XENO PHOBIA

PROTECTION FROM XENOPHOBIA

An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes

Written by: Jean Pierre Misago, Iriann Freemantle & Loren B. Landau
The African Centre for Migration and Society, University of Witwatersrand

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ACRONYMS

ACMS	African Centre for Migration & Society
ANC	African National Congress
ARESTA	The Agency for Refugee Education, Skills Training & Advocacy
CoRMSA	The Consortium for Refugees and Migrants in South Africa
COSATU	The Congress of South African Trade Unions
CPF	Community Policing Forum
CRAI	Citizenship Rights in Africa Initiative
DAC	Department of Arts and Culture
DHA	Department of Home Affairs
DMPSP	Displaced and Migrant Persons Support Programme
DoJ	Department of Justice
DRC	Democratic Republic of Congo
FBO	Faith-Based Organization
FIFA	Fédération Internationale de Football Association
GCRO	Gauteng City-Region Observatory
GGBF	Greater Gauteng Business Forum
HSRC	Human Sciences Research Council
IDASA	Institute for a Democratic Alternative for South Africa
ILO	International Labour Organization
IOM	International Organization for Migration
IP	(UNHCR's) Implementing Partner
LHR	Lawyers for Human Rights
MP	Member of Parliament
NGO	Non-Governmental Organization
OCHA	UN Office for the Coordination of Humanitarian Affairs
PDES	(UNHCR's) Policy Development and Evaluation Service
PoC	(UNHCR's) Persons of Concern
PWG	Protection Working Group
RBX	Roll Back Xenophobia
RSA	Republic of South Africa
SABA	South African Blacks Association
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
ToR	Terms of Reference
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNHCR ROSA	UNHCR Regional Office of Southern Africa
US	United Sates

EXECUTIVE SUMMARY

Xenophobia threatens the lives and livelihoods of refugees, asylum seekers, economic migrants and other locally defined 'outsiders' including domestic migrants and ethnic minorities. Recognising the risks xenophobia poses to its persons of concern (PoC), the United Nations High Commissioner for Refugees Regional Office for Southern Africa (UNHCR ROSA) has initiated a range of activities aimed to protect PoC from its manifestations. This evaluation assesses four of UNHCR ROSA's initiatives. It asks if they have effectively protected those PoC vulnerable to violence and other xenophobic practices. This evaluation also assesses UNHCR ROSA's strategic approach and adherence to its mandated roles and responsibilities by analysing the processes associated with the interventions. In doing so, it offers the empirical and analytical foundation for building more sustainable and effective protection initiatives in South Africa. The evaluation also implicitly reflects on UNHCR's global approach to xenophobia as part of its protection mandate. Its critique of the premises behind UNHCR's South African interventions additionally provides guidance to those working elsewhere in the world.

Although UNHCR ROSA has argued that addressing xenophobia when it comes to protecting PoC from physical violence, which is the role of the police, does not squarely fall within its international protection mandate, it has nonetheless accepted a critical role in protecting PoC from other aspects of xenophobia. Working from the belief that the South African Government should take on this mandate but has yet to adequately do so, many UNHCR ROSA efforts support national authorities and other relevant stakeholders. In this context, UNHCR ROSA has engaged in a number of initiatives to address xenophobia. This evaluation explores whether or not UNHCR ROSA has fulfilled its self-defined mandate and the extent to which its efforts are making significant contributions towards providing effective and sustainable protection to its PoC.

KEY FINDINGS AND CONCLUSIONS

Although it is impossible to say what would have happened in the *absence* of UNHCR initiatives, levels of continued violence and the general unsustainability of many programmes suggest that current campaigns have not achieved their maximum impact or been the most effective use of resources. While some may take these critiques as justification for directing UNHCR's attention elsewhere, the report argues that UNHCR has a critical role to play in catalysing action and facilitating interventions. Recognising the limits to UNHCR's resources and potential influence, this analysis is a call to reconsider its partnerships, the premises on which it works, and the time frames and modalities it follows for implementation.

