the violence was triggered by residents' frustrations over the inability or perceived unwillingness of local authorities (police, councillors, etc) to address their concerns/complaints (substantiated or not) with regard to the presence of foreign nationals.

Numerous meetings with community leaders and the police were held in which residents voiced their concerns and asked the police and authorities to address them. There was no effective reaction from local authorities. Instead, these structures either ignored the complaints or quickly dismissed them as baseless accusations, without taking time to engage and reason with communities in an effort to understand the origin of such concerns and provide the kind of feedback that might have changed dangerous misperceptions. In some instances, complainants were told to find ways to solve the problem themselves, as discussed earlier. Previous xenophobic violence was preceded by similar events, and the authorities were also unable to intervene to prevent the violence. The perceived inability or unwillingness of local authorities to address residents' concerns about the presence of foreign nationals led residents to resort to mass violence in the same manner they do when dealing with crime if the criminal justice system does not or is perceived not to take appropriate action.

Leadership in non-affected areas

The role played by the lack of effective community leadership in fostering violence is further illustrated by the role competent leaders played to prevent violence in non-affected communities. In an attempt to understand the reasons why violence broke out in some communities and not in others with geographic proximity and relatively similar socio-economic conditions, the study looked at two non-affected areas in Alexandra and Tembisa, two of the most affected townships in Gauteng province. The two studied non-affected areas are Sector 5/Setswetla in Alexandra and Madelakufa I in Tembisa. As discussed

earlier, violent elements from neighbouring affected areas attempted to start or influence attacks on foreign nationals in these two areas but encountered resistance from residents and their leadership.

While the dominant rhetoric in preventing the violence was not as much about solidarity with foreign nationals as about self-protection - there were fears that attackers from outside would not be able to differentiate foreign nationals from South Africans, meaning all residents would have been affected - the critical factor was the ability of leadership to represent and look out for the interests and safety of all residents. Unfortunately not all communities are lucky to have this kind of leadership. Self-serving leaders in affected locations either did not care or at least underestimated the security risks attacks on foreign nationals posed for their entire constituencies, as evidenced by a number of South African citizens who suffered death, displacement and loss of property during the violence.

The media

The study finds that the media played a significant, if inadvertent, role in triggering or at least influencing violence in areas such as Tembisa, Masiphumelele, Du Noon and Diepsloot. Respondents in these areas believe that the violence was triggered by what people saw and read in the media about attacks in other townships, such as Alexandra. Images and media reports of attacks, of people successfully looting foreign-owned shops, and of the helpless police and authorities were certainly encouraging to the ill-intentioned. Criminals and opportunists then organised themselves and mobilised other residents to emulate what was happening elsewhere. However, all communities in South Africa including those that did not mobilise to attack foreign nationals had access to the same media. Media can therefore be a factor but alone cannot account for the diffusion of the violence. The following section discusses factors that account for the diffusion or spread of the May 2008 violence.

Diffusion of May 2008 violence: the effect of 'social similarity'

The rapid geographic spread of the May 2008 xenophobic violence (135 incidents reported in two weeks. See Bekker, et al, 2009) and the perceived levels of coordination and orchestration led many inside and outside of government to believe that the attacks were the act of a 'third force'. With no

tangible evidence, the claim was quickly withdrawn (see earlier discussion). Other attempts to explain the diffusion of xenophobic violence in South Africa have been dominated by the 'copycat' approach or imitation fostered mainly by geographic proximity and media. This explanation has also been provided for the spread of xenophobic incidents in other countries: for instance, Braun (2008) contends that media visibility of violence and a negative media tone has accelerated the spread of xenophobic violence incidents in Germany.

In the South African case, the study indeed finds evidence of cooperation and collaboration among neighbouring communities, which might suggest that geographic proximity is a factor. The media is also believed to have played a role, as seen above. However, the study also shows that some communities close to affected areas managed to resist violence, and it is certain that media visibility was not restricted only to affected communities. It is therefore probable that, as Braun suggests, the most critical factor in the diffusion of collective violence is neither the geographic distance nor the media but rather 'social similarity'. The social similarity approach stipulates that only like-minded individuals and groups are likely to emulate or adopt collective violence observed elsewhere. This seems to be the case for the xenophobic violence in South Africa, given the remarkably similar identitive characteristics of the instigators of the attacks in different affected areas: informal, self-interested local leaders with the ability to mobilise disgruntled residents to commit violence against people considered unwanted outsiders. It seems to suggest that "the effect of geographical distance is actually caused not by geographical proximity as such, but by the fact that proximate areas tend to be socially similar" (Braun, 2008:15).

CONCLUSIONS

The study finds that the May 2008 violence against foreign nationals was not triggered by a 'third force', human 'tsunami', poor economic conditions, competition for resources or poor service delivery. While some of these conditions and indeed other broad structural and historical factors (notably the legacy of previous regimes and continued institutional discrimination) may have contributed to heightening tensions between citizens and foreign nationals, they do not explain the occurrence of violence in particular informal settlements and townships and not in others. These factors and conditions are shared by many townships across the country, including those where residents did not mobilise against

foreign nationals living in their midst. The study further indicates that the violence was not a result of organised crime. There was certainly brigandry and opportunism, but those neither framed nor legitimised the attacks among those who launched them.

The study provides evidence that violence against foreign nationals was organised and led by local groups and individuals as an attempt to appropriate localised state authority for political and economic benefits. It therefore concludes that the emergence of violence is typically rooted in the micro-politics of township and informal settlement life. In supporting this conclusion, the study identifies a number of factors and conditions that helped translate prevailing xenophobic attitudes into violence. These include, among others:

- Institutionalised xenophobic attitudes and practices that continue to dehumanise foreign nationals in the country;
- Political leadership vacuums and competition in community leadership that allow the emergence of parallel and self-serving leadership structures;
- A lack of trusted, prompt and effective conflict resolution mechanisms that leads to vigilantism and mob justice;
- A culture of impunity with regard to public violence in general and xenophobic violence in particular, that continues to encourage the ill-intentioned to attack non-nationals for a variety of reasons;
- Limited knowledge among communities and leaders of the country's immigration laws and policies that leads to criminalisation of foreign nationals;
- Local authorities' support and enforcement of unlawful practices and compromises that, while violating the law, reinforce communities' resentment towards non-compliant foreign nationals.

Negative perceptions and attitudes towards non-nationals in the country are a reality and are unlikely to change in the near future. By comparing affected and non-affected areas, the study clearly shows that only a trusted, competent and committed leadership (from grassroots to high-level officialdom) can make a significant difference in terms of preventing such sentiments from turning into xenophobic violence.

RECOMMENDATIONS ON CAUSES OF VIOLENCE

Stopping ongoing and preventing future violence will require more than just condemnation, moral appeals and public awareness campaigns. As a general principle, an effective and durable solution must rely on the rule of law and respect for and protection of basic human rights. The following specific recommendations should be immediately implemented if there is a genuine commitment to stop the ongoing violence and prevent future recurrences.

To the Presidency, the Department of Cooperative Governance and Traditional Affairs, and the Department of Justice and Constitutional Development

- *Initiate ongoing, systematic inquiries into anti-migrant and anti-outsider violence:* It is crucial to invest more effort and resources into systematic enquiries to understand and explain what happened in the past and what continues to happen. Intervention strategies designed without a clear understanding of the violence and the reasons behind it will not only be ineffective but risk doing more harm than good. As an example, the conclusions of the parliamentary task team³⁰⁸ were neither helpful in understanding the attacks nor in identifying the perpetrators and their motives. CoRMSA is pleased that its call to the South African Human Rights Commission to institute a Commission of Inquiry in this regard³⁰⁹ has resulted in an official investigation.³¹⁰

To the Department of Cooperative Governance and Traditional Authorities

- *Evaluate the role and function of community leadership structures:* Past governance failures have allowed gangsters and others to establish local power-bases founded on violence and discrimination. If the government is serious about equality, security, and service delivery, it needs to reconsider the function of local government bodies and the relationships between elected officials, street committees, civics, community policing fora, and other entities implicated in the violence. The role and functions of these community leadership structures

³⁰⁸ Report of the Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals, presented to Parliament, in pursuance of a National Assembly resolution agreed on Tuesday, 13 May 2008

³⁰⁹ Consortium for Refugees and Migrants in South Africa (CoRMSA). 2008. Protecting Refugees, Asylum Seekers and Immigrants in South Africa. Johannesburg: CoRMSA.

³¹⁰ South African Human Rights Commission (2010). Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals. Johannesburg, South African Human Rights Commission.

need to be reconceptualised in the light of their vulnerability to abuse by competitors for local government authority. This may be of particular relevance in the case of street committees, which originated with a different mandate during Apartheid, using strategies that may not be suitable to present-day South Africa.

- *Address institutionalised xenophobia and discrimination:* Government must intensify its efforts towards eliminating xenophobic and discriminatory practices in public institutions. This also means avoiding initiatives that will further empower the people and institutions responsible for the violence. There is a need to identify reliable community leaders to work with, and for a strong local government that consistently provides guidance, coordination and monitoring.
- *Monitor and discourage ethnic tensions:* Local government representative should be capacitated to monitor ethnic divides and tensions and mitigate them before they turn into violence. Non-nationals and other local (ethnic) minority groups (also considered as outsiders) have been identified to be the most adversely affected by such tensions. Given South Africa's ethnic diversity and history of spatial separation, different groups are dominant in different areas, including in ethnically mixed urban contexts. Governmental and elected officials should regularly remind members of majority ethnic groups in particular locations to respect the rights of everyone who lives in their midst.
- *Eradicate support for unlawful practices and compromises:* There are many examples where groups of residents have attempted to address tensions within communities by enforcing 'agreements' to limit numbers of businesses or areas of residence for foreign nationals. Such limitations on livelihoods and freedom of movement and residence are unlawful, and also do not address the underlying concerns of the residents (e.g. jobs and houses). Community leaders and local authorities should stop supporting and enforcing such unlawful practices that violate the rights of foreign nationals. They should be reminded to resist any conflict resolution measures that violate the law. These kinds of measures have been seen to exacerbate resentment towards non-compliant foreign nationals, even where they are acting within their rights under the Constitution.
- *Establish effective early-warning and response systems:* Mitigating future violence requires structures and institutions that are able to effectively respond to the warning signs. Warning

signs for xenophobic violence have been in existence for years, but have been ignored or dismissed as 'just crime'.

To the Department of Home Affairs

- *Channel efforts into managing migration rather than 'stopping' it:* History shows that border controls have never stopped the flow of unwanted people. Stricter border controls will not prevent people from coming into the country. If anything, this will foster additional corruption and illegal immigration, while firmly entrenching the kind of dual labour economy that undermines the rights and welfare of South African workers. Instituting stricter border controls would also fortify the kind of 'us versus them' mentality that helped foster the attacks. Efforts should be channelled into opening up more channels for legal migration, especially with regard to migration within the Southern African Development Community (SADC) region.

To Civil Society

- *Initiate and support mechanisms to hold government accountable:* There is a need for initiatives to hold government accountable for its failures to protect the rights of all of South Africa's residents. Such initiatives can provide incentives for political leaders and elected officials to meet their obligations to protect foreign nationals and other affected groups. In the case of xenophobic violence, there must be a shift from the current situation, where being seen to assist 'unwanted' non-nationals is seen as undermining leaders' legitimacy and election prospects, to a situation where leaders to *fail* to protect all residents of their constituency are seen as illegitimate and unelectable.
- *Discourage and counter the reproduction of uninformed opinions:* In the light of the study's finding that perceptions and misrepresentations played an important role in triggering anti-foreigner violence, it is imperative that public officials (including the police) and the media refrain from reproducing uninformed and unexamined opinions and statements about foreign nationals. These not only exacerbate existing negative attitudes among members of the public but also lend credence to the criminalisation of foreign nationals. Civil society, activists and advocacy groups should find ways to use the media and other available platforms to actively and effectively counter such misconceptions.

