Emergency Preparedness in South Africa

Twenty-four Lessons from the Zimbabwean Elections

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Preface

Around the time of the Zimbabwean elections, and following a recommendation by the UNHCR, several NGOs were invited to participate in the emergency preparedness process. Contingency planning meetings were carried out at a national and provincial level with the ultimate goal of coordinating a strategy to deal with a potential influx of refugees coming into South Africa fleeing from increasing levels of political violence and alarming food shortages.

The participation of NGOs proved to be a useful tool for transferring skills and disseminating information on international standards of humanitarian action and emergency response. During those days, the Refugee Research Programme (RRP) had the privilege to be one of the few local organisations included in the process, and was therefore a first hand eyewitness to the planning. This report is the outcome of this experience.

Through this careful reconstruction of facts, limitations, actors, and legal frameworks that shaped the preparation process for the 2002 elections, the authors aim to provide a useful set of tools for policy makers and humanitarian actors. At a time in which a large-scale food crisis is looming in Southern Africa, a constructive assessment of South Africa's ability to respond to the crisis is needed. We strongly believe that if the lessons learned through this process are incorporated into the policy framework, the country could play a leading role in emergency preparedness for famine-induced displacement within the region.

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List of Acronyms

DHA	South African Department of Home Affairs
DoH	South African Department of Health
DPLG	South African Department of Provincial and Local Government
DPW	South African Department of Public Works
DSD	Department of Social Development
EPRS	Emergency Preparedness and Response Section (UNHCR)
FAO	United Nations Food and Agriculture Organisation
ICRC	International Committee of the Red Cross
IFRC	International Federation of Red Cross and Red Crescent Societies
IRIN	Integrated Regional Information Networks (OCHA)
IOM	International Organisation for Migration
JRS	Jesuit Refugee Services
LHR	Lawyers for Human Rights
NCRA	National Consortium for Refugee Affairs (South Africa)
NDMC	National Disaster Management Centre within DPLG
NGO	Non-governmental organisation
NIA	National Intelligence Agency
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
RRP	Refugee Research Programme of the University of the Witwatersrand
SARCS	South African Red Cross Society
SADC	Southern African Development Community
SANDF	South African National Defence Force
SAPS	South African Police Service
SCF	Save the Children Fund
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
WFP	United Nations World Food Programme

Executive Summary

The recent presidential elections in Zimbabwe (March 9th and 10th 2002) took place within a context of political violence, economic crisis, and increasing food shortages. As conditions deteriorated, meetings were held in South Africa to prepare a contingency plan for a potential mass influx of refugees. However, the final plan had a very limited scope (i.e., providing assistance to only 1000 people for three days). Moreover, it was presented only one day before the elections, and even then there were still significant gaps, such as how and by whom food, safe water, cooking fuel, electricity, toilets, and fire protection would be provided.

The factors that limited the effectiveness of the contingency planning process include: lack of expertise, contradictions between political and operational imperatives, a strong focus on the military, lack of clarity about political leadership, difficulties in co-ordinating national and provincial government actors, lack of commitment concerning funding, and the perceptions of some officials about refugees. Furthermore, the complementary skills and capacities of non-governmental organisations (international and national) were not sufficiently utilised. All these factors reflect an inconsistent assessment of the seriousness of the crisis in Zimbabwe, and thus the legitimacy of those fleeing from it. Many actors pointed out an underlying lack of political commitment to respond to the crisis.

Recent reports by international agencies have described the appalling extent and severity of the famine looming in several Southern African countries. Assessments on the ground suggest that some 12.8 million people in the region are at risk of starvation between now and March 2003. Nearly half the at-risk population live in Zimbabwe. Within this context, it is unfortunate and incongruous that the preparedness process in South Africa was broken off a few weeks after the elections.

As a leading partner in the SADC region, South Africa should be able to respond effectively. The lack of contingency planning for potential famine induced displacement is a serious shortcoming. The twenty-four lessons learned from the pre-election preparations should be used to develop an integral response based on a joint strategy between the South African government, international actors, and civil society.

Setting up regular monthly meetings between government, UN agencies, and NGOs seems to be a practical way to achieve this goal by linking all stakeholders through a semi-permanent structure. This structure should strengthen risk assessment, establish and share early warning indicators, revise emergency procedures, streamline chains of command, determine a financial authority, ensure sufficient standby reserves (e.g., communications, emergency kits, etc.), and establish a regular reporting system to allow early warning for emergency response in Southern Africa.

Introduction

The recent presidential elections in Zimbabwe (March 9th and 10th 2002) took place within a context of political violence, economic crisis and increasing food shortages. As conditions deteriorated, the potential for a mass population exodus around the time of the elections was identified. Neighbouring countries commenced with preparations to deal with the possibility of a mass influx of refugees[1] across their borders.[2]

In South Africa, the contingency planning process culminated in the selection and preparation of Arton Villa, a former military base near the Musina-Beitbridge border crossing, as the site for a refugee reception camp. However, on the eve of the elections there was no effective mechanism to provide this camp with potable water, electricity, toilets, tents, or food on short notice. Therefore, if a mass influx of refugees had indeed occurred, South Africa's response would have failed to meet the basic needs of refugees, let alone conform to international standards, thereby not honouring its commitments as a signatory of international refugee conventions. This study will reconstruct the emergency preparedness process that took place in South Africa and show why it fell short of the country's potential. We will review the assumptions on which the planning process was based, the characteristics, contexts, and relationships of the actors involved, and the actions taken. Finally, we will present policy recommendations following on from the analysis.

This was the first time South African institutions were faced with the need to prepare for a mass influx of refugees into their country.[3] In terms of institutions, infrastructure, early warning capacity (i.e., intelligence), and availability of resources, South Africa has great potential for effective humanitarian action. However, these capacities did not translate into effective planning and implementation. The aim of this report is to learn concrete lessons from this emergency preparedness process and to facilitate continued dialogue among the stakeholders involved. The "crisis" in Zimbabwe has by no means abated, and in fact, the probability of refugee flows is perhaps higher than before or during the elections due to deepening food scarcity and continuing political unrest.[4] For this reason, improving effective response capacities is crucial at this point in time.

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1 The terminology used to describe the people crossing from Zimbabwe into South Africa is contentious, since every term – "refugee", "asylum seeker", "illegal immigrant", "economic migrant" – is imbued with a presupposed analysis of reasons for flight, a value judgement and legal implications. None of these implications are self-evident in this case. Following the DPLG and UNHCR practice, we will use the term "refugee" as defined in the 1969 OAU Convention (persons compelled to leave their place of habitual residence due to events seriously disturbing public order in either part or the whole of their country of origin), and "migrants" for those whose motivations to cross borders are work, trade, or other related reasons.

2 The Contingency Plan for a Mass Influx of Refugees and other Displaced Persons of the National Disaster Management Centre (January 2002) states that "the present political situation in Zimbabwe together with the food shortages in the country necessitate the compilation of a contingency plan to ensure that immediate and appropriate steps/action are taken in the event of the situation deteriorating and resulting in the mass influx of refugees into the Republic of South Africa."

3 Although South Africa has been surrounded by countries in conflict for decades, in many of which the apartheid regime was a significant player, there has been only one mass influx of refugees onto South African territory in recent history. However, this influx of Mozambicans in the 1980s was not responded to according to international norms by the apartheid government, which left the task of receiving 300,000 refugees to the then homeland governments of Gazankulu and Leboa. In practice, therefore, the brewing crisis in Zimbabwe is the first time South African institutions are faced with the need to prepare for and potentially succour refugees.

4 On food scarcity, see "Crisis in Southern Africa", Oxfam Briefing Paper 23, 2002. On political unrest and human rights violations, see Human Rights Watch's "Fast Track Land Reform in Zimbabwe", Vol.14 No.1a, March 2002, and HRW submissions to SADC and the Commonwealth. Also see Amnesty International's periodic releases at http://web.amnesty.org/ai.nsf/countries/zimbabwe

The Importance of Emergency Preparedness

It is an unusual opportunity to evaluate a process of emergency preparedness that does not directly culminate in an emergency intervention. The preparedness process is often eclipsed by the much more dramatic and media-appealing relief effort, and is rarely studied as a valuable phase in itself. In the cases of preparation where "nothing happens" (although this interpretation is contestable in this case, as discussed below), evaluation is practically unheard of since the tendency is either to feel relief and move on, or to see the exercise as a waste of resources and energy.