LOOKING SPECIFICALLY AT UNHCR ROSA'S WORK, THE EVALUATION FINDS:

1   **UNHCR at large, and UNHCR ROSA in particular, needs to define and embrace its role in addressing xenophobia.** UNHCR's 2009 guidance paper, *Combating racism, racial discrimination, xen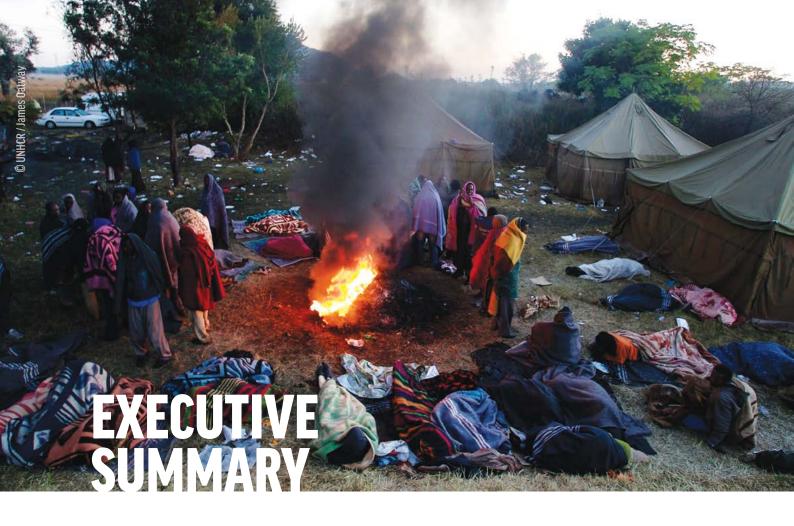ophobia and related intolerance through a strategic approach,* defines the impact xenophobia has had on UNHCR's protection mandate and provides advice on how to mitigate xenophobia through attitudinal change. It does not, however, provide guidance or indicators for assessing the root causes of xenophobic practices in specific contexts. Moreover, it provides little guidance on how UNHCR may use advocacy tools and programming objectives to address xenophobia in a meaningful way for PoC. Although xenophobia is central to protection challenges for many communities of PoC, this evaluation documents the lack of clarity amongst UNHCR staff on this agency's role in addressing xenophobia. Divergent views amongst UNHCR ROSA staff on the centrality of xenophobia in UNHCR's protection mandate further illustrate this lack of clarity. Greater direction from UNHCR Headquarters in Geneva would also help define the scope and expectation for action.

2   **A more concrete and public UNHCR policy would have provided an anchor for UNHCR advocacy and programme activities in addressing the negative consequences of xenophobia on refugee and asylum seeking populations.** Where possible, it is easier and more effective to link a protection strategy to a national government's policy. In cases where the national government has no such policy, as in South Africa, UNHCR must develop its own strategic plan. To its credit, UNHCR ROSA has initiated a number of partnerships and working relationships with relevant stakeholders and supports a range of xenophobia related programmes and activities across the country. Yet UNHCR staff members and implementing partners observed that UNHCR ROSA seemed to lack a clear and consistent strategy and UNHCR ROSA often pursued multiple objectives or approaches. While xenophobia is a complex concern warranting a multi-faceted response, interventions must nonetheless work from a coherent set of specific objectives and evidence-based premises. UNHCR ROSA's interventions currently lack such harmony and empirical foundations. Instead, UNHCR ROSA's xenophobia related programmes are guided by multiple documents and an incomplete understanding of the task at hand with little effort to find complementaries among them.