- *Support civic education about human rights and immigration policies:* Seen that public and community leaders' limited knowledge of human rights in general and the country's immigration laws and policies in particular is among the factors that contributed to the violence, there is need for active civic education in this regard. Government should take the lead by making sure that its representatives at the community level are equipped with such knowledge. Civil society should help government initiatives in making sure that only carefully designed and tested public awareness campaigns are implemented. Long-term efforts should aim to include such issues in school curricula.

To International Organisations

- Support government efforts to effectively manage migration and protect the rights of foreign nationals. This could be in the form of providing resources and sharing expertise with relevant departments.
- Support local civil society's capacity to monitor and influence government policies and practices with regard to protecting the lives and rights of all the country's residents.

SECTION III: INTERVENTIONS AND RESPONSES

The May 2008 violence against foreign nationals was perhaps not surprisingly followed by a multitude of interventions and responses from government security and welfare institutions; national and international NGOs, as well as ordinary members of the public. This section reviews four categories of responses: immediate interventions to prevent or stop the violence, the humanitarian response to the displaced, return and reintegration programmes or initiatives, and the judicial response i.e. victims' access to justice.

IMMEDIATE INTERVENTIONS TO PREVENT OR STOP THE VIOLENCE

The intensity and rapid geographic spread of the May 2008 violence stretched the capacity of the normal law and order enforcement institutions and necessitated the use of the army to control the attacks. It was the first wide-scale domestic deployment of military since 1994. Drawing on case studies, the following review is limited to immediate, local-level responses to threats and the outbreak of the violence. As the study shows, the local police and leadership were not able prevent and stop the violence despite clear warning signs.

The Police

While the local police officials claim that their response was prompt and effective in dealing with the crisis, most respondents report that the local police intervention was too late and not effective at all. They report that in some areas, such as Alexandra, the police took more than 24 hours to react and believe that a strong police intervention could have stopped the violence. Further, most respondents are convinced that some police officers supported or at least passively tolerated the violence due to their own anti-foreigner sentiments. Respondents further report that the local police were reluctant to intervene and that it was only the police from other stations who were seen actively involved in attempts to quell the violence.

In interviews, local police were adamant that they did an exemplary job under the circumstances. It is however evident that the police in all affected areas were not able to stop the violence or protect foreign nationals and their property. The attacks stopped only after all foreign nationals had left the

areas and there were no more businesses to loot. The role of the police seems to have been limited to escorting foreign nationals to police stations and other places of safety rather than protecting them and their property. The conviction that the police did a 'good' job and their interventions were effective is an issue of concern, as it does not encourage efforts to design new and more effective intervention strategies.

Local authorities and community leaders

It is little surprise that, in affected areas, the community leaders and the local government did nothing to prevent or stop the violence. As discussed earlier, some were involved in or supported the violence. Even those who were not supportive did not want to be seen helping the unwanted foreign nationals for fear of losing legitimacy or their lucrative leadership positions. In non-affected areas, local leaders mobilised communities to resist external influence or discourage internal elements that attempted to start attacking foreign nationals. A number of government officials and political leaders attempted to address and engage with people in affected areas. Some of these meetings, however, were abruptly interrupted as people did not want to hear appeals to stop the violence.

THE HUMANITARIAN RESPONSE

The May 2008 violence resulted in the first largest internal displacement crisis in South Africa since the transition to democracy in 1994. Following what appeared to a ‘chaotic’ humanitarian response, FMSP conducted research – commissioned by the South African office of Oxfam Great Britain – to monitor and evaluate civil society’s and government’s humanitarian responses to the displacement. The aim of the evaluation was to learn lessons for future disaster management and increase the effectiveness of future emergency responses. Towards this aim, actual responses from government and civil society were monitored and evaluated in terms of best practice guidelines, leading to recommendations based on factors that hindered or supported responses aligned with humanitarian principles.³¹¹

METHODS

The findings of the study arise from field work conducted between June and October 2008. This included reviewing meeting minutes and reports compiled by various organisations, attending meetings, visiting Safety Sites and interviewing key actors in civil society, government and international organisations (see Annex II for more detail concerning the research methodology and the list of interviews conducted). The research was confined to events in Gauteng and the Western Cape Provinces, where the majority of displacement occurred.

The focus of the monitoring and evaluation exercise spanned issues of material welfare of displaced persons (including important aspects of site planning and provisioning), of personal welfare and of protection (in terms of physical security and livelihood protection). As a result of the monitoring of the delivery of the disaster response it was possible to evaluate relationships between service providers and beneficiaries in terms of levels of accountability and in terms of levels of co-ordination and co-operation. In terms of actors involved in the process of the response, monitoring and evaluation activities scrutinised civil society, government (at municipal, provincial and national levels), beneficiary populations and international agencies and, importantly, their interactions in delivering that response. To this extent, particular attention was paid to the development of coordination and communication

³¹¹This section is a brief summary of information contained in an earlier report commissioned by OXFAM-UK. The report, entitled Iglesden et al (2009) Humanitarian Assistance to Displaced Persons in South Africa; Lessons Learned Following Attacks on Foreign Nationals in May 2008, FMSP Report, Johannesburg is available at www.migration.org.za.

structures, and the evolution of barriers and facilitation mechanisms (political, institutional, etc.) for effective humanitarian relief and related interventions. On-the-ground community-based responses were only included to the extent that they impacted on the effectiveness of organised responses and sustainable vulnerability reduction. The summary of findings presented here focuses on the frameworks and process issues around communication and coordination, rather than detailing the findings regarding material and personal welfare provisions. These are discussed in detail in the full report.³¹²

KEY FINDINGS

The humanitarian response to the displacement caused by the May 2008 violence against foreign nationals can be divided into three phases: an initial phase of emergency assistance, a core phase of providing structured shelter and welfare assistance to the displaced, and a closing-down phase aimed at ‘reintegrating’ the displaced.

PHASE 1: EMERGENCY ASSISTANCE	
Gauteng	May 11 - May 30
Western Cape	May 22 - May 26
<ul style="list-style-type: none"> • Initial ad-hoc and scattered shelter provided. • Large-scale return to countries of origin. • Chaotic provision of basic welfare needs to IDPs. • Civil society sets up systems for provision of assistance, seeks information on needs and preferences of beneficiaries. Coordination forums established. • Government activation of structures provided for in the Disaster Management Act (DMA). 	
<p><i>Main welfare actor: civil society</i></p>	

³¹² See Igglesden et al (2009) Humanitarian Assistance to Displaced Persons in South Africa; Lessons Learned Following Attacks on Foreign Nationals in May 2008, FMSP Report, Johannesburg is available at www.migration.org.za

PHASE 2: CAMPS AND 'NORMS AND STANDARDS'	
Gauteng	June 1 – July 31
Western Cape	May 27 – July 14
<ul style="list-style-type: none"> • Consolidation of IDPs into more centralised government shelters (CoSS). • Debates on norms and standards for humanitarian assistance. • A series of processes of registration, documentation and assessment of IDPs. • Many victims return to their communities unaided, or leave for their countries of origin. • IDPs remaining in sites demand assistance with reintegration, repatriation or resettlement to a third country. Insistence on broader consultation with UNHCR and UN agencies. <p><i>Main welfare actor: government assumes bulk of welfare provision; civil society complements and monitors provision.</i></p>	

PHASE 3: PUSH FOR 'REINTEGRATION' AND CAMP CLOSURE	
Gauteng	Aug 1 – Sept 30
Western Cape	July 15 – post-Sept
<ul style="list-style-type: none"> • Remaining IDPs represent the most vulnerable of the foreign nationals, having typically experienced great loss and multiple displacement. • Civil society, UN agencies and government allocation of responsibilities for reintegration support. • Government pushes for closure of the camps. <p><i>Welfare actor: de facto welfare responsibility returns to civil society.</i></p>	

In many ways, South Africa's human response to the crisis was laudable. Especially in the initial emergency phase, the police, churches, and individuals provided shelter and NGOs, FBOs, and individuals provided large amounts of donated food, clothes and other goods to the displaced. The role of civil society organisations in reacting quickly and flexibly to the humanitarian need and providing a wide range of crucial services must be recognised. There were also many government employees who invested time, energy and care beyond their formal duties.

Nonetheless, from an organisational point of view, the initial humanitarian response was characterised by 'chaos'. Throughout all response phases and in both affected provinces, it is clear that issues of coordination and communication were both the most important and the least effectively managed. This includes coordination and communication within government and within civil society, as well as between the sectors. While a lack of immediate coherence is normal to some extent in disaster situations, the following outlines several reasons for the high levels of initial disorganisation

Lack of experience and established systems

South Africa's Disaster Management Act (2002) and Disaster Management Framework (2004) are relatively new and they were untested for such a case of large-scale displacement. There was also no significant operational presence of international humanitarian actors in the country, with UN agencies and international NGOs predominantly focused on regional work or domestic developmental (rather than emergency) programming. The experience of Cape Town city's disaster management structures in dealing with annual flood and storm-related displacement proved useful to some extent, especially through the ability to quickly activate existing relationships with some civil society organisations. However, there are several key ways in which the existing disaster management structures and experiences failed as a guide for the May 2008 disaster response:

- The current Disaster Management Act and Framework focus on displacement caused by natural disasters and technology-related disasters (nuclear stations, aviation, etc.) but do not specifically include planning for displacement and humanitarian needs caused by civic disturbances and violence. The kinds of responses required for violent displacement are different and so should be planned for explicitly.
- The Disaster Management system enables local municipalities and provinces to declare and act upon localised disasters, but there was no effective national coordination of responses from government, leading to a lack of coordination between Gauteng and the Western Cape in this case. This led to differences of response standards, waste of time and resources due to the duplication of structures and processes, and confusion concerning the rights of the displaced.
- Civil society actors were not included in a regular consultative capacity in governmental disaster management structures, either at national, provincial or municipal level (although a very small

number of organisations had local relationships as contractors). This had several consequences, including that civil society and government could not exchange information for early warning; that neither governmental nor civil society organisations had good information about each other's mandates and modes of operation; and that relationships and modes of communication and cooperation had to be constructed during the emergency rather than existing in advance.

- In practice, there were no generally accepted norms and standards for humanitarian service provision. There was no document outlining South Africa's own levels of service provision standards, nor were widely accepted international standards, such as the *Sphere Handbook*, known or used. Even most permanent disaster management staff lacked knowledge of international standards, and there had been no regular training or even emergency training of other governmental officials or civil society actors in common standards. The lack of common standards led to: inadequate levels of basic service provision and protection of the displaced in some places; different levels of service provision in different locations; difficulties in effectively monitoring and coordination service provision; and difficulties in communicating and justifying levels of service provision for the displaced to the general population. Some UN agencies and INGOs conducted training on standards in the wake of the May disaster response.

Lack of government leadership

One of the most important barriers to effective disaster response in May was the lack of government leadership. This was due both to a lack of clarity in the Disaster Management Framework and to problems of political leadership. As noted above, the Disaster Management Framework is not clear on how to respond to violent displacement and which government department is the lead agency in such a case. The fact that most of the displaced were foreign nationals complicated the adoption of overall responsibility and political dedication in this case, as discussed further below. The lack of a clear and pro-active governmental lead agency hindered effective coordination between:

- Municipal, provincial and national levels of government;
- Different operational government departments (e.g. Health, Social Development, SAPS, DHA);
- Governmental and civil society actors.