However, these sentiments slight the importance of refugee emergency preparedness in its own right. It is an opportunity to learn from experience gained in a "dry run" so that mistakes are avoided in the case of the next actual emergency. This is especially the case given the fact that this was the first time South African actors had to prepare for a mass influx of refugees. Every process of preparedness contributes to more effective future crisis response, through developing contingency plans, operational protocols, knowledge of national and international standards and best practice, and especially communication channels and co-operative relationships among actors. The best practice approach to emergency relief, which has the goal of achieving the best possible outcome based on the right procedure every time, demands effective preparedness.

In this sense, preparedness for emergency humanitarian assistance can be seen as a fundamental part of fulfilling a country's duty of providing refugee protection and levels of assistance that comply with international standards. It is also cost effective, since it allows resource allocations to be planned in advance rather than determined reactively. Effective planning and preparedness help to mitigate or prevent the "collateral" damage of badly managed refugee flows, such as environmental damage or conflicts with host communities, which invariably increase the extent and cost of a crisis on home ground. Finally, a combination of effective operational preparedness and strong political will for refugee support are signs of technical and political leadership at a regional level. Lack of preparedness in high-profile media crises such as Zimbabwe will invariably have a negative impact on the international reputation of a receiving country.

Methodology and Structure

The report is based on direct observation of the provincial and municipal contingency planning process, visits to Arton Villa, and extensive interviews and consultations with a wide range of stakeholders.

The Refugee Research Programme interviewed representatives of all relevant South African government departments, both at national and district levels, as well as all of the local NGOs involved in the contingency plan. The UNHCR and all international NGOs who participated in the planning phase were also interviewed. The RRP's main sources relating to Zimbabwe have been reports received from the Zimbabwean Human Rights NGO Forum and the Human Rights Association in Bulawayo. Efforts to arrange interviews with officials at the Zimbabwean Consulate in Johannesburg were unsuccessful. Finally, the RRP conducted interviews with individuals on the ground, such as Zimbabwean asylum seekers, economic migrants, and South African farmers in Musina (see list of consulted institutions in Annex 1). Through these consultations, the report aims to reflect a wide variety of perceptions and thereby act as a vehicle for continued dialogue among stakeholders.

The following discussion of the emergency preparedness process will not focus on the technical elements of disaster response, such as how many litres of water should have been made available, whether the planned camp structure would have prevented placing women and children in danger of abuse, or whether the planned registration processes would have prevented the separation of families and facilitated the protection of unaccompanied children. All these questions are important to answer, and they are already being asked by the relevant specialist agencies, based on international standards and best practice.[5] What this study aims to contribute is an analysis of the institutional frameworks that are a prerequisite for the effective planning within which these technical details can be agreed upon and implemented.

After a brief outline of the legal and institutional framework for emergency refugee response within South Africa (Section 1), the report will discuss the steps of the preparedness process (Section 2) followed by an analysis of the various reasons for problems encountered within the process. These include assumptions about the situation to which the emergency preparedness process was responding (Section 3) and the roles played by the various stakeholders and actors in the process, as well as the relationships between them (Section 4). Finally, Section 5 will summarise lessons learned and recommendations.

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5 Codified in the Sphere Standards and similar documents.

Section 1: Framework – Legal and Institutional

The legal framework for refugee influx preparedness in South Africa is given by the Refugees Act of 1998, which includes a section on the reception and accommodation of asylum seekers in the event of mass influx.

Section 35 of the Refugees Act, 130 of 1998
Reception and accommodation of asylum seekers in event of mass influx

1) The Minister may, if he or she considers that any group or category of persons qualify for refugee status as is contemplated in section 3, by notice in the *Gazette,* declare such group or category of persons to be refugees either unconditionally or subject to such conditions as the Minister may impose in conformity with the Constitution and international law and may revoke any such declaration by notice in the *Gazette.*
2) The Minister may, after consultation with the UNHCR representative and the Premier of the province concerned, designate areas, centres or places for the temporary reception and accommodation of asylum seekers or refugees or any specific category or group of asylum seekers or refugees who entered the Republic on a large scale, pending the regularisation of their status in the Republic.
3) The Minister may appoint any person as a manager of an area, centre or place designated under subsection (2).
4) The Minister may at any time withdraw the designation of an area, centre or place contemplated in subsection (2).

The institutional framework for disaster management interventions was updated in the Disaster Management Act of March 2002, and was therefore not yet formally in place during the preparations before the Zimbabwean elections. However, the main national level institutions, such as the National Disaster Management Centre (NDMC), co-ordinated from the Department of Provincial and Local Government Affairs, and the National Advisory Council, made up of the Disaster Management Centre and representatives of the police, military, and National Intelligence Agency, have been in place for several years. Through this co-ordination structure, other government departments (e.g., Health, Public Works, Education, etc.) are brought in as needed.

While the national level of this governmental system is quite developed, the provincial level is still embryonic, as are mechanisms for integrating governmental and non-governmental (international and national) actors. There is potential for developing these levels in the operational disaster management framework, which is still outstanding as an adjunct to the Disaster Management Act.

Process for Determining Group Refugee Status as stated in the Contingency Plan drafted by the UNHCR*

- Upon entry into South Africa, a brief interview of every person seeking asylum shall be conducted to establish reasons for coming to South Africa and to ensure that protection and assistance are provided to Zimbabwe nationals who fulfil the criteria for recognition of refugee status and granting of asylum;
- Subject to verification of the reasons for entering South Africa, the Minister of Home Affairs shall promote recognition of refugee status and granting of asylum on a group basis to Zimbabwean nationals who may have fled in reaction to the ongoing crisis and came to South Africa to seek asylum;
- Recognition of refugee status and granting asylum shall be done on the basis of the refugee definition set out in art I(2) of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (persons compelled to leave their place of habitual residence due to events seriously disturbing public order in either part or the whole of their country of origin or nationality).
- Pursuant to Art. 35 (1) of the Refugees Act, 1998, such recognition of refugee status and grating of asylum shall be done through the publication of a cabinet decree in the Government *Gazette*

* Contingency Plan for possible mass refugee influx from Zimbabwe into South Africa; International Protection Principles and Standards of Treatment of Refugees. UNHCR 2002

The following section will analyse how this legal and institutional framework for emergency refugee response within South Africa translated into planning for the Zimbabwean elections.

Section 2: Emergency Preparations

Chronology of Major Steps in the Preparedness Process **National, Provincial, and Municipal Levels**	
June – July 2000	General contingency plan developed by Government of South Africa and UNHCR for 2000 Parliamentary Elections in Zimbabwe
December 2001	UNHCR and government start discussions to revive and detail contingency plan
February 2002	National Priority Committee on Possible Mass Influx of Refugees established by Cabinet decision
11 February	UNHCR suggests establishment of technical committees on co-ordination, food/health/logistics, shelter/infrastructure, and communication/education. These committees never started working
18 February	NGOs included in Priority Committee
Late February	Arton Villa chosen as site for refugee camp / Provincial planning meetings commence in Limpopo Province
27 February	Municipal planning meetings commence in Musina
7 March	Complete contingency plan for Arton Villa presented to provincial meeting
8 March	Complete contingency plan for Arton Villa presented to municipal meeting / 24-hour Joint Operations Centre (JOC) established in Musina
9-10 March	Elections in Zimbabwe
Mid-March	Final meeting of Priority Committee, Provincial and Municipal Committees

The responses planned, and partly implemented, in South Africa were based on the identification of two possible emergency scenarios. As stated in a UNHCR document, the two scenarios were: "(a) a **trickle of asylum seekers** may appear in South Africa on account of an incrementally intensifying and worsening crisis in Zimbabwe, which however does not lead to a loss of control and breakdown of law and order in the country; [and] (b) a **mass influx of asylum seekers** may occur in South Africa on account of specific critical events which result in an acute breakdown of any form of control, law and order in either part or the whole of Zimbabwe….Under scenario (a) the existing refugee status determination procedure and reception, protection and assistance arrangement would automatically apply to any individual Zimbabwean who may seek asylum in South Africa."[6] The contingency plan analysed in this report was developed in response to scenario (b).

There were severe implementation problems with the responses developed for both of the two expected scenarios. Furthermore, we must consider the possibility that neither response was in fact appropriate to the emergency at hand.

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6 Contingency Plan for possible mass refugee influx from Zimbabwe into South Africa; International Protection Principles and Standards of Treatment of Refugees. UNHCR 2002

Trickle of Asylum Seekers – Standard Asylum Application Process

The first scenario, a trickle of asylum seekers, occurred to the extent that 23 individual Zimbabweans applied for asylum through the normal channels in 2002. However, the asylum process did not effectively receive, protect, or assist Zimbabweans around the time of the elections. Organisations working with asylum seekers such as the Law Clinic of the University of the Witwatersrand and Lawyers for Human Rights (LHR), as well as Zimbabwean asylum seekers themselves, reported that the DHA offices in Pretoria and Johannesburg closed their doors to Zimbabweans for a period of time just after the elections, and did not allow them to apply for asylum. This contravenes the principle of non-discrimination in accepting asylum applications. According to the Department of Home Affairs this was never formal policy, and the practice stopped after LHR threatened with a court case. Nevertheless, the number of potential asylum seekers and legitimate refugees who were turned away can never be ascertained.