3   **The theories of change and other assumptions guiding UNHCR ROSA's xenophobia related programming need to be broadened beyond changing public opinions and attitudes.** UNHCR ROSA deserves credit for its courage in piloting new and various methods to address xenophobia over the past few years with meagre and dwindling resources. However, this evaluation concludes that the fundamental objective implicitly or explicitly informing much of UNHCR's programming needs to shift from public education and emergency response to advocacy for political and behavioural change. Apart from the Militia/Displaced and Migrant Persons Support Programme (DMPSP) programmes and to an extent The Agency for Refugee Education, Skills, Training & Advocacy (ARESTA) programme, the UNHCR ROSA programmes were oriented towards public attitudes, not xenophobic behaviour or practices, politics on the ground and national policy. For example, ARESTA identified poor service delivery, poverty, unemployment and political infighting as sources of violence but nevertheless designed a public awareness programme instead of programmes to address these sources of conflict. Public awareness programmes have value as long as they are complemented by other approaches targeting the political and economic incentives and configurations driving violence and discrimination.

4   **There is a need for improved Results Based Management logic and monitoring across the programmes.** UNHCR ROSA's various strategy and programme documents rarely included concrete or measurable objectives, indicators, or implementation modalities. There was also inconsistency amongst outputs and outcomes in the programme documentation. Staff and partners have a hard time designing and achieving programme goals in the absence of clearly stated objectives, activities, outputs and indicators. This evaluation concludes that partners need more training on the results chain as well as on reporting technology and that UNHCR staff need to be more vigilant in holding implementing partners to organisational guidelines and agreements. Programmes must also be redesigned to include measurable and achievable objectives. Where appropriate, arrangements should be made to ensure the sustained funding necessary for catalysing systemic change. This evaluation also finds that the cascading framework of UNHCR's Results Based Management does not accommodate the synthesis amongst programmes necessary to implement a cohesive advocacy strategy.

5   **Partnerships with government and civil society need to be broadened in ways that catalyse a sustainable, broad-based response to xenophobia.** This evaluation finds that UNHCR ROSA has built strong partnerships with parts of the government where UNHCR and the governmental entity found sites of mutual self-interest. These partnerships should be strengthened while exploring possible additional collaborations. Such partnerships may be particularly fruitful in areas of safety and security, small business development, and municipal management. UNHCR ROSA has also forged valuable partnerships with civil society organisations across the

country and directly supports implementing partners (IPs) to conduct xenophobia related programmes and activities in many areas through a range of approaches. The primary platform for civil society engagement is the Protection Working Group (PWG), an initiative that has engendered concrete partnerships and collaborations between UNHCR and other organisations. While praising its achievements, many organisations note its inability to secure buy-in from government departments beyond the police. The platform has also done little to coordinate xenophobia focused programmes among group members and UNHCR's IPs. Although UNHCR cannot dictate its partners' strategies, a strong xenophobia advocacy framework would allow it to help build a broader base for an advocacy coalition with the potential to influence policy across policy areas at the local and national levels.

In sum, through its strategies, partnerships and supported programmes, UNHCR ROSA has provided PoC with temporary relief in certain areas. However, its efforts have been compromised by the absence of a coherent, empirically informed strategy; the presence of short-term and narrow programming; and an inability to address political structures and incentives. While UNHCR ROSA cannot protect PoC from xenophobia on its own, UNHCR ROSA's work can become more effective and sustainable. Most importantly, UNHCR ROSA needs a strategy that is able to elicit a government commitment, informs the selection of IPs as well as the selection and funding of programmes, and identifies activities with more sound theories of change that place long-term and sustainable protection as their highest priority. UNHCR ROSA would need to invest sufficiently in such a strategy. The budgets of all four programmes reviewed in this evaluation totalled less than 300,000USD.