Fragmentation of civil society

Since there have not been similar disasters in the country before (at least since democratisation in 1994), South African civil society does not have professional disaster response experience or capacity. In contrast to the governmental Disaster Management Act and Framework, there is no institutionalised basis for the coordination of civil society for disaster response. Civil society organisations from a wide range of sectors contributed to the disaster response, dedicating staff time and resources, usually without specific funding for such work, in high volumes and over long periods of time. The organisations involved came from a variety of backgrounds, including faith-based groups, social movements, migrant rights legal organisations, health and trauma organisations, and individual volunteers. Most of these organisations had never done emergency welfare work or monitoring before and most had never worked together, having different structures, mandates and approaches. The lack of existing disaster response capacity in civil society and its fragmentation as a sector had several consequences:

- Various coordination and information sharing mechanisms were established by civil society during the disaster response, including regular meetings, working groups, and email and web-based forums. While these mechanisms were valuable for exchanging information and to some extent planning a division of labour, they did not result in (and were not intended to result in) a unified civil society position, the appointment of overall civil society spokespersons and representatives, or mechanisms for evaluating and holding civil society actors accountable for their emergency work. Various governmental actors, as well as some international agencies, repeatedly called for a single 'civil society representative' to act as spokesperson or contact person, and expressed frustration with the multiple voices from civil society. This call, however, misunderstood the nature of civil society with regard to disaster response (a largely ad hoc collection of diverse bodies volunteering their time and resources) and the nature of existing coordination structures (equally ad hoc).
- Levels of coordination and leadership in civil society were significantly different in the Western Cape and in Gauteng. In the Western Cape there was a strong single organisation – the Treatment Action Campaign – which took on the leadership and coordination role, while in Gauteng such a civil society lead agency was absent (although the South African Human Rights Commission tried to some extent to take on this role). While stronger leadership in the Western

Cape led to more effective civil society coordination than in Gauteng, it also in some ways contributed to a more confrontational relationship with governmental actors.

- Civil society actors took on a range of roles and strategies in relation to the government's disaster response, including direct welfare provision and monitoring roles. While the welfare provision roles were largely carried out in tandem with government welfare provision (often filling gaps), the monitoring roles often increased suspicion and distance from government. This was especially the case in the last phase of the response (the 'reintegration' phase) when civil society in both Gauteng and the Western Cape turned to litigation or threatened litigation regarding levels of provision to and the planned closure of the 'safety sites'.

Confusion regarding the rights of (foreign) displaced

The disaster response was in many ways affected by the fact that most of the displaced persons were not South African citizens. In a strict humanitarian sense, the nationality of the affected persons, and indeed their legal status, should be irrelevant, since humanitarianism is based on the concepts of human rights and non-discrimination. International guidelines concerning internally displaced persons also proscribe discrimination by nationality or legal status, as does South Africa's Constitution when it comes to basic rights to life, dignity, food, etc. Nonetheless, the foreignness of most of the displaced impacted on the response in several ways:

- Apart from the general lack of clarity concerning a governmental lead agency, as noted above, there was confusion about the roles of the Department of Home Affairs (DHA) and the United Nations Office of the High Commissioner for Refugees (UNHCR) in the disaster response. DHA is often assumed to be responsible for all aspects of life regarding foreign nationals, while DHA itself has no welfare provision capacity generally restricts itself to interventions relating to documentation.
- There were sensitivities about public perceptions of the response. Government (and some civil society) actors argued that it might fuel further resentment or violence against foreign national if they were seen to be receiving more assistance from government than citizens. In addition, various government actors, not least the police and elected municipal and provincial officials

were concerned about their own legitimacy with voters if they were seen to be championing the rights of foreign nationals and spending resources on providing assistance to them.

- Government and civil society are not separate from the general population and so xenophobic attitudes existed among some governmental (and civil society) actors. While civil society actors who were unwilling to assist the displaced simply stayed away, governmental officials were required to provide services which they may not have personally agreed with.
- The continuation of ‘immigration control’ approaches during the initial phases of the emergency led to break-downs in protection. This included the arrest and deportation of some displaced persons who did not have documentation. Even the ‘voluntary’ return of victims of the attacks to their home countries represented a breakdown in protection and compromised the implementation of justice against perpetrators.
- Solutions for ending the emergency situation and response were especially affected by questions of legal status for the displaced. The most significant and at times violent conflicts between government agencies and the displaced concerned questions of documentation, including anxieties by IDPs who had existing refugee or asylum seeker documentation that temporary documents would reduce their rights, and vulnerability by previously undocumented IDPs concerning the quality and time-period of protection they would receive from temporary documents once they left the camps and ‘reintegrated’.
- Consultation and participation of the displaced in planning, implementing and monitoring the humanitarian responses were woefully inadequate, both by government and by civil society, although IDPs were more effectively included in civil society structures in the Western Cape than elsewhere. Such consultation and participation is very important in any intervention and is often overlooked, even where the affected persons are citizens. However, such consultation was complicated by the diversity and fragmentation of the displaced in terms of nationality, language and legal status. There was no ready-made representative IDP ‘leadership’ to consult with.

LESSONS LEARNED

The evaluation of the humanitarian response highlights six key areas of focus for future interventions.

Communication

The majority of conflicts between government, UN agencies, civil society and IDPs, and within each of these sectors, could have been avoided through more open and effective communication. Communication from government to IDPs, from government to civil society and from UNHCR to IDPs was especially problematic, but there was also a lack of communication between different levels of government and between different government departments. Problems included the timeliness and consistency of information concerning government policy and interventions, especially relating to the movement of IDPs into 'safety sites', levels of basic service provision, documentation options and reintegration options.

Communication is a basic element of accountability. The effects of a lack of effective communication included serious delays in basic service provision in many instances, and almost all the litigation by civil society against government could have been avoided through better government communication of its plans. The impact of a lack of communication on IDPs was increased trauma and an inability to plan for the future as well as frustration and in some cases aggression against government actors.

Consultation and participation

There was inadequate cross-sectoral consultation and participation: consultation of civil society by government, and consultation of IDPs by both government and civil society actors. Government structures often rejected consultation with and participation of IDPs and civil society actors by arguing that particular individuals or organisations were not 'representative' of the wider IDP or civil society constituency. While issues of representativity and accountability are real concerns and difficulties, it is important to develop flexible and supportive inclusive structures. The consequences of a lack of consultation and participation included inappropriate shelter site selection; inappropriate food

provision; and preventable tensions and conflicts between IDPs, shelter management and government, among others.

Consultation and participation is especially important in relation to mechanisms for monitoring humanitarian service provision during and after an emergency. There should also be clear modalities for IDPs to report abuses and seek redress. Communication and consultation failures were both the result and the cause of distrust between the various sectors involved in the emergency response.

Coordination

For any complex and multi-sectoral intervention such as a humanitarian responses, effective coordination mechanisms are the backbone. Without coordination, there are inevitably service gaps and duplications, as well as wastage of resources. The absence of effective communication and information-sharing noted above were central factors in hampering the coordination of humanitarian relief. In addition, modes of engagement, dictated by differences of style and ethos and by historical relations between government and civil society actors as well as among different civil society actors, had a profound effect on the extent to which coordination took place. The lack of a clear overall lead agency in government, and the lack of a recognised basis for civil society organisations to claim a coordination mandate, also undermined the establishment of generally recognised coordination mechanisms.

Given government's disaster management mandate and its response capacity, a primary coordination hub for any disaster response should be located in government, with a clear lead agency which maintains overall authority even when implementation responsibility passes from one level of government to another (such as from municipal to provincial). This hub should be inclusive of civil society and IDP representatives. Civil society should also develop its own coordination hub to feed into government structures and to coordinate civil society's specific monitoring roles.

Information collection and management

The functions of coordination and communication depend on the effective collection and dissemination of information concerning the needs of the displaced, the mandates and capacities of responding

organisations, and the ongoing levels of service provision. A key problem during the disaster response was the lack of standardised information collection and the lack of clear and broad information sharing and dissemination processes and mechanisms. While some INGOs and UN agencies assisted government and civil society organisations by providing information collection models, and while web-based information sharing portals were established, these need to be generally agreed upon and maintained in advance of the next emergency.

Emergency preparedness & contingency planning

All of the above functions need to be developed through an effective and inclusive emergency preparedness and contingency planning process. This process should apply to all kinds of disasters, but explicitly include planning for civil conflict. Such planning would provide the opportunity to develop relationships among a range of government and civil society actors to overcome the lack of knowledge and suspicion currently undermining effective communication, consultation and coordination. It would build technical capacity in government and civil society and would lead to shared norms and standards, protocols, databases of stakeholders, data collection formats, etc. all of which would greatly increase the speed and effectiveness of future disaster responses.

Evaluation and learning

There have already been several 'lessons learned' exercises with civil society (of which this report is one) and by UN and government actors. It is important that these exercises result in concrete changes within institutions and in the development of effective structures to connect the diverse institutions involved in disaster response and management. Civil society and government actors should openly share their internal evaluations and incorporate criticism as a constructive effort to improve service in the disaster response sector overall.

RETURN AND REINTEGRATION

When the violence broke out, most victims first fled to the nearest police stations for safety. Some remained there and others were accommodated and assisted in local community halls for a period before being moved to government-created safety shelters. This section briefly discusses the extent to which there were organised efforts to return the displaced to either their countries of origin or to the settlements from which they had been displaced. It also discusses local residents' attitudes toward the return and reintegration of evicted non-nationals. The field work for this study was conducted in late 2008 and early 2009, when civil society and the government were still battling in court over the closure of safety shelters and the reintegration of foreign nationals into the areas from which they had been forcibly removed.

In total, it is estimated that more than 100 000 foreign nationals were violently displaced from their homes and livelihoods as a result of the May 2008 violence. A few of those who did not have valid papers were deported by DHA, in contravention of their rights as victims of violence. Many either returned to their countries of origins independently or accepted offers of free transport from various South African and international organisations. By 15 June 2008, 40,361 Mozambicans, 1,260 Malawians and 184 Zimbabweans had returned to their respective countries with assistance, in most cases, from their governments.³¹³ It is unknown how many people returned to their countries independently and how many may have since come back to South Africa.

While the return of foreign nationals to their countries of origin was termed 'voluntary' repatriation by the organisations supporting it, it is questionable how voluntary these moves in fact were, given that violence was still escalating, there were no prospects of swift return into people's former places of residence, and no protection and welfare guarantees had been given. Furthermore, the assisted or independent repatriation had significant effects on the justice process, as discussed in the section on justice below, since complainants and witnesses could not be found for cases against alleged perpetrators.

Other displaced people remained inside South Africa, relocating to non-affected cities and townships where many lived with relatives and friends. For those with no options, the government created

³¹³ UN Situation Report 5, 21 June 2008

temporary camps named Centres of Safe Shelter (CoSS) in Gauteng and the Western Cape to accommodate approximately 20,000 of the remaining displaced, most of whom were refugees and asylum seekers.

From the onset, the government made it clear that the shelters were a temporary arrangement and its preferred long-term solution was the reintegration of the displaced into the locations from which they originally fled. Many left the camps and resettled elsewhere even before the camps were closed. Despite evidence that the conditions were not conducive for the displaced to return to their previous places of residence (examples are many where those who attempted to return were killed or assaulted),³¹⁴ and despite the outcry by victims, civil society and even a Constitutional Court order, the Gauteng Provincial Government dismantled the camps in Gauteng and forcibly evicted their residents with no clear reintegration strategy.³¹⁵

As early as the end of July 2008, Gauteng and Western Cape provincial governments declared that that reintegration of the victims of the xenophobic violence in the country had been a success. There was however little reason to believe that this was indeed the case, given renewed threats and attacks even in areas where successful reintegration had been celebrated.³¹⁶

Respondents in affected areas (particularly where leaders were actively involved, such as Itireleng, Ramaphosa and Sector 2 in Alexandra) reported that foreign nationals were not wanted back in the locations and returning would be 'committing suicide'. In addition to the fact that most local residents expressed strong dislike of foreign nationals and wanted them to return to their countries of origin, foreign nationals' shacks/houses and businesses in such areas had been 'attached' and the new owners had sworn to release them only over their dead bodies. These were not empty threats. Foreign nationals were killed or assaulted as they attempted to return into areas from which they were removed. Such incidents were reported not only in Alexandra and Masiphumelele but also in many other areas across the country. It is particularly concerning that no monitoring system was put in place by the government to ensure the safety of returnees to places they had advocated as safe. As a result, there is no comprehensive information on the numbers of people who were killed or injured in the 'reintegration' process.