Why were there only 23 asylum seekers? There are several possible explanations: (1) there were very few Zimbabweans who fled from Zimbabwe because of political persecution, and there were therefore no more legitimate applicants; (2) Zimbabweans tried to apply but were prevented by DHA officials; or (3) Zimbabweans who fled for political reasons did not go through the South African asylum application process and preferred to remain in the country illegally and invisibly. One of the asylum seekers interviewed noted that in retrospect he would not have applied because he was subjected to accusations by officials, problems with housing, the prohibition against working, and having to expect that his application would not be granted. In contrast, cohorts of his who remained in locations and on farms illegally were working and supporting themselves and their families.

While it is a question of legitimate concern whether the asylum process was seemingly not adhered to or possibly did not serve the needs of those with a right to protection, it is likely that this affected a relatively small number of people. The much greater question is whether the contingency plan for a mass influx led to sufficient preparedness.

Mass Influx of Asylum Seekers – Contingency Plan for Mass Influx

The second scenario, a mass influx, was the basis for the main institutional preparations involving a national and provincial contingency planning process. This culminated in the decision to prepare a refugee camp at the disused army base, Arton Villa, in the vicinity of Musina, which is close to the Beitbridge border crossing.

The contingency planning process was based on a draft plan developed through the facilitation of the UNHCR before the 2000 Parliamentary elections in Zimbabwe, which were also accompanied by widespread political violence. This plan for potential refugee flows, remaining at a highly theoretical level in 2000, was resurrected as the basis of the contingency plan underlying the preparations in late 2001 and early 2002.

At the national level, the *Priority Committee on the Possible Mass Influx of Refugees* was established in order to develop and implement a contingency plan as mandated by a Cabinet decision in early February 2002. Discussions on preparedness planning involving government actors and the UNHCR took place from December 2001, and international and domestic NGOs joined in mid-February. The Priority Committee was hosted by the South African Police Service in Pretoria and chaired by officers of the National Disaster Management Centre in the Department of Provincial and Local Government.

Provincial plans were developed for Limpopo, Mpumalanga, and North West Provinces, with the focus on Limpopo Province because it has the only direct border crossing with Zimbabwe. These co-ordination meetings commenced early in 2002. The municipal level focus was on Musina town, near the main Beitbridge border crossing and the site of the planned camp at Arton Villa. The provincial and municipal plans were co-ordinated by a Superintendent of the provincial SAPS, with the participation of provincial government departments, SANDF, SAPS, the international agencies, and local NGOs. Just prior to the elections, a 24-hour Joint Operations Centre (JOC) was established in Musina. Home Affairs Border Officials, SAPS, SANDF, the Department of Social Welfare, the Department of Health, IOM, UNHCR, SCF, LHR, ICRC, and SARCS participated in the JOC, which met daily starting on the day of the elections and continued to meet for one week.

The final contingency plan was presented to the provincial and the municipal planning meetings at an extremely late stage, on 7-8 March (i.e., one day before the election weekend). It included three phases:

Contingency Plan for Refugee Camp at Arton Villa

Phase 1   Initial registration and transit from Beitbridge Border Post to Arton Villa
- information for refugees, urgent medical care as needed, confiscation of weapons, impoundment of livestock;

Phase 2   Full registration at Arton Villa
- medical care, provision of accommodation, food and basic goods, and family tracing;

Phase 3   Further accommodation/administration/logistics
- accommodation for support personnel, improvement of infrastructure, family tracing, camp administration, goods sourcing and distribution, storage facilities, media liaison and communication, security, and fire protection.

This plan was only geared toward the single scenario of providing assistance to 1000 people for three days. Furthermore, one day before the elections, there were significant gaps, such as how and by whom food, safe water, cooking fuel, electricity, toilets, and fire protection would be provided.

Why did this plan have such a limited scope, why was it presented so late, and why were there still such gaps in preparedness one day before the elections? The contingency planning process was characterised by a lack of clarity on a lead department to drive the preparedness process, as well as a lack of commitment concerning funding. Further operational issues include the absence of an agreed upon "trigger" for implementing the plan, insufficient clarity concerning camp management responsibility, and a dearth of consultation with the Musina community. Underlying political issues, which will be discussed in the section on Stakeholder Roles, exacerbated these problems.

- Lead Department

A crucial concern in effective disaster preparedness and response is smooth co-operation among actors, including the clear identification of the overall lead institution in charge of the contingency plan. The lack of political leadership and indeed the absence of consensus concerning who had the responsibility of taking the lead role, were the most significant factors compromising the preparedness process.

In terms of the Refugee Act of 1998 and a decision by the Inter-departmental Disaster Management Committee (IDMC), the Department of Home Affairs is the lead department regarding contingency planning and management of refugee matters in South Africa. This role was expected of it by most of the government departments and international actors. The DHA itself, however, expressed a narrower interpretation of its role, which was limited to the determination of refugee recognition status and the identification of a camp site, both of which are also included in the Refugee Act provisions. While the Department of Provincial and Local Government Affairs took on the role of convenor of the national level co-ordination meetings, it did not have the authority to demand resource commitments from other departments, and therefore could not act as an effective lead agency. This leadership vacuum constrained decision-making at all levels, held up simple administration like the circulation of the draft contingency plan, and prevented the timely graduation from planning to action. The Department of Public Works specifically withdrew their participation in national meetings pending agreement on the issue of a lead department.

Uncertainty concerning a lead department crippled concrete emergency planning at the national level, by default forcing government departments at the provincial and local levels to (albeit reluctantly) take the initiative for developing an implementation plan. Since this default devolution was not matched by true decision-making authority or sufficient resources, it created a situation of desperation and powerlessness at the local level and directly led to the extremely late implementation and insufficient scope of preparations.

- Funding for Emergency Preparedness

Lack of commitment in terms of funding was the second main constraining variable in developing an effective contingency plan. There are emergency response funds set aside in each government department and nationally for disaster response,[7] pending the formal declaration of an emergency. Where no emergency has been declared, all preparations have to be "no cost." Therefore the local Musina Joint Operating Centre was forced to develop a small-scale plan based only on resources available at the municipal level. This consequently limited the effort to provide for 1000 people for three days, without consideration of any other possible scenarios. The expectation was that a larger influx would trigger the declaration of an emergency, thereby releasing further provincial and national resources.

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7 Sections 16 and 25 of the Public Finance Management Act state that the Minister of Finance and the MEC for Finance in the affected Province, respectively, may authorise the use of up to 2% of the total annual national or provincial budgets for a current financial year to finance emergency response. Furthermore, there is a national Disaster Relief Fund Board, which can release funds once a disaster has been declared.

Provincial resources were intended to cover days 4-7, after which national resources would have to be committed. However, there was no plan for a smooth transition from "no cost" municipal to emergency funded national provision, especially considering the long procurement times for additional facilities. Providing adequate housing, hygiene, general infrastructure, and food for more than 5000 people would have required at least one month run-up time, according to the Department of Public Works, which was tasked with building the camp. If there had been more than 1000 people, there would have been a significant – and predictable – gap in provision.

The fact that all emergency response funds, including within departments and from the Disaster Relief Board, are predicated on the prior declaration of an emergency, which, in turn, depends on the emergency already having commenced, means that it is currently impossible to fund emergency *preparedness* in South Africa. This is a severe shortcoming of the legislative and institutional framework for disaster management.

- Implementation "Trigger"

The final plan did not have a clear "trigger" for its implementation. There is no legal quantitative or qualitative definition of "mass" or "large scale" refugee influx in international law or the South African Refugee Act, and no such definition was agreed among the participating organisations in this case. The planning guide of the technical team of the National Disaster Management Centre suggested a "critical mass of 500 people,"[8] but notes that such a decision vests in DHA, which never declared such a definite number. According to UNHCR, "for the purposes of this contingency plan, "mass" or "large scale" refers to an influx of asylum seekers which, in view of the high numbers of individuals involved and the short timeframe within which they would have entered South Africa, cannot be properly addressed under the ordinary processes and procedures."[9] Most stakeholder organisations seemed to translate this into anything between 100 and 1000 people crossing the border in a day. Leaving the contingency plan "trigger" undefined makes implementation dependent on the political discretion of the DHA and hampers effective collaboration between agencies in gathering and sharing information on the development of the potential emergency.