PRIMARY RECOMMENDATIONS

This report provides specific recommendations in the four case studies and broader recommendations intended to guide UNHCR ROSA as it develops its strategic plan. These recommendations build on research with internal stakeholders, including senior staff from UNHCR ROSA, implementing and operational partners interviewed including members of the Protection Working Group, and, individuals interviewed and focus group participants at the four selected programme sites. Further justification for the findings and recommendations is included in Appendix III, Chain of Evidence Supporting Recommendations. The recommendations are directed toward UNHCR, both at the headquarters level and at UNHCR ROSA:

1 The need for a revised and more relevant agency-wide strategy and guidance to address xenophobia in UNHCR's operational areas;

2 The creation of strategic advocacy platforms at both the headquarters and field level that exploit UNHCR's comparative advantage in social change and attract new partners with a mutual interest in combatting xenophobia;

3 Base xenophobia related programming on evidence-based understanding of current socio-political and socio-economic conditions and theoretically sound and empirically supported behavioural change models;

4 Review results based management objectives, indicators, outputs and outcomes to realistically reflect xenophobia programming and enable better monitoring; and

5 Dedicate more oversight, training, human and financial resources to anti-xenophobia programming.

1

INTRODUCTION

1.1 OVERVIEW

United Nations High Commissioner for Refugees (UNHCR) increasingly recognises that xenophobia's various manifestations represent protection threats to its persons of concern (PoC): refugees, stateless persons, asylum seekers and internally displaced persons. Xenophobia's expressions range from discriminatory attitudes and remarks to institutional or social exclusion, harassment and overt forms of interpersonal and collective violence. Xenophobic attacks targeting PoC to UNHCR have recently occurred in all five geographic regions within its operational field. These include, *inter alia,* Colombians in Ecuador and Costa Rica; Zimbabweans, Somalis, Pakistanis and other refugees and asylum seekers in South Africa; Somalis and people from the Democratic Republic of Congo (DRC) in Kenya; the Rohingya in Myanmar; and asylum seekers in Greece. This situation gravely concerns UNHCR and its partners.

In South Africa, xenophobic practices continue to threaten the lives and livelihoods of PoC while generating enduring fear and insecurity. This adversely affects the quality of asylum and directly works against local integration as a form of protection or as a durable solution.[1] With the recognition that even after a wave of xenophobic attacks of a hitherto unprecedented scale and geographic reach in mid-2008, the government lacked "a comprehensive and effective response;"[2] the UNHCR Regional Office of South Africa (UNHCR ROSA) reconsidered its involvement in the prevention and response to xenophobic violence and discrimination. In their statistics of 2013, UNHCR ROSA reported that in 2011 there were 154 reported incidents of xenophobic attacks, 99 deaths, 100 serious injuries, and 1,000 people displaced. In 2012, they reported 238 incidents, 120 deaths, 154 serious injuries, and 7,500 people displaced. In 2013, UNHCR ROSA reported 250 attacks, 88 deaths, 170 serious injuries and 7,000 displaced. With severely limited financial and human resources, UNHCR ROSA increased its response activities and expanded its initiatives beyond conventional legal and material assistance. In its 2013 budget, UNHCR ROSA allocated 278,883USD for xenophobia related programmes amongst four implementing partners. In accordance with UNHCR's

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[1] Under the South African Refugees Act (1998), the Government of South Africa has the option to place refugees and asylum seekers in camps. Since 1994, however, both groups have been granted the right to live where they choose and, with few exceptions, to work until they are able to return home safely or settle permanently in South Africa.

[2] *Evaluation Terms of Reference* (p2).

2009 guidance paper, *Combating racism, racial discrimination, xenophobia and related intolerance through a strategic approach*, UNHCR ROSA's xenophobia related programmes focus on education, awareness raising, community outreach and a community safety programme that includes the collaboration of the South African Police Services (SAPS) and other strategic partners.[3]

To assess the effectiveness and impact of ROSA's programmes and initiatives to address xenophobia in South Africa, UNHCR's Policy Development and Evaluation Service (PDES) in Geneva commissioned the African Centre for Migration & Society (ACMS) at the University of the Witwatersrand, Johannesburg, to conduct an independent evaluation of these initiatives. This report presents the evaluation's findings.