³¹⁴ See the Humanitarian Response report at www.migration.org.za

³¹⁵ CoRMSA newsletter Edition 11 – 19th December 2008

³¹⁶ The Times: "Violent reception for refugees". 28 July 2008

Furthermore, all of our respondents in case study areas around the country reported that they had not seen any effort or initiative by the government or local leaders to prepare residents to accept foreign nationals back. They reported to have heard about the government's reintegration strategy in the media, and some were concerned that government was forcing the reintegration on residents without attempting to address their concerns first.

At the time of field work, some return had been possible in areas such as Madelakufa 2, Masiphumelele, Du Noon, and Diepsloot where the violence did not have the active support of leaders and the general community. But there were still tensions: non-nationals lived in fear that violence could erupt again and were occasionally verbally abused.

Finally, after the dismantling of shelters and the withdrawal of all government assistance, some camp residents sought refuge in private shelters, some of which were supported by the United Nations High Commissioner for Refugees (UNHCR) and other NGOs. It is also worth noting that before, during and after the official closure of shelters, international and local NGOs such as UNHCR, UNICEF, OXFAM, JRS and SARCS provided 'reintegration assistance' or 'exit packages' to help willing shelter 'leavers' to restart their lives. The long term sustainability of these reintegration processes has not, to our knowledge, been evaluated.

Reintegration: meanings and guidelines

Broadly defined, reintegration refers to return and acceptance of a person as a participant member of a community. As such, the term is used to describe the re-entry of formerly displaced people into the social, economic, cultural and political fabric of their original places or residence. According to UNHCR, reintegration, as it refers to returning refugees, requires access to reasonable resources, opportunities and basic services to establish a self-sustained livelihood in conditions of equal rights with other residents and citizens.³¹⁷ Reintegration should therefore be distinguished from *return* (the process of going back to one's place of original residence) or *resettlement*, which refers to the process of starting a new life in another part of the country.³¹⁸

³¹⁷ See NRC Training modules on Internal Displacement, Norwegian Refugee Council, <http://www.reliefweb.int/rw/rwt.nsf/db900SID/LHON-5UZMKN?OpenDocument>

³¹⁸ Ibid

With regard to conflict induced displacement, a successful reintegration requires a number of *sine qua non* pre-conditions:

- Adequate understanding and resolution of root causes of the conflict/displacement;
- When affected populations are still fearful about their security and future, there needs to be evidence of the rule of law that guarantees reasonable protection (See Fagen 1996);
- Participation of the displaced in the entire reintegration process;
- Voluntary return in conditions of safety and dignity; and
- Recovery of property or compensation facilitated by relevant authorities (Principle 29 of the UN Principles on Internal Displacement).

The above meanings and guidelines were conceived with reference to internally displaced persons (IDPs) returning to places of origin inside their own countries and refugees returning home from countries of asylum. The situation is different in South Africa as the reintegration process involved non-national IDPs or refugees turned IDPs in their country of asylum. There are no relevant legal frameworks or clear guidelines with regard to this category of the displaced. It is uncertain whether they can be classified into the category of IDPs under international law and this places them in a position of heightened vulnerability and erodes the political will to assist them. The Gauteng Provincial government, for instance “publically dismissed the contention that it had any responsibility to ensure proper and sustained support for the reintegration of IDPs who remained in CoSS in September [2008]”.³¹⁹

Despite the gap in international and domestic law, or the absence of a relevant legal category, common sense and continually renewed threats and attacks would have rendered the above mentioned principles relevant and applicable to the South African situation. Preliminary observations indicate that none of the above guiding principles were adhered to.

³¹⁹ See the Igglesden et al (2009), p. 146

ACCESS TO JUSTICE

This section of the report provides an overview and analysis of the justice system responses to the xenophobic violence that occurred in South Africa between May and June 2008, with a focus on Gauteng Province.³²⁰ The focus is on formal state actions that have the potential to hold accountable those who perpetrated the violence. The research in relation to justice system responses to violence against foreign nationals is ongoing, and this report should therefore be read as reflecting interim findings and posing questions for further research.

The lack of an effective justice response to any kind of violence has several impacts – which apply even more in cases of violence such as the May 2008 attacks on foreign nationals, where groups of people attack other groups in ways which undermine the general rule of law. First, where attacks are due to mobilisation by particular individuals (see Misago, Landau et al. 2009:38-40), these individuals may continue to pose a risk to the stability of the communities in which they operate if they are not apprehended and tried. Second, a message of impunity is communicated, which at best removes a disincentive to perpetrators and would-be perpetrators, and at worst legitimises attacks by suggesting that the state supports an anti-immigrant agenda. Thus, flawed state responses to initial attacks may promote the risk of future violence (Monson and Misago 2009). An effective justice system response, in contrast, where justice is done and is seen to be done, is an essential ingredient in preventing future attacks.

The important role of the justice system in responding to and therefore preventing violence against foreign nationals, and indeed violence and public violence in general, was recognised by the Department of Justice and Constitutional Development (DoJCD) and National Prosecuting Authority (NPA), as evidenced by the commitment to establish special courts in Gauteng and the Western Cape to fast track

³²⁰ This section of the report was researched by Jonathan Klaaren, Melissa Linder, Aleambong Emmanuel Nkea, Tara Polzer, and Rebecca Sutton and compiled by Tara Polzer. Some sections are particularly drawn from Aleambong Emmanuel Nkea's MA thesis 'Judicial Responses to the May 2008 Xenophobic Violence in South Africa and Its Implications for Migrants' Rights to Justice: A Case Study of Greater Johannesburg, FMSP Masters of Arts by Research.' It also uses information collected and analysed by Jean Pierre Misago and Tamlyn Monson. Some of the information has been made public in the following documents: Misago, J.-P., L. B. Landau, et al. (2009). *Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa*. Johannesburg, IOM and FMSP; Monson, T. and J.-P. Misago (2009). "Why history has repeated itself; the security risks of structural xenophobia." *Crime Quarterly* 29: 25-34.

cases arising from the violence (DoJCD 2009). While this commitment was laudable, and the NPA has indeed completed and reported on many cases arising from the May violence, as described below, there remain a series of challenges.

The justice system overall is broad and can draw on a range of mechanisms to hold perpetrators accountable and bring about justice. For the purposes of this report, we focus on a relatively limited set of cases, namely court cases. Furthermore, we mainly discuss criminal justice responses to the most extreme elements of the violence – deaths, physical injury and to some extent rape. By focusing on the most serious cases of violence, which should have elicited the greatest priority in terms of justice system responses, we hope to illustrate broader points about the quality of the justice system with regard to xenophobic violence. A future discussion of civil claim options and practices with relation to the widespread loss of property through arson and theft would be valuable, but is beyond the scope of this report.

In addition to court-based responses oriented at perpetrators, there were a series of formal accountability mechanisms oriented at state institutions with a mandate to provide effective responses. These included investigations and evaluations conducted by governmental and international actors, such as:

- Presidents Coordination Council of progress in dealing with the xenophobic attacks and related matters in Gauteng (established 18 May 2008)
- Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals
- Cabinet memo on assessment of support given by Gauteng Provincial Government to the victims of xenophobic attacks (and other internal government assessments)
- Gauteng Provincial Disaster Management assessment
- UNHCR Investigation into NGO complaints against its South African office's responses to the xenophobic violence
- SA Human Rights Commission Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals

We acknowledge the political importance of such special accountability measures in publically showing a recognition of state and UN responsibility, but we do not review their activities or their concrete institutional impacts, if any, in this report.

The rest of this section will cover the following elements:

- The methods used to inform our analysis;
- A brief comment on the intended and actual institutions and mechanisms through which cases were processed;
- A review of the number and types of cases recorded by the National Prosecuting Authority nationally, and identified through our research with SAPS and Magistrates Courts in Gauteng;
- An evaluation of factors influencing the process and outcomes of cases through the courts.

METHODS

The research informing this section of the report was conducted from April to July 2009. The research was coordinated and led by Jonathan Klaaren (Wits Law School) and Tara Polzer (FMSP). Much of the on-the-ground research was conducted by Emmanuel Nkea and Melissa Linder. Rebecca Sutton conducted background research and Roni Amit provided additional legal advice. The research also benefitted from research and analysis conducted by Tamlyn Monson and Jean Pierre Misago as detailed in other sections of this report.

Methods included:

- Communicating with the National Prosecuting Authority regarding their records and evaluations of cases with regard to the May violence;
- Visiting nine magistrates courts around Gauteng - Germiston, Soweto, Tembisa, Johannesburg, Boksburg, Randburg, Roodepoort, Krugersdorp, and Wynberg - to compile their statistics and speak with magistrates and prosecutors about completed and ongoing cases with relation to the May violence.

CONTEXT: THE SOUTH AFRICAN JUSTICE SYSTEM

The Department of Justice and Constitutional Development (DoJCD) committed in May 2008 that cases arising from the xenophobic violence would be fast tracked through special cooperation between police, prosecutors and the Department. The National Prosecuting Authority committed to monitoring and giving special attention to xenophobia-related cases (DoJCD 2009). Special courts were promised and

were indeed created in the Western Cape, but they saw very few cases (some reasons for which are discussed below). No special courts were established in Gauteng or any other provinces. By October 2009, the DoJCD itself acknowledged that the goal of prioritising cases had failed: “If we bear in mind that it took more than a year to deal with the majority of cases, with a number still to be finalised, it becomes clear that the promises of prioritisation by the roleplayers (SAPS and NPA) could not be sustained in view of capacity and case flow management challenges.” (DoJCD 2009:2)

In evaluating the ways in which the justice system in South Africa responded to cases related to the violence of May 2008, it is important to place these responses into the context of the general functioning of the justice system. This report does not seek to establish definitively whether the response to xenophobic violence is more or less effective than responses to other similar crimes - as this would require a systematic comparison of the progress of other cases of murder, grievous bodily harm (GBH), public violence, etc. through the justice system. This would be an important study to do in future. For now, in identifying various weaknesses in the justice system response, we acknowledge that many of these weaknesses also apply to cases in which (poor) South Africans are the victims.

In trying to establish a comparative base line for how murder cases in the context of xenophobic violence are treated in comparison with ‘normal’ murder cases, it is striking, given the public and political prominence of crime as an issue in South Africa, that there have been relatively few studies on the functioning of the justice system.³²¹ The (outdated) studies which do exist paint a picture of widespread weakness and inefficiency. While SAPS post annual murder statistics online, conviction rates for various crimes, including murder, were publically included in the 2007/2008 SAPS Annual Report for the first time. This means there is no longitudinal information on conviction trends. In 2005 research, Martin Schonteich analysed murder statistics from 1994-2004 in South Africa (Schonteich 2005b). He found that in the year 2000, for every 100 murder cases recorded, 46 were referred to court, 34 went undetected, 25 were prosecuted, and 16 were convicted. In 1994, there were only 0.1 prosecutors per murder in South Africa, compared with 0.9 (Russia), 4.4 (Sweden), 6.7 (Belgium) (ibid). The most recent comprehensive study on conviction rates, which traced cases to determine whether they resulted in a conviction, was conducted by the South African Law Reform Commission (SALRC) in 1999 (SALRC 1999). A key finding of this report was that for every 100 violent crimes reported in SA, perpetrators in only six

³²¹ It seems that the Department of Justice is currently working on producing tools to evaluate the efficiency of the justice system in general, including greater clarity on conviction rates, but these are not yet in use.

cases had been convicted after two years. According to this report, only 11% of reported murders resulted in convictions in South Africa. In South Africa, there is no published database of either murder rates or conviction rates which is disaggregated by the nationality of the victim. Given this context of information paucity and institutional challenges, it is likely that basic structural weaknesses in the justice system will also have a significant impact on the processing of xenophobia-related cases, even where such cases are theoretically receiving priority attention.