- Camp Management

On the day before the elections it was still unclear as to who would take responsibility for setting up and managing the planned refugee camp. Although the Refugee Act states that the Minister may appoint any person as manager, it does not specify criteria or timeframes. Furthermore, it was not clear whether the appointment must, or can, occur before the formal declaration of an emergency or the decision to grant refugee status to a specific group. While the Department of Public Works was tasked with logistics from the beginning of the planning process, SARCS was only appointed as camp manager at a very late stage. Weak political backing and lack of commitment in terms of resources in the case of the DPW, and the delayed appointment in the case of SARCS, would have placed serious constraints on their ability to respond to the crisis.

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8 Planning Guide for a Possible Mass Influx of (sic) [Report by the Technical Team], 4 February 2002, DPLG

9 Contingency Plan for Possible Mass Refugee Influx from Zimbabwe into South Africa; International Protection Principles and Standards of Treatment of Refugees, UNHCR 2002

- Community Consultation and Involvement

A technical committee on Community Issues was theoretically set up as part of the provincial planning process. That committee never met. As stated in the UNHCR plan, it is good practice to provide "public information and awareness campaigns…within the local communities in the border areas where refugees are being received, accommodated and assisted; the aim of such campaigns should be to sensitise the local population on the presence of refugees and the reasons why they had to flee to South Africa, to ensure a favourable environment and harmonious co-existence between the refugees and the local communities for the time they will have to remain under the protection and assistance of the South Africa government."[10] There were absolutely no plans in place for such campaigns. This is not a minor issue against the background of rising xenophobia throughout the country. Apart from contacts to local catering services for the provision of cooked food, there was also very limited planning to procure goods needed for the camp from local sources, which is generally good practice to generate income for the local community.

"Invisible Influx" – No Preparedness

Having noted that the implementation of the prepared plan left much to be desired, we can turn to the question of whether the plan itself would have been appropriate for the potential or actual emergency at hand, even if well implemented. This opens up the possibility of a third scenario, which is that a significant number of Zimbabweans crossed into South Africa illegally – not *en masse*, and not across the main border stations, but rather in small groups along the rest of the border, therefore remaining "invisible" to the South African authorities (see discussion in Section 3). If this was the case, then both of the responses discussed above could not effectively address these people's needs.

On the one hand, official SANDF statistics suggest that there has been no increase in illegal border crossing. If official figures are accurate, that would either mean that: (a) hardship in Zimbabwe has not yet reached levels that lead to displacement, or, (b) Zimbabweans are not choosing cross-border migration as a means to cope with hunger, or (c) people try to flee but are prevented from leaving their country on the Zimbabwean side. On the other hand, interviews at the border conducted by the RRP registered the general perception of an increasing influx of Zimbabweans fleeing from hunger and entering South Africa.[11] If this perception is correct, it would mean that Zimbabweans indeed cross the border to escape the famine, but remain in the country illegally and invisibly.[12]

Section 3 will discuss the shortcomings of the statistics available. An "invisible influx" is a trend difficult to confirm empirically. However, if this scenario is in fact the case, the presence of additional informal migrants could be placing pressure on the South African system without any option for organised assistance or international help. There is a need to consider the "invisible influx" hypothesis seriously, attempt to ascertain its probability, and develop responses to it in collaboration between government and non-governmental actors.

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10 Contingency Plan for Possible Mass Refugee Influx from Zimbabwe into South Africa; International Protection Principles and Standards of Treatment of Refugees. UNHCR 2002

11 RRP interviewed taxi drivers, farmers next to the border, police officers, and the Musina Legal Advice Centre.

12 This could be either because they ignore the existing legal mechanisms, or because these mechanisms are not available or known to them due to their lack of resources and limited access to various networks. A third possibility is that Zimbabweans do not trust existing mechanisms. South African authorities are often associated with deportation rather than protection or assistance according to people interviewed. This perception could have a strong influence on individuals' decisions on the ground.

No "Mass Influx" – Deportations

It is in this context that the ongoing deportations of "illegal immigrants" to Zimbabwe during the election period cannot be taken as "business as usual," or separate from the emergency management process. Responding to concerns raised by various NGOs about the continued deportations, SAPS and SANDF claimed that they were interviewing all deportees to identify potential refugees. Those who stated that they were fleeing from famine, however, were categorised as undocumented economic migrants and deported. This situation raises serious human rights concerns. The NMDC contingency plan specifies that in the case of a crisis in Zimbabwe, which triggers a mass influx into South Africa, "any ongoing deportation programme, including the rounding up of undocumented economic migrants from Zimbabwe in the country, should be suspended with immediate effect."[13] Although a mass influx did not occur, individuals fleeing from a politically generated famine should enjoy protection and assistance, regardless of the scale of the actual influx.

There is a further worrying continuity between the emergency preparedness process and the ongoing deportation of "illegal immigrants" that must be noted. That is, there is currently a discussion to transform the army base at Arton Villa, initially selected as a refugee camp, into a transit or detention facility for illegal migrants. These signs of conflating potentially contradictory processes, deportation vs. protection, must be seen in the context of an extremely inhospitable atmosphere for Zimbabwean migrants in South Africa. In the words of a Zimbabwean asylum seeker: "It is dangerous being a foreigner in South Africa." Zimbabwean immigrants, whether asylum seekers, illegal entrants, or legal workers, are faced with rampant xenophobia and a general atmosphere of hostility from citizens, police and government officials.[14] Needless to say, this atmosphere, encouraged by institutional ambivalence, stands in contrast to the ideals of protection and humanitarian assistance South Africa has obliged itself to provide.

13Contingency Planning, Mass Influx of Refugees and other Displaced Persons, NDMC (Jan 2002)

14 Animosity against Zimbabweans generally was expressed in various interviews with officials and local people in Musina, including a lack of distinction between asylum seekers and other immigrants. Concerning xenophobia against Zimbabweans generally in South Africa.

Section 3: Situation Analysis

Any emergency preparedness and response must be based on an analysis of the type, character, extent, and timing of the emergency itself, so that preparations and interventions are appropriate. In this particular case, virtually all of the elements of the situation analysis were contestable and various assumptions made about the situation fundamentally limited the emergency preparedness process.

Contestable issues included: the likelihood of an actual influx, the definition of what would constitute a "mass influx", and the time frame and expected "trigger" for an influx. All these questions refer back to a lack of agreement on the seriousness of the crisis in Zimbabwe, and therefore the legitimacy of those fleeing from it. Finally, it is even debatable whether there was, or is, a significant influx of Zimbabweans into South Africa.

Situation Analysis		Implications for Emergency Preparedness
Likelihood of influx	➔	Motivation for and urgency of preparedness
Definition of influx	➔	Trigger for implementation of contingency plan
Time frame and expected trigger of influx	➔	Time frame of contingency plan
Occurrence of influx	➔	Evaluation of effectiveness of preparedness and intervention

Likelihood of Influx

The likelihood of a mass influx of refugees from Zimbabwe into South Africa was assessed quite differently at different times and by different actors. There seemed to be little communication or agreement about the indicators on which such assessments were based i.e., there was no joint early warning information gathering, but rather individual organisational assessments according to different criteria. International organisations, led by the UNHCR, and including the International Organisation for Migration (IOM), Oxfam, Save the Children Fund (SCF) and the International Committee of the Red Cross and Red Crescent Societies (ICRC), interpreted their information with a much greater sense of urgency than most government actors whose actions seemed to reflect the expectation that "nothing would happen."

This reflected political considerations, such as widespread reluctance to appear as being critical of Zimbabwe's policies as well as the fear of a self-fulfilling prophesy if it were made public that a mass influx was expected. Furthermore, there were divergences of analysis depending on the focus of the government department. Offices such as the Department of Home Affairs, focusing on refugees, were predicting virtually no refugee influx in early March, while the National Disaster Management Centre continued to expect significant famine-related migrants. The effects of a lack of agreement about the probability of an influx and how to measure it were a weak commitment from actors not expecting an influx, and frustration about inaction by those expecting one, both slowing down the preparedness process significantly.

Time Frame

In terms of time frame, the emergency preparedness process was based on the assumption that political violence around the elections would be the main trigger for exodus. This defined the time frame for the emergency response preparations so that they would be "ready" on the weekend of the elections (not before) and that they would end after that, if "nothing happened." In fact, the apex of political violence and intimidation in Zimbabwe was around January and early February 2002,[15] with less overt political targeting directly during the elections, and since then the political violence has not stopped and the economic and food security crisis has deepened.[16]

Measurement of Influx

As noted above, if an influx of refugees is expected, a contingency plan needs an agreed definition of an influx that triggers its implementation. But which border crossers count toward this number, and how is this number measured?