1.2 EVALUATION OBJECTIVES AND QUESTIONS

The main objective of this evaluation is "to assess the extent and scope to which UNHCR has been able to provide timely and effective protection to refugees and asylum seekers who are victims of xenophobia in South Africa."[4] ACMS and UNHCR agreed that the evaluation should assess the effectiveness of ROSA's strategy and programmes in protecting PoC from xenophobia in terms of both preventing *and* responding to xenophobic attitudes and behaviour. All parties agreed that this evaluation should promote institutional learning and ground future programming in an objective appraisal of the progress and impact of current programmes. The evaluation measures progress and impact by comparing collected evaluation data with the originally intended results. In this regard, the evaluation's findings are directly juxtaposed with the original project plans and rationales. This was done by reviewing project documents as well as the relevant global and local UNHCR guidelines and strategies. Interviews were also conducted with key staff from UNHCR and respective implementing partner organisations in order to clarify and validate findings.

In terms of learning, the information gathered during the evaluation is intended to help UNHCR ROSA build institutional memory by documenting the strengths and weaknesses of past work and advise future interventions with the goal of maximising impact and sustainability. This evaluation examines a variety of factors including conceptualisation and planning, programmatic approaches, intervention types, institutional arrangements, resources allocated as well as implementation conditions and contexts that have affected UNHCR's xenophobia related programmes in selected sites in South Africa. Accordingly, this evaluation provides an objective assessment of the programmes' achievements. In so doing, it highlights lessons learned, challenges and opportunities along with recommendations for the future using standard evaluation criteria for data collection and analysis.

More specifically, the evaluation is guided by the following main questions:

1. **To what extent is the current UNHCR ROSA strategy effective in combatting xenophobia in South Africa?** How effective will it be in face of escalating xenophobia? How sustainable is the current strategy? What has been the impact of investments made to date? Are the current partnership arrangements the most appropriate for combatting xenophobia? What are the consequences and risks, reputational and otherwise, for UNHCR ROSA should they not be able to deliver effective protection from xenophobic incidents and attitudes?

2. **What are the lessons learnt in overcoming inhibitors to anti-xenophobia programming?** How can PoC 'build bridges' with host communities to diminish fear and discrimination? How can these lessons and associated good practices best be shared?

3. **To what extent is UNHCR ROSA using the guidance provided in the 2009 anti-xenophobia policy?** What is the level of familiarity amongst field based staff? Have they provided feedback on the implementation of the policy? Has the field been given additional support in implementing the policy?

In addition to assessing the extent to which UNHCR ROSA's xenophobia related programmes and interventions comply with the 2009 strategic approach that can be found in Appendix IV, ACMS also agreed to provide a critical review of the strategy itself with regard to its relevance in addressing xenophobia in South Africa and elsewhere. Reflections on this policy are included throughout the text and as a consolidated statement in Appendix V.

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[3]   *Ibid.*

[4]   Evaluation *Terms of Reference* (p4).

1.3 PROGRAMMES SELECTED FOR EVALUATION

UNHCR ROSA has initiated a number of programmes and activities in different areas across South Africa to protect PoC from xenophobia. UNHCR ROSA implements these programmes either directly or in collaboration with various implementing partners. UNHCR and ACMS jointly agreed to select the following four programmes for the evaluation:

1. **Peace Education** among Refugee & Local Community Youth through Sports Activities (implemented by Xaveri Movement in Mamelodi);

2. **Self-Reliance Activities** for Urban Refugees and Asylums-seekers in Western Cape (implemented by ARESTA in Gugulethu);

3. **'Ubuntu Has No Borders'** Community Radio Programme (implemented by Thetha FM in Orange Farm), and

4. **Promotion of Social Cohesion** among Refugees, Asylum Seekers and Nationals (implemented by DMPSP in Sasolburg).

Detailed information on these programmes is provided in the Findings section for each case study.