Finally, we are aware that the relative effectiveness of persecutions cannot simply be judged by comparing conviction rates for different kinds or contexts of crime. This is because different institutions (e.g. police and prosecutors) use different methods to determine their success/conviction rates.³²² Furthermore, too narrow a focus on conviction rates can be detrimental to the interests of justice. For example, in a constitutional democracy such as South Africa's, the police are not permitted to break the law themselves in order to obtain a conviction at all costs; it is also not in the interest of justice to prosecute all cases; and fairness dictates that an accused must be acquitted if reasonable doubt exists about his guilt. Our evaluation of the justice sector performance in the context of xenophobic violence therefore rests on a range of qualitative measures rather than on a strict quantitative comparison of conviction rates.

CASES BROUGHT BEFORE THE COURTS

Case Monitoring and Communication by the NPA

The NPA is to be congratulated on the openness with which it has communicated its efforts to monitor and conduct prosecutions with relation to the May 2008 violence. Forms of communication have included:

- A 107 page spreadsheet from November 2008 listing xenophobia cases enrolled nationally
- Letters to the Wits Law School (Dr. Jonathan Klaaren) and CoRMSA (Duncan Breen), on 20 May and 16 February respectively, summarising the state of prosecutions.

³²² Telephonic interviews with Chandre Gould, ISS; Willie Van Vuuren, SALRC; and Johan Burger, ISS.

- A feedback meeting with government and relevant civil society actors on 29 July 2009 at which a 'Progress Report relating to cases emanating from the 2008 xenophobic attacks' by the Department of Justice and Constitutional Development was circulated. A spreadsheet comprehensively listing national xenophobia convictions to date (with 137 accused) was also circulated after the meeting.

This section presents summary information on xenophobia-related cases brought before the courts based on two sources:

- the NPA for a national picture, and
- our own research in magistrates courts for a picture of Gauteng.

The data from these two sources does not entirely match, nor is it always internally consistent, and so we present it with the caveat that more research is needed to establish the complete story.

Table 1: National Cases based on NPA reports (DoJCD, October 2009)

No of Cases placed before the courts:	597	Nature of Charges:	
No of Charges:	109	Robbery:	96
No of suspects:	1712	Armed robbery:	22
Prosecution Rate:	159	House robbery:	11
Conviction Rate:	98	Business robbery:	6
Acquittal Rate:	61	Public violence:	112
Withdrawal Rate:	218	House Breaking:	107
Pending/In-process Rate:	161	Theft:	58
		Malicious damage to property:	36
Location of Cases:		(Attempted) Murder:	62
Gauteng:	188	Assault/GBH:	31
Western Cape:	176	Intimidation:	22
Eastern Cape:	84	Arson:	9
KwaZulu-Natal:	57	(Attempted) Rape:	8
Mpumalanga:	48	Other:	17
Other Provinces:	44		

Of the 188 cases which the NPA recorded in Gauteng, our research was able to reconstruct a list of 68 court cases through gathering information directly from magistrates courts in the districts of Germiston, Soweto, Tembisa, Johannesburg, Boksburg, Randburg, Roodepoort, Krugersdorp, and Wynberg. Table 2 summarises these cases.

Table 2: Cases in Gauteng based on FMSP research

No of Cases placed before the courts:	68	Nature of Charges (some cases include more than one count):		
No of Charges:	109	Public Violence:	40	
No of suspects:	327	Robbery:	21	
Prosecution Rate:	17	25%	House Breaking:	15
Conviction Rate:	6	9%	Theft:	9
Acquittal Rate:	11	16%	Malicious damage to property	6
Withdrawal Rate:	39	57%	Assault:	5
Pending Prosecution Rate:	12	18%	GBH:	5
			Rape:	2
			Murder:	2
			Possession of firearms:	2
			Intimidation:	2

When compared with the somewhat dated South African Law Reform Commission (SALRC) research conducted in 1999, the prosecution/case finalisation rate for the NPA-recorded xenophobia cases after May 2008 is more than double that for randomly sampled violent crimes (27% versus 11%). A 16% conviction rate is also higher than the average of 6% identified by the 1999 SALRC study. However, the case withdrawal rate is four times higher among the xenophobia cases than among the SALRC sample (37% versus 10%), and for this reason, the higher levels of finalisation do not necessarily indicate a successful judicial response. Significantly, according to the NPA there was only one murder conviction (in Duncan Village, with a 15 year sentence) and one life sentence (in Springs, for rape, robbery and housebreaking).

The Gauteng cases identified by FMSP research show an even higher withdrawal rate (57%) and a lower conviction rate (9%), even though fewer cases are still pending.

Figure 1: Judicial processing of violent crime cases reported in 1997/98, by October 1999 (Monson and Misago 2009).³²³

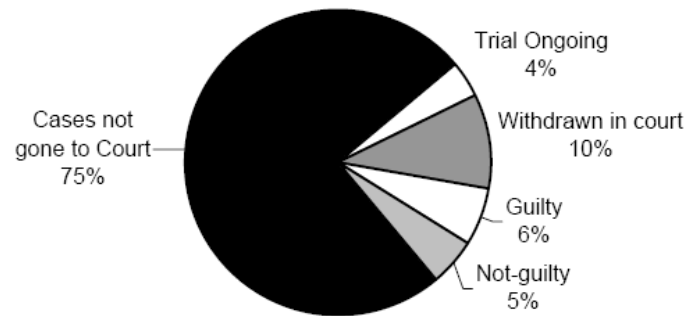
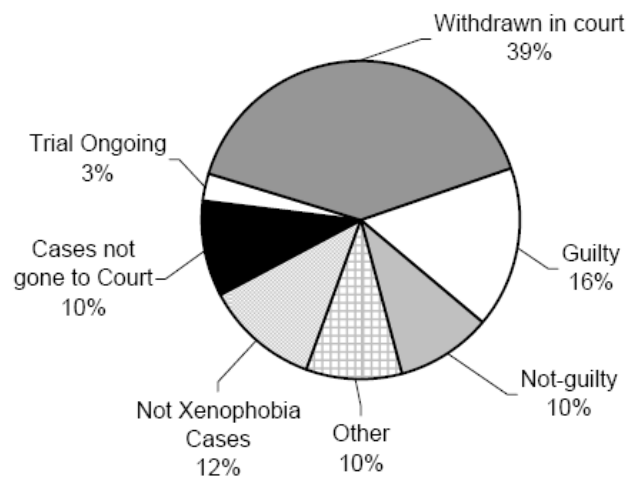


Figure 2: Judicial processing of prioritised xenophobia cases reported by NPA by July 2009 (Monson and Misago 2009).



These tables illustrate several issues of serious concern which will be discussed further in the sections below:

³²³ These figures are based on NPA reported statistics from July 2009 and so diverge slightly from the October 2009 statistics in Table 1.

- The withdrawal and dismissal rate noted by both the NPA and FMSP’s research are very high. While there will always be a certain percentage of cases withdrawn in court, a high withdrawal rate suggests serious challenges in the case preparation and investigation process. This means that it is likely that a large number of complainants did not receive justice. Generally, there are several reasons that can lead to the withdrawal of a case in court, which also applied in relation to cases emanating from May 2008 cases: complainants withdraw the complaint; complainants or witnesses cannot be traced; the allegations are unfounded; or there is no prima facie evidence (a lack of sufficient evidence to establish the facts of the case). With regards to the May 2008 cases, additional reasons were recorded: there were missing or no case dockets in court; the witnesses were absent from court; failure by the police and prosecutors to execute bench warrants against absconding accused persons; the failure by the prosecutor to issue subpoena; insufficient evidence; and incomplete investigations. Particularly concerning is that both of the murder cases identified through FMSP research were withdrawn because there was no docket.
- The types of cases registered by the NPA and FMSP illustrate several gaps compared to the kinds of crimes known to have been committed. There are fewer cases regarding extreme violence, including murder, than expected and few cases of incitement.

EVALUATING PROSECUTIONS

The effectiveness of prosecutions depends on three phases being completed successfully: cases being brought to and recorded in the justice system; cases being investigated; and cases being prosecuted. Our research shows that there were significant challenges at each of these stages.

Bringing cases into the justice system

A key element of evaluating justice responses is understanding the social and political context in which they function, and the policies and practices which are not strictly justice-related but which impact directly on the justice system. These context factors significantly influence which victims of violence reach the formal justice system and which perpetrators are pursued and which ignored. Ideally, the

effectiveness of the justice system should be judged against some measure of how many possible cases of violent crime, in this instance, occurred and therefore could and should have been brought to justice. It is well established that many forms of violence never reach the criminal justice system in South Africa. It would therefore not be surprising to find that some of the deaths and injuries which were inflicted against foreign nationals in May 2008 did not reflect in official SAPS or court records. Nonetheless, given the high public profile of the violence and the commitment expressed by the National Prosecuting Authority to prioritise xenophobia related cases, one would have hoped that a relatively high percentage of serious violent crimes would have been captured by the justice system.

In practice, there are strong indicators that the majority of even the most egregious crimes against foreign nationals in May 2008, e.g. murder, were never registered in the justice system. The Forensic and Pathological Services (FPS) in Johannesburg have a list of 15 deaths occasioned by violence between 11th - 26th May 2008 in areas that make their connection to xenophobic violence likely,³²⁴ and public mortuaries in Germiston and elsewhere in Gauteng reported significant numbers of often unidentified and unclaimed bodies recovered from areas where violence had occurred. The most commonly quoted number in the media of deaths from the violence is 62, almost all of which reportedly occurred in Gauteng. However the NPA reported only 33 cases of attempted and actual murder. Our own research in Gauteng only identified two murder cases.

Two context processes may have contributed to explaining this obvious lapse in justice. These were the 'voluntary repatriation' of victims of attacks, and local political pressures on the police to not arrest, release or drop charges against perpetrators (Monson and Misago 2009). This latter factor also affected police investigations, the second phase of the justice system, as discussed in the next section.

While violence was ongoing and during its immediate aftermath, various organisations offered victims of the violence assistance to return to their countries of origin. Such 'voluntary repatriation' was facilitated by organisations such as IOM and embassies, with the cooperation of the Department of Home Affairs. Many victims also left South Africa, temporarily or permanently, on their own accord. It is likely that one of the reasons many cases were never registered with the justice system was because the victims or relatives of the victims and witnesses left the country without attempting to access justice. Furthermore, the repatriations are significant given that a report by the Department of Justice and

³²⁴ See letter 'Suspected Xenophobic Deaths: Forensic Pathology Service, Johannesburg' (30 July 2009)

Constitutional Development links the majority of case withdrawals (40% of all registered xenophobia-related cases) by the NPA to the fact that 'witnesses became missing or left the country' (Department of Justice and Constitutional Development 2009). The importance of untraceable victims and witnesses is also emphasised in the SAHRC report (SAHRC 2010: 70). Of the cases identified through FMSP research in Gauteng, an even greater 57% of cases were either withdrawn or dismissed because the witnesses were untraceable.