Official government figures suggest that there has been no significant increase in border crossing from Zimbabwe into South Africa around the time of the elections. Indeed, according to Department of Home Affairs statistics for the two weeks following the elections[17], the official border crossings were reduced to 35% of the weekly average for the previous and following six weeks (reflecting a 69% drop in arrivals and a 51% drop in departures). Furthermore, government statistics for the week preceding the elections register an increase in Zimbabweans moving in the opposite direction (i.e., going back to their country). The Department of Home Affairs' interpretation of these numbers is that many Zimbabweans residing in South Africa returned to their country in order to cast their votes. SANDF statistics, which were kept confidential, are reported to show no significant variation in border crossings, compared to seasonal averages.

However, the composition of these statistics, as well as the means by which they are gathered, do not allow them to adequately reflect the patterns of migration which characterise the South African/Zimbabwe border normally, nor do they provide sufficient detail for assessing qualitative changes in these patterns in times of crisis. DHA figures reflect only absolute numbers and are based on legal border crossing at the official checkpoint Beitbridge-Musina, as well as deportations of Zimbabweans apprehended by the defence forces and held temporarily at Lindela and other detention facilities. SANDF statistics include illegal crossings all along the border, and are broken down by gender and age.[18]

Illegal border crossing is a significant element of the normal "base line" movement across the South Africa/Zimbabwe border. SANDF sources indicated that around 2000 people are apprehended and deported every month, which reflects only a fraction of total illegal border crossing. This element of illegal border crossing is likely to increase in times of crisis, regardless of the trigger.

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15 "Crisis in Zimbabwe Coalition" Newsletter, p.2. See political violence reports by the Zimbabwe Human Rights Forum.

16 According to an Oxfam report on the food crisis in Southern Africa, in some districts of Zimbabwe, 95% of all households had no harvest, and that 5.6 million people are immediately in need for emergency food aid. "Crisis in Southern Africa", Oxfam Briefing Paper 23, 2002

17 The statistics combine these two weeks, whereas all other weeks are listed separately. The reasons for this change in methodology are not clear, and no explanation has been provided.

18 The lack of public information about SANDF statistics and how they are gathered makes it difficult to assess their validity.

By definition, illegal border crossings are difficult to measure, especially in the case of a highly porous border such as between Zimbabwe and South Africa. As a planning document of the DPLG from early February states, there are at least 9 primary points of entry, and it is noted that "illegal crossing can however be expected at any point as the Limpopo river poses no obstacle at this stage [in the dry season]."[19] The border fence is not an obstacle to potential crossers since farmers have keys to the regularly spaced gates along the fence, and crossers cut holes in it periodically. Furthermore, SANDF officials admitted that the army's resources to exercise adequate border control are inadequate. An average of three border guards, often without vehicles, are stationed every ten kilometres along the perimeter. Hence, there are reasons to believe that unchanging immigration statistics may reflect limited SANDF capacity rather than static cross-border flows. Indeed, RRP's interviews with the Musina Advice Centre, taxi drivers, residents of Musina, and farmers at the border consistently indicate that many more Zimbabweans are coming into South Africa.[20]

Composition of flows can also be an important indicator that people are fleeing violence and famine, rather than migrating for seasonal work. Border officials have noted that the average age of both legal and illegal immigrants has fallen from c. 25 to 18-19 years, with increasing numbers of women and children crossing in the last few months. This trend was confirmed by several NGOs and indicates a shift from regular economic migration.

In sum, assessing the need for emergency preparedness activities based solely on official border crossing statistics available in South Africa can be misleading and result in misguided planning and implementation. As we have seen, there are compelling reasons to believe that the available data is only partial, fragmented, and ultimately unreliable. More research and alternative information sources are needed to provide a complete picture for emergency planning.

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19 Planning Guide for a Possible Mass Influx of (sic) [Report by the Technical Team], 4 February 2002, DPLG

20 South African statistics might also reflect changes within Zimbabwe. As a South African border officer noted in an IRIN report: "increased activity by the Zimbabwean police was likely to have had an impact on the numbers crossing." The press and Zimbabwean NGOs have consistently reported the obstacles set by the Zimbabwean government to prevent people from reaching the border: road blocks, information that they would not be welcomed in South Africa and intimidation that people would be killed if they left and tried to return. South African entry statistics would not reflect those who tried to flee, but were prevented from doing so within Zimbabwe's borders.

Section 4: Stakeholders and Roles

This section will describe the roles played by the various South African and international stakeholders involved in the influx preparedness process. A functioning early response and disaster management system hinges on effective co-ordination and a clear and practical division of responsibilities, which is understood and agreed upon by all actors. Mutual trust and familiarity among actors is essential so that information can be shared freely and plans can be adapted to unforeseen contingencies quickly and smoothly according to the comparative advantages and roles of the different institutions. Finally, effective institutional action depends on the presence of specific humanitarian expertise, capacities, and resources, but also on political will.

South Africa's specific history has impacted on its national humanitarian expertise, the relationship between South African stakeholders, and the government's relationship to specialised international humanitarian agencies. Due to the novelty of refugee preparedness in South Africa, there is limited humanitarian expertise within most South African organisations, governmental as well as non-governmental. Similarly, structures of effective co-operation are untried, with different levels of familiarity and communication between and among the categories of actors – governmental, local non-governmental, and international.

Government Actors

As determined by international law, the "receiving" government has the duty to take the lead in providing protection and assistance in the case of refugee flows. In the context of the African continent, South Africa has very good pre-conditions to be able to fulfil this duty. South Africa itself is at peace, its government departments have significant professional capacities and resources, and it has a formal national disaster management structure that has been tried and tested through domestic and regional interventions (although not in mass refugee situations). This advanced "base line" leads to high expectations when it comes to the promptness and quality of response.

The overall policy objectives of the planning for a potential influx of refugees, as expressed in a document of the National Disaster Management Centre reflect high levels of awareness and professional planning.[21] However, the experience of this case makes clear that such awareness at one level does not necessarily translate into effective preparedness and response on the ground. A functioning institutional structure geared toward implementation is needed. The factors which limited the effectiveness of government departments toward this end include lack of experience, a strong focus on the military, lack of clarity about political leadership, contradictions between political and operational imperatives, difficulties in co-ordinating national and provincial government actors, and the perceptions of some officials about refugees. Furthermore, the complementary skills and capacities of non-governmental organisations (international and national) were not sufficiently utilised.

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21 The objectives, as stated in the Planning Guide for a Possible Mass Influx by the Department of Provincial and Local Government are: a) to ensure minimum protection and minimum standards to treatment; meeting basic needs in food, shelter, water, sanitation and health care; taking into account the psycho-social needs of refugees through community services; b) taking account of the impacts on the local community; c) planning flexibly to be able to adjust to new realities; d) co-ordinating with international agencies to ensure burden sharing; e) respecting family and community group unity in the arrangement of the settlement; f) and making the immediate response as facilitative as possible of a longer term sustainable solution.

- Limited Humanitarian Expertise

Due to South Africa's lack of previous experience with humanitarian emergencies on its own soil and its decades of international isolation, there are low levels of awareness, let alone expertise, of international humanitarian refugee law and international standards and best practice in humanitarian disaster response.[22] This applies to both government and local non-governmental actors. Within government, this lack of experience is especially severe at the provincial level where people are unfamiliar with the national South African disaster management structure and international systems. [23]

> **Recommendations:**
> - Training of government agencies in international and national refugee law and protection duties, especially at the provincial level;
> - A shift toward civilian control (both of planning and implementation) of disaster response, especially large scale humanitarian emergencies;
> - Codified division of responsibilities for national and provincial actors within disaster response system, including clarity on mandate, initiative and funding.

- Militarisation of Preparedness

The experience with disaster response in South Africa lies largely within the armed forces, including SANDF and SAPS. The military was the main South African actor involved in the high profile 2000 Mozambican flood relief, and military responses to disasters were the norm during the apartheid regime. Within the disaster management system, there remains a strong reliance on military actors, and the lead role of the security forces was evident in both the planning and the limited implementation phases. While the military and police have valuable skills, capacities, and resources, there are various side effects of such a strong reliance on security forces. From the SANDF and SAPS perspective, there is a tendency toward continuity with their "normal" role of border control, rather than a humanitarian conception of migration management for the succour of those fleeing crisis. This is illustrated by the continuation of deportations during the entire influx preparation period, including the weekend of the elections. From the Zimbabwean perspective, the predominant experience of many Zimbabweans with SANDF is as an agent of deportation, not protection, and therefore its members are unlikely to inspire feelings of security. This ambivalent role of the security forces is illustrated by the fact that both SANDF and SAPS were simultaneously involved in the deportations and in the emergency preparedness process around the time of the elections. Furthermore, the armed forces were perceived by various non-governmental actors as having a limited culture of consultation, transparency, and participation. Intelligence information concerning the situation assessment in Zimbabwe, border crossing statistics, and even information about their own operational capacities were not shared with non-governmental actors, thus making joint planning virtually impossible.