1.4 PRIMARY FINDINGS AND CONCLUSIONS

Through an analysis of sources including programme documents and qualitative interviews with relevant stakeholders, the evaluation has reached the following primary conclusions. More detailed explanations are provided throughout the report:

1. Addressing xenophobia in South Africa and elsewhere cannot be the responsibility of one institution alone, and combatting xenophobia, particularly preventing violent attacks on PoC, does not naturally fall into UNHCR's traditional protection mandate. With this in mind, the evaluation finds that UNHCR ROSA has invested tremendous efforts and shown commendable commitment in trying to make a contribution towards addressing xenophobia in the country. In particular, ROSA has not only initiated partnerships and working relationships with relevant stakeholders but also supports a number of programmes and activities across the country to protect PoC. This evaluation finds that these efforts could be significantly more effective if they were guided by a coherent, empirically informed strategic approach that clearly defines the rules of engagement with different stakeholders and informs different programmes and activities that UNHCR ROSA supports;

2. In a context where the collective response appear to have had limited effects in halting on-going and even increasing levels of xenophobia and attacks on PoC, the evaluation concludes that UNHCR ROSA's strategies, partnerships and supported programmes have not provided its PoC with effective and sustainable protection. While recognising that UNHCR ROSA can not unilitarially provide such protection as some required interventions are well beyond its mandate and capacity, the evaluation identifies much untapped potential for UNHCR ROSA's work to be more effective and sustainable. To that end, UNHCR ROSA needs a revised, relevant and coherent strategy developed following consultations with government, civil society, and independent analysts. Such a strategy should explicitly outline the overall objectives and indicators of success, mechanisms for securing government buy-in and guidelines which will inform the selection of programmes and partners receiving UNHCR support.

1.5 STRUCTURE OF THE REPORT

The remainder of this report is divided into six main sections. Following this introduction, the second section discusses the operational context in which UNHCR ROSA implements its xenophobia related programmes and provides a 'state of the art' literature review of the nature, scope, causes of and responses to xenophobia in South Africa. The third section sets out the approach, scope, methodology and limitations of this evaluation. The fourth section presents the evaluation findings on UNHCR's strategic approach and that of selected programmes. The fifth section relates the overall findings to the evaluation's guiding questions. The final section offers recommendations based on the findings and literature review.

2
OPERATIONAL CONTEXT: XENOPHOBIA IN SOUTH AFRICA – SCOPE, NATURE AND RESPONSES

2.1 INTRODUCTION

2.1.1 Overview

The following literature review serves two primary purposes. First, it provides a 'state of the art' reading of the contemporary dynamics (nature, scope, causes and responses) of xenophobia in South Africa. Second, it outlines the operational context that grounds this report's analytical approach and evaluation of UNHCR ROSA programmes. Doing so also provides much of the empirical foundation for future programming and interventions.

As noted, xenophobia in South Africa poses a serious threat to UNHCR's PoC and other locally defined 'outsiders.' These include immigrants, domestic migrants, as well as ethnic, religious, and political minorities. Although there have been a variety of campaigns to address xenophobia beginning in the 1990s and peaking after May 2008's intense violence, few can demonstrate durable or broad-based impact. One reason for this failure is the limited policy and influence of civil society coupled with the absence of sustained interest or funding for work in the area. More fundamentally, the tendency to focus almost exclusively on combatting anti-immigrant attitudes rather than addressing the local and national structures, processes and politics in which practices of exclusion are deeply embedded remains a major shortcoming of existing civil society and government programmes. Despite the complexity of causes of anti-outsider sentiment and violence, most civil society interventions remain singularly focused on raising awareness about immigrant and refugee rights and on fostering 'inclusive' sentiments among South African citizens.

As this review shows, there are at least three fundamental faults with interventions stemming from approaches based on changing attitudes as a means of preventing violent social or institutional exclusion. First, as indicated above, they do not address the administrative and political roots of xenophobia. Second, they locate the crux of difference and the source of hostility in nationality rather than in more complex and malleable insider versus outsider distinctions. Third, they presume that interventions can reach and reform attitudes among those prone to violence and that improved attitudes will translate into more inclusive and peaceful practices.