A second important context factor after the May 2008 violence, as well as after episodes of violence before and after, was the use of political negotiation for the release of accused perpetrators. In some cases, local and provincial state agents actively protected those accused of anti-foreigner violence (Igglesden, Monson et al. 2009). In Masiphumelele outside Cape Town, for instance, the former Western Cape Provincial Premier, Ebrahim Rasool, the MEC for Community Safety, Leonard Ramatlakane, and the Ocean View police reportedly intervened to secure the release of business owners who had been arrested after xenophobic violence in 2006. This experience is likely to have motivated the resumption of violence in the same location in 2008 (Monson and Misago 2009). In other cases, suspects in the May 2008 violence were released without charges due to residents' protests and mobilisation. In the case of Itireleng, for example, charges against 11 suspects, including members of the informal leadership structure accused of instigating the May attacks in that area, were withdrawn after a protest march to the court on the day of the hearing. The local councillor had advised residents that if they 'tell the police that they did this as a group not as individuals,' police would comply with a demand for the suspects' release (Monson and Misago 2009).

Investigating Cases

The South African Police Services (SAPS) are the key institution tasked with investigating crimes as preparation for court cases. In addition to whether crimes are recorded by the police in the first place, successful prosecution depends on the cases police choose to/are able to investigate, and the quality of police investigations (Schonteich 2005). Furthermore, the police are not only responsible for finding witnesses but also protecting them if they are considered to be under threat. There are indications that many of the failures in effectively prosecuting xenophobic violence cases lie at this stage of the justice system due to:

- Police involvement in attacks in some cases;
- Lack of police authority in some areas where violence took place;
- Police dependence on informal 'community' justice structures;
- Failure to apply the witness protection programme; and
- Loss of dockets.

While some of these failures certainly represent structural weaknesses in the implementation of the justice system overall, some are specific to or more pronounced in relation to cases with foreign claimants.

Apart from the above-mentioned public pressure on police to release suspects without charges, previous research by the FMSP has identified several cases where the police were seen supporting and taking part in attacks on foreign nationals (Misago, Landau et al. 2009; Monson and Misago 2009), suggesting that the institution is not always a neutral arbiter of justice in such cases. The same research notes the often tenuous authority of the police in the kinds of informal settlements where most of the violence happened, so that local police officers receive little community support in investigating suspects, no matter what the crime (Misago, Landau et al. 2009). This is confirmed by the SAHRC (2010:66). While some of this inability or unwillingness to investigate is a function of South African's fraught historical relationship between township dwellers and the police (Steinberg 2008), it is also a function of the semi-official relationship between informal 'community-based' policing and justice structures and the police. Given that the violence against foreign nationals was often carried out or supported by local informal leaders and 'community' structures, it is not surprising that a police force dependent on such groups for information and assistance in identifying suspects would encounter difficulties in their investigations.

It is well established that non-state policing and justice structures are an important partner in law enforcement in South Africa (Schärf 2003). The working relationship between informal justice structures and the formal police centre around cross-referral and co-operation in townships and informal settlements. This relationship was confirmed in our research. One interviewed police officer stated: "... when we receive minor complaints we refer them to community groups, they in turn refer serious matters to us ...we co-operate on all sorts of crimes." Another officer noted: "the police have a very

good relationship with them... they serve as the eye of the police... the police needs reliable informants to effectively combat crime and we have found in them this reliability..." (Nkea 2010:101).

For a partnership between these non-state structures and the formal justice structures to be beneficial to the general public, they must have shared values and a common purpose. As noted above, this is not necessarily the case in relation to violence against foreign nationals. All of our police and prosecutor respondents in Gauteng confirmed that there were no cases where informal policing structures had referred cases emanating from the May 2008 violence to the formal police, nor where they had assisted in the arrest or identification of suspected perpetrators. Finally, even though members of 'community' policing structures could have acted as key witnesses in cases against perpetrators, this did not happen. As a police officer noted: "... yes, they were potential witnesses... we tried to use some of them as witnesses but they would not accept.... even in their area of command where they must have known those who were responsible for the violence..."(Nkea 2010:103). The refusal by members of these non-state structures to co-operate with the police in bringing to book perpetrators of the May 2008 xenophobic violence is indicative of the fact that the justice system's coalition with non-state policing and justice structures adversely affected justice outcomes to the May 2008 violence.

Fear made the protection of witnesses in this particular case a crucial aspect in determining their participation in the prosecution of their assailants. The purpose of a witness protection programme, which is in place in the South Africa justice system, is to provide protection to vulnerable, threatened and intimidated witnesses in order to guarantee their appearance and testimonies in court. Since some victims of the May 2008 xenophobic violence were undocumented migrants, fear and the possibility of secondary victimisation made the protection of witnesses in these cases a crucial aspect in determining their participation in the prosecution of their assailants. Yet none of the victims/witnesses of the May 2008 xenophobic violence cases in the Greater Johannesburg area were protected under this programme. All police and magistrate respondents who spoke to the researchers confessed that they did not utilise these procedures in protecting victims or witnesses after May 2008.

As noted above, 40% of cases registered by the NPA and 57% of the cases identified by FMSP in Gauteng were withdrawn, mainly for lack of witnesses. A prosecutor confirmed the gravity of this lapse when he admitted that:

Things are not so easy for us... either there are no witnesses to testify or when we have them they are afraid to come forward and testify in court... for example, I have this lady here in the township that can identify the assailants of one of the deceased but she is not willing to testify in court (Nkea 2010:90).

Responding to a question as to what steps were taken by the NPA to protect witnesses in cases emanating from the May violence, a prosecutor had this to say: "We did not find it necessary to protect witnesses in these cases ...there was nothing special about these cases... they were just ordinary criminal offences as others" (Nkea 2010:89). This is clearly a mistaken assessment of the levels of risk perceived and experienced by witnesses to the xenophobic violence.

When asked whether he was aware that witnesses in xenophobic cases were afraid to come forward and testify in the trial of their assailants in courts, and why the witness protection programme was not used, a prosecutor respondent was blunt: "There are other issues involved in the protection of witnesses; it is not as easy as you see it... we did not get the go ahead from those responsible ... I must have to go... I think you are asking too much ... if they were protected, then they were protected, if they were not protected, so be it!" Another prosecutor was even more revealing: "why do you think that these people needed protection? ...since you want to teach me my job you may as well go and protect them..." (Nkea 2010:98)

A perspective provided by the SAHRC enquiry into the state's responses to the xenophobic violence adds the complication that potential complainants and witnesses often fear and mistrust the police, and so would not see the police as a protective but rather as a threatening institution. An example is given of an investigating officer at Ocean View Police Station, who cited five simple, fully investigated cases where suspects had been arrested and charged, and all statements obtained, which would undoubtedly have resulted in a conviction if the complainant had been willing to cooperate and participate in the court process. The officer noted that reluctance to engage with court processes is not unique to foreign nationals but extends to all residents of the informal settlement (SAHRC 2010: 66).

A final element of witness protection was that in cases bail for accused was opposed on grounds of witness protection. In the few cases in Gauteng where the prosecution opposed bail being granted to the accused, they did so only on grounds that the accused's address needed to be verified and for other

reasons but not on the grounds that the accused could tamper with the victims or witnesses. Thus, it seems safe to conclude that the prosecutors did not consider the protection of witnesses as vital to the justice outcomes in these cases.

Finally, the prosecution phase was negatively affected by the loss of police dockets. This is a common problem in the South African justice system and can be a sign of anything from administrative inefficiency to corruption or political influence. The outcome on justice was severe: both of the murder cases identified through our research in Gauteng were dismissed due to missing dockets.

Prosecuting Cases

The SAHRC enquiry report suggests that while sincere efforts were made by the DoJCD and NPA to fast-track and monitor cases, these efforts were undermined because of a lack of capacity among SAPS detectives, forensic laboratories, legal aid and courts. While the capacity gaps at the court level were addressed to some extent through the establishment of 'special courts' in the Western Cape, which led to a larger number of finalised cases in that province than elsewhere, such courts were not established in other provinces (SAHRC 2010: 69). While such capacity limits are clearly a reality of the South African justice system overall and it would be unrealistic to expect them to be overcome suddenly for the special case of violence against foreign nationals, there were nonetheless indications that otherwise common prosecutorial strategies were not applied in these cases. This suggests that the delays in prosecutions and the high number of dismissals are not entirely or only due to 'normal' system inefficiencies. Specific strategies which were ignored included:

- Lack of adequate provision of translators
- Non-execution of bench warrants for absconding defendants
- No use of plea and sentence agreements
- No consideration of the State acting as complainant on a victim's behalf
- No charges of incitement

One of the reasons given for the 208 case withdrawals reported by the NPA is the failure to obtain an interpreter. This seems a very poor reason for withdrawal of a case, and serves as evidence that these

cases were insufficiently prioritised in provinces such as Gauteng, where the special courts envisioned by the NPA never materialised (Monson and Misago 2009).

Secondly, in most cases where bench warrants were issued by the courts for the apprehension of absconding defendants, the prosecution failed to execute such warrants. Prosecutors placed the blame on SAPS. One Prosecutor cited corruption by SAPS officials as a significant reason for not executing the warrants while another noted that "... even if the warrants were executed, we would have had no witnesses to prosecute the suspects in court" (Nkea 2010:91). This suggests a somewhat fatalistic approach by prosecutors to the inability or unwillingness of the police to play their mandated role in ensuring a functioning justice system.

Plea and sentence agreements enable prosecutors to identify unknown suspects through promising mitigated sentences to cooperative suspects. They are especially valuable strategies in cases where witnesses are difficult to secure and where groups of perpetrators were involved – both applicable to the May 2008 violence. However, the NPA did not utilise this strategy in dealing with cases emanating from the May 2008 xenophobic violence in Gauteng. Asked why this technique was not adopted by the NPA, none of the prosecutors could advance a reason, illustrating once again the lack of commitment and creativity in prioritising these cases.

Similarly, in cases where the state has a broader interest in terms of law and order, and where victims, or in the case of murder relatives or associates of victims, will or cannot bring a case themselves, the state may act as complainant against a perpetrator. Given the breadth of public disruption and political embarrassment caused by the violence, the public interest in fighting perceptions of impunity, and the unknown identities of many victims (and lack of witnesses), there would have been ample justification for the state to take at least some of the cases against known perpetrators up itself, using police officers as witnesses, for example. However, this was not done.

A final, related, indication of a lack of broader commitment to justice – and to using justice to prevent future attacks – is the failure to press charges for incitement. In their research, Misago et al (2009), present strong evidence that in many locations the May attacks were fuelled and managed by local community leaders. Misago et al also found that before, during and after the May 2008 violence, some arrests were made at the different scenes of violence but most of those arrested were released without charges either at the level of the police or the courts due to the mobilisation of communities and their

leaders. Our research in magistrates courts could not locate even a single case in which charges were laid against any community leader in Gauteng. A 20 May 2009 letter from the NPA to Dr. Jonathan Klaaren of the Wits Law School listed 22 cases of intimidation (a less severe charge than incitement), but these cases were no longer listed in a 29 July letter summarising NPA cases.

CONCLUSIONS

In terms of immediate response to the threat and outbreak of violence, the report shows that local leaders and police were in most cases reluctant to intervene for different reasons including i) the fact that they share the same attitudes with the general population and also wanted foreign nationals to leave; ii) fear of victimisation; iii) fear of losing legitimacy and political positions.