- Political Considerations

Government action in disaster preparedness is always highly political, and was so in this case as well. The need to conform to the public position of the Presidency, which stated that the situation in Zimbabwe was stable and under the control of the Zimbabwean government, made it difficult to act openly in preparation for a potential influx of refugees. It was repeatedly stated by government stakeholders that such preparations would have been interpreted as acknowledging a brewing crisis in Zimbabwe. "It would be interference in the internal affairs of a neighbouring sovereign

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22 Codified and widely used international standards include the Sphere Standards, the UNHCR Handbook for Emergencies and the NGO Field Co-ordination Protocol of September 1996.

23 This is recognised within the NDMC and provincial government departments.

state," and "it would create tensions bilaterally and within the SADC region," in the words of government officials. Article II.2 of the OAU Convention, to which both South Africa and Zimbabwe are signatories, specifies that granting asylum (and by extension emergency preparedness) is a "peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State." Nonetheless, political considerations vied with logistical imperatives, and lead to a distinct vacuum of political leadership for effective preparedness.

- Co-ordination between National and Provincial Government

The uncertainty concerning a lead department and lack of political leadership contributed to weak commitment to the planning process at both national and provincial levels. At national level planning meetings there was intermittent attendance and lack of continuity in the individuals taking part, which lead to lack of continuity in the planning and departmental contributions to the plan. Furthermore, co-operation between the national and provincial levels of government was hampered by a perception of limited support for provincial activities from the national departments, raising concerns about mandate, responsibility, and funding. The operational imperatives, in terms of concrete preparations for setting up a camp and developing refugee reception structures, were most apparent and recognised at the provincial level planning sessions and among those provincial and municipal actors (in Limpopo Province and Musina) who would be responsible for implementing the process. However, provincial departments did not feel they could take initiative without political and financial backing from national departments.

> **Needs for effective development of provincial government contingency plans:**
> - Clarity on lead department;
> - Political backing;
> - Mandate and assistance from national departments;
> - Funding commitment.

As an example of the relationship between national and provincial departments, the Office of the Premier in the Northern Province wrote at the end of February 2002, "regarding the Zimbabwe situation, the provincial government is not mandated to respond. The national government is monitoring the situation. However, should there be a directive from the national level, appropriate steps would be taken to support the initiatives."[24] This limited provincial mandate severely delayed the movement of the contingency plan from discussion to action. Moreover, it passed responsibility on to the municipal level, which had the least experience and resources, but was forced to prepare since it was "first in the line of fire" in case of an influx.

- Perceptions of Government Officials Concerning Refugees

Finally, the perceptions of provincial government officials in Limpopo Province, including police and defence force personnel, about refugees coloured the motivation for influx preparedness. Perceptions were based on their daily experience of legal and illegal labour migration in the border region, a system that is simultaneously based on the arrest and deportation of illegal workers and their tacit recognition as the basis of commercial agriculture in the area. There is little sympathy for the legitimacy of fleeing from either political violence or famine, and their legitimate right to protection. A wide-spread perception that all Zimbabweans are simply taking advantage of the crisis situation to come to South Africa and take South African jobs, leads to a lack of distinction between refugees and seasonal migrants looking for jobs.

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24 Letter from the Director General, Office of the Premier, Northern Province 26/02/2002 to the Provincial Head, Operational Co-ordination

UNHCR and International Humanitarian Organisations

The main role of the UNHCR and the international humanitarian organisations involved (IOM, Save the Children Fund UK, Oxfam, ICRC, JRS) was to transfer international experience on emergencies to South African actors. The timing and structure of the national planning process, such as the establishment of technical committees, and the graduation from theoretical planning to technical implementation, were significantly driven by UNHCR. The UNHCR consistently advocated for the inclusion of international and national NGOs in the Priority Committee planning meetings, even though this was only granted by government at a late date. At the provincial planning and implementation level, Oxfam, SCF, and UNHCR passed on knowledge in best practice and international standards through the secondment of international experts. The UNHCR deployed a Physical Planner with the support of Oxfam to assist the Department of Public Works with site planning. A senior Health and Nutrition Advisor was seconded to the Department of Health. The International Federation of the Red Cross and Red Crescent Societies (IFRC)

> **Recommendations**
> - Humanitarian response training and capacity transfer to South African governmental and non-governmental actors by UNHCR and international NGOs on an ongoing and co-ordinated basis.

provided expertise and back-up support to the South African Red Cross Society on camp management. The IFRC also identified 45 volunteers, who were given basic training in registration, tracing food/non-food item distribution and the ICRC Code of Conduct. This volunteer pool was to be made available to all agencies depending on need.

Some of the capacities that were offered, such as JRS's long-term work in refugee education, Oxfam's expertise in water and sanitation provision, and international NGOs' capacities to bring in highly skilled and experienced specialists from within their international networks, were not taken up by the relevant government departments. This was to some extent due to the different approaches among international NGOs and the government. While the former were attempting to introduce planning elements to address a potential longer term integrated refugee response system, including provisions such as education within a potential camp, the government plan was increasingly limited to immediate and short-term relief provision.

Many of the international agencies committed some resources, in addition to providing seconding experts and information materials, to ensure that emergency supplies were available. When it became clear that the intended camp site had not been cleaned or made minimally inhabitable one day before the elections, the IOM used its own funds for this work, as well as chartering buses to standby for transport from the border post to the camp site. It also facilitated contributions in kind by local businesses in Musina, such as the donation of heavy machinery for ground levelling and firebreaks by Venetia Mines. The UNHCR ordered registration materials for 50,000 people, as well as purchasing non-food items (e.g., plastic sheeting, kitchen and cooking sets, blankets, etc.) for over 1 million rand as a reserve. Oxfam confirmed that it would be able to provide the water and sanitation needs of the camp on short notice. However, all international humanitarian actors made clear that they saw their own contributions purely as additional support in areas that the government was not able to cover.

In addition to technical expertise, international humanitarian agencies have experience and capacities in many of the emergency preparedness processes, which are still underdeveloped in South African organisations. These include intra-agency cross-border communication networks (UNHCR, ICRC, IOM, JRS and SCF in South Africa

all have counterparts in Harare or in rural areas of Zimbabwe), emergency material procurement procedures, and established inter-agency communication and co-ordination structures. Co-ordination meetings were held among UNHCR, ICRC, and IOM to agree on preparedness provisions, between International and local NGOs to organise their participation in the Priority Committee, and among the Red Cross, SCF-UK, Social Welfare, and SACC to synchronise resources such as volunteers. However, these efforts were not integrated into the government-led contingency plan. Within the international humanitarian field, it was shown that there are functioning networks of co-operation and division of labour, so that each organisation is aware of its own and others' comparative advantage in providing certain expertise and services. This kind of knowledge still needs to be developed by South Africa's national disaster management structures.

Local NGOs and Organisations

Most local NGOs interviewed by RRP acknowledged their lack of experience and resources to provide professional humanitarian assistance or related services in emergencies. Although the anti–apartheid struggle provided a fertile soil for the development of advocacy based organisations and capacities, there has been relatively little opportunity to develop domestic expertise in humanitarian crises within local NGOs. Consequently, the role of indigenous organisations within the emergency preparedness process was largely limited to observation and monitoring.

> **Recommendations**
> - Development and expansion of emergency preparedness through building capacities, contingency plans, and funding models to enable emergency response,
> - Focus on comparative advantages of each specific organisation. Realistic planning.
> - Increased inclusion of service and welfare NGOs in emergency preparedness network,
> - Strengthening network building with international humanitarian actors and government disaster management structures.

This role was carried out both at the national and provincial planning stages (SARCS, LHR, and SACC took part in the national Priority Committee Meetings from mid-February, and LHR, RRP, SARCS, and SACC took part at the provincial and municipal levels), as well as during the actual election weekend and following weeks at the border post. Given the limited operational humanitarian capacities of most NGOs, the concrete interventions offered on standby were mainly in the form of volunteers for registration and distribution in the planned camp (mainly from SARCS and SACC), and translators (from RRP), all of which were not, in the end, called upon. LHR provided SAP and SANDF information about South African refugee law and international refugee standards along the border area during the election weekend and the following two weeks.