The humanitarian response to the May 2008 crisis was generally laudable. Especially in the initial emergency phase, the police, churches, and individuals provided shelter and NGOs, FBOs, and individuals provided large amounts of donated food, clothes and other goods to the displaced. Nonetheless, from an organisational point of view, the initial humanitarian response was characterised by 'chaos' due mainly to lack of coordination and communication among different stakeholders. The report identifies a number of specific reasons for these high levels of initial disorganisation:

- Lack of experience and established systems of disaster management
- Lack of government leadership
- Fragmentation of civil society
- Confusion regarding the right of (foreign nationals) displaced

Return and reintegration were not desired and indeed impossible in areas where foreign nationals' property had been appropriated by local residents and leaders and where community leaders were actively involved in the violence. The report indicates that there was no sign of government initiative or programme to prepare communities for the return and reintegration of displaced non-nationals.

An effective justice system response to any kind of violence is essential to preventing future violence; otherwise, a perception of impunity contributes to violence recurring and entrenching itself as socially and politically acceptable. The Department of Justice and Constitutional Development and the National

Prosecutions Authority recognised this by committing to prioritising cases of violence against foreign nationals, and they should be congratulated and supported in their efforts to push, oversee and communicate openly about these cases. Given the comparatively high rate of convictions, compared with averages for other violent crimes, it would have been beneficial to give a higher media profile to successfully completed cases. To counter perceptions of impunity, it is not only important for justice to be done, but it must also be seen to be done.

In spite of some positive intentions by authorities, the initial research that informs this report illustrates that the general structural weaknesses of the justice system limited the extent to which justice could actually be served. In addition, specific challenges related to the mobility and particular vulnerability of foreign victims of violence were not taken into account in how investigations and prosecutions were planned and conducted. This includes the lack of serious attempts to identify and trace mobile victims and witnesses, lack of witness protection, and lack of translators.

Foreign nationals' access to justice in South Africa requires more research. This brief study has only been able to suggest a few elements of the social, political and institutional context which hinder access to justice in relation to a large-scale and high priority wave of violence. What are the barriers in relation to group violence in only one location, when there is less national-level attention? Or in relation to violence against foreign individuals? More generally, this example of justice responses to xenophobic violence illustrates broader questions about the capacities of institutions of state to respond to civic violence or other forms of social instability. Even where there is a measure of high level commitment and recognition of priority interventions, the systemic capacities of the institutions may not be sufficient to shift practice fast enough to lead to desired outcomes. Learning systemic lessons from justice responses to xenophobic violence is therefore crucial for strengthening the capacities of the justice system overall to respond more adequately in the interests of all residents of South Africa.

RECOMMENDATIONS ON RESPONSES TO VIOLENCE

In addition to specific recommendations outlined below, a number of general principles should inform future interventions and responses: i) interventions and responses should not be perceived to be rewarding perpetrators instead of holding them accountable; ii) failures of relevant institutions to effectively intervene to prevent and stop the violence should always be investigated and responsibilities established.

To the Department of Justice and Constitutional Development

- *Ensure prosecutions and strengthen justice mechanisms:* The Department of Justice together with the National Prosecuting Authority (NPA) should lead an initiative to prosecute community leaders and others involved in inciting and perpetrating the violence against foreign nationals and to strengthen justice mechanisms to protect the rights of minority and marginalised groups. Real and perceived impunity for perpetrators of xenophobic violence encourages further violence.
- *Identify and implement effective conflict resolution mechanisms:* There is a need to establish trusted and prompt conflict resolution mechanisms to avoid communities' recourse to vigilantism and mob justice. Such mechanisms should be accessible from community level to the highest level of the country's administrative and justice systems.
- *Conduct a systematic enquiry into the justice responses to the violence:* in order to be able strengthen the capacities of state institutions to respond to civic violence or other forms of social instability.

To the South African Police Services

- *Investigate claims that police were often reluctant to intervene to stop violence in their jurisdictions and that some police members were involved in looting or provided perpetrators with support.*
- *Evaluate the reasons why intervention strategies were not effective in stopping the violence.* This could help improve or design new and more effective responses, should such violence erupt again.

To the Department of Cooperative Governance and Traditional Affairs (National Disaster Management Centre)

- *Conduct an official and national evaluation of the governmental disaster response to the May 2008 violence:* This evaluation should include the actions of all levels of government (municipal, provincial and national) and especially the interactions between them. The findings of this evaluation should be made public and discussed with civil society.
- *Review the National Disaster Management Framework* in relation to its applicability to civic disturbances and displacement due to violence. In particular, a clear lead department should be defined for such cases.
- *Include civil society representation on governmental Disaster Management structures* both prior to and during disasters and develop clear protocols for information exchange and coordination with civil society.

To Civil Society

- *Establish a standing disaster management structure* or network dedicated to early warning, capacity building, information sharing and – in the case of an ongoing disaster – coordination, communication and monitoring. This structure should also act as the mechanism through which civil society representatives on governmental disaster management structures are identified and/or held accountable.
- *Engage constructively with governmental disaster management structures* towards the development of clear protocols for information exchange and coordination both prior to and during disasters.
- *Find ways of building an operational domestic disaster response capacity* within civil society, especially expertise and experience in the provision of material and personal welfare. Such capacity can either be built through new programmes within existing civil society organisations, or else through the establishment of new institutions.

To INGOs and UN agencies

- *Assist government and civil society to build disaster management capacity by offering ongoing and ideally joint civil society and government training in international humanitarian standards, and by facilitating practical learning experiences in other parts of the region and continent.*

To government, civil society and international actors

- Conduct a joint evaluation of the post-emergency reintegration process and mechanisms.

REFERENCES

- ARESTA. 2007. "National Human Right [sic] Day. [online] Available from:
<http://www.aresta.org.za/events.html>.
- Atkinson, D. 2007. "Taking to the Streets: Has Developmental Government Failed in South Africa?" In *State of the Nation: South Africa 2007*, ed. Buhlungu, S., Daniel, J.; Southall, R. & Lutchman, J. HSRC Press, 425-447.
- Braun, R. (2008): *The Spread of Xenophobic Violence in Germany: The Role of Social Similarity and Militant Movement Networks* Master thesis, Vrije Universiteit Amsterdam. Pp5
- Buthelezi, M. G. 1997. 'Keynote Address at the Southern African Migration Project's Conference: After Amnesty, The Future Of Foreign Migrants in South Africa'. (20 June 1997).
<http://www.queensu.ca/samp/sampresources/migrationdocuments/speeches/mgb/200697.htm>.
- Consortium for Refugees and Migrants in South Africa (CoRMSA). 2008. *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*. Johannesburg: CoRMSA.
- Crush, J. and Williams, V. 2001. *Making up the Numbers: Measuring "Illegal Immigration" to South Africa*. Migration Policy Brief, 3. Southern African Migration Project.
- Crush, J., D. MacDonald, V. Williams, K. Lefko-Everett, D. Dorey, R. Taylor, R. la Sablonnière (2008) *The Perfect Storm: The Reality of Xenophobia in Contemporary South Africa*. SAMP Migration Policy Series, June, N°50, SAMP/IDASA: Queens University, Canada.
- Department of Justice and Constitutional Development (2009). *Progress report relating to cases emanating from the 2008 xenophobic attacks*. Pretoria.
- Evans, I. 2008. 'Shoot the Bastards... and Shoot to Kill: South African Minister Tells Police to Show Criminals No Mercy,' Mail Online (11 April 2008). <http://www.dailymail.co.uk/news/article-558689/Shoot-bastards--shoot-kill-South-African-minister-tells-police-criminals-mercy.html>
- Fagen, P.W (1996). *The Meaning and Modes of Reintegration*. UNHCR Conference on People of Concern
21-23 November 1996

- Hamber, B. 1999. "Have no doubt it is fear in the land": an exploration of the continuing cycles of violence in South Africa. *South African Journal of Child and Adolescent Mental Health*, 12(1):5-18. Available from: <http://www.csvr.org.za> [Accessed 7 January 2006].
- Harris, B. 2001 "'As for Violent Crime that's our Daily Bread': Vigilante Violence During South Africa's Period of Transition." *CSVr Violence and Transition Series*, vol. 1.
- Harris, B. 2003. Spaces of violence, places of fear: Urban conflict in post-apartheid South Africa. Paper presented on the Conflicts and Urban Violence panel, Foro Social Mundial Tematico, Cartagena, Colombia, 16-20 June 2003.
- Harris, B. 2004 "Arranging Prejudice: Exploring Hate Crime in post-apartheid South Africa." *Race and citizenship in Transition Series*, CSVr.
- Human Rights Watch, 'Prohibited Persons' Abuse of Undocumented Migrants, Asylum-Seekers, and Refugees in South Africa (New York: Human Rights Watch, 1998), 124
- Igglesden, V., T. Monson, et al. (2009). Humanitarian Assistance to Internally Displaced Persons in South Africa; Lessons Learned Following Attacks on Foreign Nationals in May 2008. Johannesburg, Forced Migration Studies Programme, University of the Witwatersrand.
- Johwa, W. "South Africa: Warning on Xenophobia Ignored." *Business Day*, 11 July 2008.
- Kynoch, G. 2005. "Crime, conflict and politics in transition-era South Africa." *African Affairs*; Jul 2005; 104, 416; *Academic Research Libre*, 493-514.
- Landau, L. 2008. 'Attacks on Foreigners in South Africa: More Than Just Xenophobia'. *Security Review*. Vol. 30(2): 1-23.
- Landau, L. and D. Vigneswaran. 2008. 'Here Come the Raids Again,' *Mail and Guardian* (8 February): 24.
- Makgetla, N. S. 2007. Local government budgets and development: a tale of two towns." In *State of the Nation: South Africa 2007*, ed. Buhlungu, S., Daniel, J.; Southall, R. & Lutchman, J. HSRC Press, 146-167.
- Masetlha, B. L. 2002. 'Remarks at the presentation of the Department of Home Affairs on the migration system in South Africa to the Home Affairs Portfolio Committee (15 April 2002, <http://www.info.gov.za/speeches/2002/02042002146p1002.htm>).

- Misago, J.-P., L. B. Landau, et al. (2009). Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa. Johannesburg, IOM and FMSP.
- Monson, T. and J.-P. Misago (2009). "Why history has repeated itself; the security risks of structural xenophobia." Crime Quarterly 29: 25-34.
- Newham, G.; Masuku, T. & Dlamini, J. 2006. Diversity and transformation in the South African police service: A study of police perspectives on race, gender and the community in the Johannesburg policing area. Report of the Criminal Justice Programme: CSV.R.
- Nkea, A. E. (2010). Judicial Responses to the May 2008 Xenophobic Violence in South Africa and Its Implications for Migrants' Rights to Justice: A Case Study of Greater Johannesburg. Forced Migration Studies Programme. Johannesburg, University of the Witwatersrand. MA by Research.
- Palmary, I. 2002. Refugees, Safety and Xenophobia in South African Cities: The Role of Local Government. Research report written for the Centre for the Study of Violence and Reconciliation.
- Policy Coordination and Advisory Services (PCAS). 2008. Towards a fifteen year review. Synthesis report. A discussion document
- Schärf, W. (2003). Non-State Justice System in Southern Africa: How Should Governments Respond? I. o. Criminology. University of Cape Town.
- Schonteich, M. (2005a). Challenges Facing the NPA. Conference on Crime. CSV.R. Johannesburg.
- Schonteich, M. (2005b). Murder in South Africa: What we know and don't know. CSV.R Conference on Crime. Johannesburg.
- South African Government Information (SAGI). 2004 "Home Affairs Employees Must Quit Xenophobia Tendencies – Gigaba." 15 November. [online]. Available from: <http://www.info.gov.za/speeches/2004/04111614451002.htm>.
- South African Human Rights Commission (2010). Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals. Johannesburg, South African Human Rights Commission.

Steinberg, J. (2008). Thin Blue: the unwritten rules of policing South Africa. Johannesburg, Jonathan Ball Publishers.

The Presidency, Republic of South Africa. 2008: South African Development Indicators 2008

ANNEX I: METHODOLOGY

Research design data collection

This study builds on the FMSP's ongoing explorations of xenophobic violence in South Africa with new comparative qualitative data. While also drawing on past work, the study draws extensively from original research in eleven selected sites in Gauteng and Western Cape provinces: nine sites where xenophobic violence occurred between January 2007 and June 2008, and two sites where the presence of foreign nationals did not lead to significant violence. The sites in Gauteng were Itireleng and Atteridgeville in Tshwane; Diepsloot and Sector II and Sector V (non-affected) of Alexandra in Johannesburg; and Ramaphosa and Madelakufa II and Madelakufa I (non-affected) in Ekurhuleni. The two sites in the Western Cape were Masiphumelele and Du Noon. Motherwell was the only research site in the Eastern Cape. Relying on a most-similar systems approach to comparative analysis, this study helps to isolate specific triggers and structures associated with anti-outsider violence.

This study's respondents included South African residents of the selected locations, foreign nationals who reside or resided in the same locations, relevant government officials, community leaders, and representatives of different civil society organisations operating in the selected areas. The research team conducted individual interviews with local residents and affected non-nationals living in the locations and/or in government-created Centres of Safe Shelter (CoSS). The team also conducted interviews with an extensive range of key informants, including local government officials, police, civil society and community leaders (such as ward council members, street committees, Community Policing Forums, and *Izinduna*). In addition, focus group discussions were organised, including groups of women, men and youths.

At each site, the team conducted an average of eighteen interviews with local residents (of different age groups and gender); six with non-nationals; seven with key informants, and two focus groups (of five to ten members). In total, over 437 people (including 190 individual South African respondents, 65 foreign national respondents, 67 key informants, and 115 focus group participants) participated in the study. Some key informants were selected in advance, while others were identified during the fieldwork at the sites. For community-based interviews (both for South African citizens and non-nationals still living in the locations), the study relied on snowball and convenience sampling techniques. The pilot study in Itireleng illustrated the need to conduct interviews with local residents first and establish what the main

issues were before talking to key informants (especially authorities at different levels), foreign nationals and focus groups. This strategy was followed in all research sites, and helped to verify facts and obtain further details on issues raised by the respondents.

The study used in-depth, open-ended questions that evolved as the research project proceeded. The interviews remained relatively unstructured to allow respondents to draw the discussion toward relevant details and to allow the research team to explore inconsistencies and surprises that emerged. This was a conscious strategy to avoid imposing *a priori* assumptions, such as those expressed by various opinion leaders during the attacks, upon the findings. The interview instruments below outline themes probed during the interviews. For some of the themes, the research team tested specific hypotheses and assumptions drawn from the literature and/or relevant public discourse. In others, there was too little available information to develop concrete hypotheses. Indeed, most of the initial hypotheses were disproved as other explanations developed during the course of the research.

Given the study's broad scope and limited time frame, there are undoubtedly gaps in the data collected. Nonetheless, we remain confident that the study successfully identified specific actors involved with the violence and the social and political structures that led to it. The ability to collect this information over a period of three months points to the potential fruitfulness of a careful forensic inquiry. That the study found no signs of such an investigation or of planning for one suggests a regrettable lack of political will to prevent the recurrence of similar attacks.

Research themes

1. For South African residents

THEMES AND ISSUES TO BE PROBED AT EACH SITE		HYPOTHESES/ASSUMPTIONS TO BE TESTED
NATURE OF COMMUNITIES	Population composition (majority and minority groups) main language groups, religious groups, political parties, etc.	
	Community organisation and leadership (existing local government and political institutions; community forums, youth organisations, etc)	
	Nature of relationship between residents and institutions (trust, legitimacy, authority, etc)	
	Main livelihood activities Current socio-economic conditions : food prices, etc Service delivery	
	Main problems faced in the area (what people consider to be the main challenges in the area: poverty, unemployment, conflict, different tensions, crime, violence, etc)	
	General atmosphere: main issues communities are and/or are not happy about	
HISTORY OF VIOLENCE AND EXCLUSION	Conflict, existing tensions, crime, violence and their history (how they started and what is their current nature and intensity)	
	Organised violence (taxi violence, service provision protests, etc); How they are organised and mediated	Violence is an accepted way of solving problems
	Competing meanings of crime and justice	Communities' understanding of criminality is different from the one of the state (e.g. vigilant groups assign criminality to what is not necessarily defined as such e.g. stealing jobs, women, buying or renting RDP houses, etc)
	Non-violent exclusion (of those considered not to belong) – jobs, accommodation, opportunities	Structural/institutional immigrant exclusion exacerbates local perceptions that immigrants do not belong and have no rights
	Existing conflict resolution mechanisms (mechanisms people use to resolve conflict in the community – how effective are they?)	People resort to violence because there are no effective conflict resolution mechanisms

BACKGROUND ISSUES / PERCEPTIONS	General trust in institutions (elected officials, political parties & police)	People have no trust in local institutions (councillors, churches, courts, police, etc) that would normally help in conflict resolution. Vigilantism is seen as a natural and legitimate form of community justice
	Political change : ANC leadership and Elections 2009	Recent changes in country's political leadership made people doubt the legitimacy and the authority of existing institutions
	Current socioeconomic conditions : food prices, services, etc	
	Immigration laws and policies; the SA handling of the Zimbabwe crisis	
	Knowledge of previous other cases of anti-foreigner violence – what did you think about violence in Alex, etc (this to establish people's attitudes towards violence and negative sentiment against foreign nationals)	
PROFILE OF NON-NATIONALS	Numbers and demographics: which nationalities, length of time in community, etc	Violence was caused by recent mass influx of immigrants; local communities felt overwhelmed by increasing numbers of new arrivals particularly from Zimbabwe
	Non-national livelihood activities	Foreigners work for low wages Foreign nationals are preferred by employers over SAs
	Levels of success of non-national organisation	The perceived socio-economic success of foreigners (e.g. access to housing, business, etc) is considered to have been acquired through illegal means
	Levels of pre-violence integration (use of services such as schools, health facilities, working and living together with SAs, marriage, etc)	
	What are the perceptions about foreigners in communities? What is the source of these perceptions?	There is something criminal about living where you don't belong (being a foreigner/an outsider) stemming probably from the apartheid legacy of spatial segregation

PROFILE OF MAY VIOLENCE	What exactly happened during the violence? Triggers for violence (including local events, media, etc)	Xenophobic violence took place in areas with a recent history of violent protests over service delivery, etc
	Level of coordination and organisation of attacks (who instigated, who carried out, who collaborated; who drove the violence once triggered) Role of community leaders and local authorities	A 'third force' was behind the attacks Many or some were coerced to participate Violence happened where local institutions are weak or considered illegitimate
	Who was targeted during the violence – foreign nationals (which nationalities, women & men) – South African nationals and why. What exactly were they accused of	
	Meanings of the attacks: what was the intention	To send out a clear message that foreigners ('good' or 'bad') are not wanted in communities
	What happened to the victims of the attacks – where did they go – what happened to their homes & shops	
	Why in this particular area and not in others (establish any distinctive characteristics of the area, community)	
INSTITUTIONAL RESPONSES TO VIOLENCE/THREATS	What, if any, responses were there to threats of violence prior to actual outbreak	Residents expressed their concerns over the presence of migrants but local authorities did not take action
	Who responded to the outbreak of violence: what events took place and by whom were they organised	
	Who were the peacemakers – what did they do; were they listened to	
RESULTS OF VIOLENCE	Views on social and economic impact of the xenophobic violence	

PERSPECTIVES / FUTURE EXPECTATIONS	Views on future interactions with ousted immigrants (return, reintegration, etc) and other immigrants in general	
	Have you seen any effort by the government or other relevant institutions/organisations to reintegrate the displaced	
IN COMMUNITIES WHERE VIOLENCE DID NOT HAPPEN	Knowledge of May anti-foreigner violence	
	Why it did not happen in the area and/or what did communities, leaders do to prevent it	
	How different is the area, the community from other areas that experienced violence.	
	Attitudes towards the violence against foreigners (that happened in other areas)	
	Attitudes towards the presence of foreigners in the community, in the country	

2. For non-nationals, themes probed included:

- Levels of integration prior to violence (e.g. legal status, etc)
- History of experiences of xenophobic violence and exclusion
- Livelihood activities
- Experiences of recent violence: what happened and how affected?
- Interventions and assistance received
- Current concerns
- Opinions about causes

- Thoughts on future interactions with South Africans (reintegration), etc.
- Views on main issues raised by the residents of the places from where they were displaced

List of Interviews

Key: *M*: male; *F*: female; *W*: women; *Y*: youth; *T*: total; *1(10)*: 1 focus group of 10 members

Site	Dates	Residents			Key informants	Foreign-nationals			Focus groups				T
		<i>M</i>	<i>F</i>	<i>T</i>		<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Y</i>	<i>T</i>	
Itireleng Laudium Gauteng	4-8 Aug 2008	15	11	26	-1 Councillor -1 Ward committee 6: -1 SAPS -2 NGO/FBOs -1 Comrade	2	1	3	1(5)	-	-	1	40
Madelakufa II Tembisa Gauteng	20-26 Aug 2008	10	8	18	-1 Councillor 5: -1 Ward committee -2 CPF -1 SAPS	4	2	6	1(5)	1(7)	1(8)	3	49
Sector 2 Alexandra Gauteng	29 Aug - 5 Sept 2008	10	11	21	-2 SAPS -3 NGOs -1 CPF 9: -1 Disaster management -2 Indunas	5	3	8	1(7)	-	1(5)	2	50
Sector 5 Alexandra Gauteng	8-12 Sept 2008	9	8	17	-1 CPF -1 ANC 5: -1 PAC -1 SAPS -1 Block committee	5	3	8	1(5)	1(9)	-	2	44
Madelakufa I Tembisa Gauteng	15-19 Sept 2008	5	4	9	-1 Councillor 5: -2 CPF -2 Street committees	2	2	4	1(5)	-	-	1	23
Masiphumelele Cape Town Western Cape	22-26 Sept 2008	10	9	19	-1 Councillor -2 SAPS -1 ANC -1 SANCO 9: -2 NGOs/FBOs -1 Business association -1 Youth representative	6	2	8	-	1(5)	1(6)	2	49

Du Noon Cape Town Western Cape	29 Sept- 03 Oct 2008	8	10	18	8: -1 Councillor -2 Street committees -1 SAPS -1 SANCO -3 NGOs/FBOs	5	1	6	-	1(10)	1(10)	2	52
Motherwell Port Elizabeth Eastern Cape	07 -11 Oct 2008	7	6	13	6: -1 NGO -1 SANCO -1 Councillor -1 CPF -2 Provincial gov.	1	4	5	1(5)	-	-	1	29
Atteridgeville Pretoria Gauteng	20-24 Oct 2008	10	12	22	4: -1 CPF -1 Street committee -2 Civic associations (ACO, GACA)	8	1	9	1(5)	1(7)	-	2	47
Ramaphosa Ekurhuleni Gauteng	27-31 Oct 2008	7	9	16	6: -1 Councillor -1 CPF -1 NGO -3 Ward committees	-	-	-	1(6)	-	-	1	28
Diepsloot Johannesburg Gauteng	17-21 Nov 2008	5	6	11	4: -1 Councillor -1 SANCO -1 CPF -1 SAPS	3	5	8	-	1(5)	-	1	28
Diepsloot Johannesburg Gauteng	17-21 Nov 2008	5	6	11	4: -1 Councillor -1 SANCO -1 CPF -1 SAPS	3	5	8	-	1(5)	-	1	28
Total		96	94	190	67	41	24	65	8(43)	6(43)	4(29)	18	437