A realisation shared by all NGOs interviewed was that they did not have sufficient experience, resources, or contingency plans to be prepared for an emergency. Not even the monitoring role could be fulfilled consistently, since there were not enough financial and personnel resources to monitor government actions along the border beyond the main Beitbridge border crossing. Another limitation was the strong local NGO focus on refugees' legal rights. While this is clearly an important issue, it is, as noted above, only part of the wider context of the crisis situation to which the emergency preparations needed to respond. The implication is not that specialised advocacy NGOs should diversify their perspectives and activities, but rather that all stakeholders should work to bring NGOs with more service and welfare oriented experiences and capacities into the emergency preparedness network.

Relations between Government Actors and Non-Governmental Actors

The most important characteristic of an effective emergency preparedness system is a functioning division of labour among actors based on agreed mechanisms of response, mutual familiarity, and the use of actors' comparative advantages. Disaster preparedness is, in fact, primarily concerned with building and agreeing on relationships and relative responsibilities so that each actor can be called on to contribute their part of a co-ordinated whole when a disaster does occur.[25] In South Africa, it is precisely these relationships that are still underdeveloped, severely constraining the ability to act in concert towards an efficient level of disaster preparedness and response. This is the case among government departments and levels, as discussed above, as well as between the government offices and non-governmental actors.

A common tension between "receiving" governments and non-governmental actors concerned with humanitarian and refugee response is a divergence in goals in relation to refugees. While specialised NGOs and agencies such as the UNHCR have the mandate to act on behalf of refugee protection and rights, and provide access to these rights through appropriate emergency preparedness, governments tend to be concerned with limiting entry. Usually this is expressed through fears of "opening the flood gates" and that preparedness and the provision of camps and refugee status may act as "incentives" for attracting people across the border.

In addition to these general tensions, South Africa's particular history influences the relationships between government and non-governmental actors. An understanding of this history is essential, since it provides the framework of expectations and capacities in which the operational interactions of these actors took and take place during emergency preparedness and humanitarian interventions.

- Relationship Between Government and International Humanitarian Actors

The relationship between the South African government and international humanitarian actors is characterised by a lack of familiarity. This has two historical reasons: first, South Africa's international isolation during the apartheid years, and second, the lack of major disasters on South African soil in recent years. The South African government has only rebuilt contacts with UN agencies, including UNHCR, since 1991. South Africa signed the 1951 UN Refugee Convention only in 1996 and the 1969 OAU Refugee Convention in 1995. This stands in contrast to the decades of interaction and mutual influence that other countries around the world have had with UN institutions, leading to a level of familiarity with functions, mechanisms, and approaches which are not yet present in South Africa. The situation is similar in relation to major international humanitarian NGOs. The mutual recognition of roles and responsibilities and knowledge of each other's ways of working and capacities remains relatively underdeveloped in South Africa. This lack of familiarity leads to mistaken expectations by government about the capacities and roles of international humanitarian NGOs.

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25 "The object of the contingency plan is to determine the roles and responsibilities of the various role players, in order to ensure co-ordinated actions in the event of a mass influx of refugees and other displaced persons." Contingency Planning, Mass Influx of Refugees and Other Displaced Persons, NDMC (January 2002)

This especially applies to perceptions of relative responsibility for resource commitment. Perceptions were expressed by government circles that international organisations and NGOs had resources available, which they could easily and immediately commit. International organisations, on the other hand, were waiting for the government to take the lead and made clear that they would only fill in gaps in government provision. International agencies were perceived as a kind of fail-safe mechanism by some government actors, with the expectation that they "would not let the situation deteriorate." Non-governmental actors, on the other hand, expressed frustration that there seemed to be little awareness of the planning, budgeting, and resource use justifications that NGOs must go through, which are severely constrained by not being included in government planning processes.

Especially the funding issue is furthermore affected by South Africa's particular position of economic and political leadership in Southern and Sub-Saharan Africa. International humanitarian actors predominantly work in crisis situations where the state is either extremely weak, extremely poor, or has virtually ceased to function. Since none of these categories apply to South Africa, most international organisations experienced a severe constraint on their ability to justify to their own donors the necessity of spending resources for an intervention in this case.

▪ Relationship Between Government and National NGOs

The relationship between the government and national NGOs also remains shaped by the legacy of the apartheid years. Since the advocacy focus of South Africa's civil society organisations concerned with refugees is often expressed in terms critical of the government, a culture of widespread mutual suspicion has developed over time. Such an environment does not bode well for an open and co-operative dialogue, mutual familiarity, and trust which form the basis of effective complementarities in times of crisis.

Indicators of this lack of mutual trust and familiarity include the late inclusion of civil society in the emergency preparedness planning process. International and local NGOs were only invited to the National Priority Committee on the Potential Influx of Refugees on 18 February 2002 (i.e., three weeks before the elections in Zimbabwe) only after the UNHCR had facilitated their participation. NGO participation was predicated on the agreement that they would refrain from talking to the press. NGOs were also excluded from meetings between intelligence services, SANDF, SAPS, Home Affairs and other government departments as part of the Joint Operations Centre on the very eve of the elections, in spite of the fact that they were an integral part of the contingency plan. This general policy of limiting communications with NGOs to a "need-to-know" basis in the planning process as well as during the readiness phase, constrained both their ability and their willingness to contribute their expertise concerning emergency preparedness. Structures for the effective integration of NGOs in the preparedness process were not put in place. The technical committees suggested by the UNHCR, into which specialised NGOs could have brought their expertise, were not implemented effectively. The differences between non-governmental actors – large, highly experienced, service-oriented, humanitarian organisations; small, advocacy-based organisations with limited capacities; and organisations specialising in different technical and policy fields – were often not acknowledged by government actors. This conflation led to frustration among non-government actors, and limited the utilisation of organisations' comparative advantages to the benefit of the overall process.

In spite of the abovementioned obstacles, there have been some positive developments in strengthening the relationships between government and non-governmental actors through the interactions in the context of emergency planning. At the provincial and municipal levels, there was effective co-operation, and knowledge and trust building. Given the ongoing famine crisis in Southern Africa, this effort should be resumed and expanded to the national level, and a regular and institutionalised co-ordination structure should be put in place to monitor the situation. In the context of the continuing crisis in Zimbabwe, several stakeholders suggested that formal co-ordination meetings should be re-initiated.

Section 5: Lessons and Recommendations

Preparedness for Continued Famine-Crisis

Recent reports by international agencies have described the appalling extent and severity of the famine looming in several Southern African countries. In a press conference on 23 July, the Executive Director of the World Food Programme (WFP) told reporters that the deepening humanitarian crisis in Southern Africa is perhaps the most severe and urgent dilemma currently facing the international community. Assessments on the ground suggest that some 12.8 million people in the region are at risk of starvation between now and March 2003. The WFP's study, conducted jointly with the Food and Agriculture Organization (FAO), revealed that nearly half the at-risk population live in Zimbabwe.[26]

The analysis of the emergency preparedness process around the time of the 2002 elections needs to be connected to the assessment of the potential for famine-induced displacement in Southern Africa. In the case of Zimbabwe, the ongoing food crisis has been exacerbated by controversial land reform and food distribution policies implemented by the current administration. Within this context, it is unfortunate and incongruous that the preparedness process in South Africa was broken off a few weeks after the elections, on the basis that "nothing had happened".

As a leading partner in the SADC region, South Africa should be able to respond effectively. It is true that efforts are being made to address the crisis within Zimbabwe in terms of grain shipments into the country, both by South Africa and international organisations. However, all observers agree in describing the distribution phase within Zimbabwe as problematic due to political manipulation of the aid received, leaving a large sector of the population vulnerable to increasing hunger and malnutrition. Therefore, the lack of contingency planning for potential famine induced displacement is a serious shortcoming. The lessons learned from the pre-election preparations should be used to develop an integral response based on a joint strategy between the South African government, international actors, and civil society.

Lessons and Recommendations for the South African Government:

1 The **primary responsibility** for planning and funding emergency preparedness lies with the South African government.
Recommendation: Government officials should acknowledge that local NGOs or international agencies will not step in to take responsibility for the contingency plan. The role of international NGOs can only be complementary.

2 Since the **Refugee Act** allows for a great deal of political discretion in key areas of the emergency preparedness process, lack of political will and commitment might jeopardise timely and effective decision making. *Recommendation:* Minimise reliance on discretion and strengthen autonomous systems and detailed frameworks, specifically in terms of implementation triggers, time frames, lead department, and funding.

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26 See also reports by Oxfam, ICRC, and other international organisations.

3   **Implementation triggers** and **time frames:** The Refugee Act does not provide a clear definition of a "mass influx".
Recommendation: The main characteristics of such an influx should be agreed in advance among all the stakeholders in an emergency preparedness process. This would be the "trigger" for the implementation of the contingency plan. Information should be gathered systematically, in co-operation with various stakeholders, to establish whether that "trigger" has been reached. It is necessary to consider various kinds and time frames of expected triggers beyond a single factor (such as an election), therefore designing the preparedness process so that it is ready to respond to ongoing factors (i.e., alarming levels of food insecurity).

4   **Lead department:** The Refugee Act establishes the role of the Department of Home Affairs as lead department in the process.
Recommendation: It is necessary to agree the extent of its responsibilities among all stakeholders within the disaster management structure.

5   **Funding:** The fact that all emergency response funds, including within departments and from the Disaster Relief Board, are predicated on the prior declaration of an emergency, which in turn, depends on the emergency already having commenced, means that it is currently impossible to fund emergency *preparedness* in South Africa. This is a severe shortcoming of the legislative and institutional framework for disaster management.
Recommendation: Revise legislation and harmonise institutional frameworks to allow earlier small-scale funding commitments for basic preparedness, before an actual emergency is declared.

6   The new **Disaster Management Bill** was passed in late March 2002. While the Bill itself did not incorporate the lessons learned from the Zimbabwean elections, there is a valuable opportunity for the development of a detailed and practical National Disaster Management Framework.
Recommendation: Consolidate a clear division of responsibilities between national, provincial, and municipal levels to avoid "passing the buck", and stress the need for humanitarian expertise in individuals delegated to be responsible for emergency response in each department.

7   **Asylum procedures:** *Recommendation:* It must be ensured that proper asylum procedures are adhered to for individual applicants at all times, without discrimination by country of origin.

8   **Deportations:** *Recommendation:* The policy of continuing deportations during emergency preparedness for a largely famine-based emergency should be reconsidered.

| 9 | **Involvement of the security forces:** *Recommendation*: Due to their ambivalent role (being key players in both refugee protection and the deportation process), the participation of the security forces in the emergency preparedness process should be **limited to their comparative advantages** and availability of resources to fulfil specific and limited roles within the plan. |

| 10 | **Public information:** *Recommendation:* The SANDF should **disclose** its **official statistics** in order to help monitor border crossing as the effects of the famine deepen. |

| 11 | **Co-operation with Civil Society:** *Recommendation:* There needs to be more **regular communication between government and NGOs** on disaster preparedness in order to increase mutual understanding and learn more about each other's internal workings. |

| 12 | **Coordinated strategies and burden sharing:** *Recommendation:* Information should be shared **with other SADC and donor countries** on an ongoing basis, and a co-ordinated strategy for emergency response should be developed. It is essential to incorporate international and regional burden sharing models and principles into this strategy. |

Lessons and Recommendations for South African NGOs:

| 13 | **Local Expertise:** Local NGOs (including local branches of international NGOs) admitted they did not have contingency plans, and little practical experience in emergency preparedness.
Recommendation: **Make use of** the available UNHCR **operations management tools** prepared by the Emergency Preparedness and Response Section (EPRS) in order to build their own emergency response capacity. However, realistic planning requires an acknowledgment of resource limitations and a strong **focus on comparative advantages** of specific organisations. |

| 14 | **Communication Networks:** *Recommendation:* South African NGOs should keep up the communication networks that have been built through the preparedness process, and should **strengthen links** with government and UN emergency actors. |

| 15 | **Monitoring:** *Recommendation:* There should be continuous **monitoring** to ensure that **government offices** adhere to legal procedures in terms of asylum. |

16	**Research:** _Recommendation:_ More data on actual illegal cross border flows should be collected to complement official statistics, in order to establish whether there is significant **famine-induced displacement into South Africa**. There is a need to consider the **"invisible influx"** hypothesis seriously, attempt to ascertain its probability, and develop responses to it in collaboration between government and non-governmental actors.

17	No **Service-provision NGOs** were included in the preparedness process, although some relevant capacities do exist in South Africa. _Recommendation:_ Those service provision NGOs (water, sanitation, child welfare, education, food distribution, shelter construction) who may have no emergency intervention experience, but do have technical skills that could be used to this effect should be identified, offered emergency training, and brought into communication with the emergency preparedness structures.

18	**Access to adequate information** is essential for proper planning. Unfortunately, SANDF statistics remain confidential. Lack of access to information might worsen the effects of the crisis due to insufficient preparation. _Recommendation_: NGOs should actively **lobby government offices to access up to date information** and statistics regarding border crossing and contingency plans.

19	**National Disaster Management Framework:** _Recommendation:_ NGOs should actively contribute to **developing practical suggestions to be included** in the National Disaster Management Framework, incorporating the lessons learned through the Zimbabwean case.

20	**Cooperation with government:** _Recommendation:_ Local NGOs and government need to find a form of communication that allows for mutual learning through both co-operation and constructive criticism.

Lessons and Recommendations for International Actors:

21	**International Donors** should recognise that in spite of a relatively developed general government infrastructure and economy, there are major capacity building needs within the South African government and local NGOs in emergency preparedness. South Africa has great potential to be a leader in quality emergency response for the region and on the continent. _Recommendation:_ Donors should **support** UNHCR and international agencies working to build such a system in South Africa, as well as the South African government and local NGOs participating in emergency preparedness structures.

22	**UNHCR** should give urgent attention to the probability that refugees would experience obstacles in being admitted to a potential country of asylum. *Recommendation:* At a time in which the commitment of states to the institution of asylum appears to be in decline, the UNHCR should be active on reminding states of their responsibility to prepare for emergencies and host new arrivals, especially in cases of mass influx. In addition, alternative protection strategies should be explored.

23	In terms of **capacity building** in emergency preparedness and response, the UNHCR should be proactive in transferring its skills, at a national but also a regional level, through its Emergency Preparedness and Response Section (EPRS). *Recommendation:* Taking the initiative to **offer operation management tools and emergency management training to interested local NGOs**, as well as financial assistance for intensive training and skills development.

24	**Community preparedness** is a useful tool to guarantee a timely emergency response. *Recommendation*: In addition to the provision of assistance to Zimbabwe, **UN agencies and International NGOs** should remain involved in working in South Africa, developing **partnerships arrangements with local NGOs** working close to the Zimbabwean border**,** to ensure standby agreements that can be activated at moment's notice in response to imminent and actual emergencies.

Immediate Steps: Setting up Structures for Co-operation

Incorporating the twenty-four lessons learned from the Zimbabwean elections of 2002 can give a new scope for emergency preparedness in South Africa. Although the experience has been coloured by specific local circumstances and institutional structures, this case study can be extrapolated to complement the existing body of literature on emergency preparedness. The South African case highlights the need for effective coordination, early planning and information gathering, and timely decision making.

Setting up monthly meetings of government, UN agencies and NGOs seems to be a practical way to achieve these goals by linking all stakeholders through a semi-permanent structure. This suggestion was supported by almost all organisations and individuals interviewed for this report. This structure should strengthen risk assessment, establish and share early warning indicators, revise emergency procedures, streamline chains of command, determine a financial authority, ensure sufficient standby reserves (communications, emergency kits, etc), and establish a regular reporting system to allow early warning for emergency response in Southern Africa.

Annex: Organisations and Individuals Consulted

- United Nations High Commissioner for Refugees, Pretoria
- International Committee of the Red Cross and Red Crescent Societies, Pretoria
- Department of Home Affairs, Refugee Office, Pretoria
- Department of Provincial and Local Government Affairs, Disaster Management Office, Pretoria
- Department of Health, Limpopo Province
- South African Police Service, Limpopo Province
- South African National Defence Forces, Limpopo Province
- Oxfam UK, Southern Africa Regional Office
- Save the Children Fund UK, South Africa
- Lawyers for Human Rights
- Jesuit Refugee Services
- South African Council of Churches
- South African Human Rights Commission
- Zimbabwean asylum seekers
- South African farmers near the Zimbabwean border
- Zimbabwean petty traders and migrant workers in Beitbridge and Musina
- Human Rights NGO Forum, Zimbabwe
- Border officials, Zimbabwe
- Zimbabwe Human Rights Association, Bulawayo Regional Office

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Co-Authors

The Refugee Research Programme (RRP) is a research and advocacy unit linked to the University of the Witwatersrand. Through its work, the RRP aims to empower migrant, refugee and host communities in South Africa to access political, social and economic rights and to participate in decision-making affecting their lives. The RRP works with grass-roots communities, advocates with policy makers, and seeks to influence the international academic and policy debate on migration in Southern Africa.

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