Having reviewed the local and international literature on xenophobia and xenophobic conflict, it is evident that addressing xenophobia in South Africa requires an approach that is fundamentally different and more politically aware than is currently the case. First, protection campaigns need to understand and address xenophobic sentiments and practices within government institutions together with social campaigns and legislative reform. Second, there is a need for a judicial response to counter the culture of impunity that enables perpetrators and related parties to profit from xenophobic violence, scapegoating, and other forms of exclusion. This should include efforts to promote rule of law by enhancing community-based conflict resolution mechanisms that respect constitutional principles of universal rights and due process.

2.1.2 Conceptual understandings of xenophobia

Despite its widespread usage, xenophobia is an ambiguous and contested term in popular, policy and scholarly debates. The interchangeable or complementary use of similar terms such as nativism, autochthony, ethnocentrism, xeno-racism, ethno-exclusionism, anti-immigrant prejudice and immigration-phobia (Crush, *et al.*, 2009) further demonstrates this conceptual vagueness. Some scholars consider it to be intense dislike, hatred or fear of others (Nyamnjoh, 2006), others only recognise it when it manifests itself as a visible hostility towards strangers or that which is deemed foreign (Stolcke, 1999). There are also ongoing debates on whether xenophobia emanates at the individual or collective level (Berezin, 2006). While these approaches are unified by a generalised acceptance that xenophobia is a set of attitudes and/or practices surrounding people's origins, the specific locus of debate and work is highly contextualised and often generally incomparable. Xenophobia for one analyst may be only tangentially tied to the xenophobia discussed by another.

For present purposes, we adopt a holistic definition of xenophobia as, "attitudes, prejudices and behaviour that reject, exclude and often vilify persons based on the perception that they are outsiders or foreigners to the community, society or national identity" (ILO, IOM and OHCHR, 2001:2). Importantly, this definition includes both negative attitudes and chauvinistic behaviour (see Harris, 2002:2). Indeed, as elsewhere, xenophobia in South Africa translates into a broad spectrum of behaviours including discriminatory, stereotyping and dehumanizing remarks; discriminatory policies and practices by government and private officials such as exclusion from public services to which target groups are entitled; selective enforcement of by-laws by local authorities; assault and harassment by state agents particularly the police and immigration officials; as well as public threats and violence commonly known as xenophobic violence that often results in massive loss of lives and livelihoods. Xenophobic violence is often intertwined within other material, political, cultural or social motivations and may be fundamentally driven by such concerns (Dodson, 2010). For our purposes, however, we characterise any form of violence that mobilises and exploits differences based on spatial, linguistic, or ethnic origins as xenophobic.

2.1.3 Xenophobia: A phenomenon of global dimensions

As indicated above, xenophobic attacks on UNHCR's PoC have recently occurred in all five geographic regions within its operational field. Although South Africa has a unique brand of xenophobia and xenophobic mobilisation linked to its specific apartheid history, it nonetheless shares substantial characteristics with countries across the continent and around the world. In fact, numerous studies in countries across the globe document increasing intolerance, xenophobia, ethnic exclusionism and opposition to immigration and diversity (see for example the European Social Survey, 2002 – 2003; Coenders, Lubbers and Peer, 2004; The Eurobarometer Survey, 2000; Crush and Ramachandran, 2009; and Geschiere, 2009).

While we often speak about xenophobic attitudes and practices at the aggregated, national level, their manifestations are rooted and practiced within local contexts and social formations. As such, residents of one town, village, or neighbourhood may welcome refugees and migrants while the same national group may face overt and potentially violent discrimination in other parts of the country or even in an adjacent neighbourhood (see Fauvelle-Aumar and Segatti, 2011). As Crush, *et al.* (2009), rightly point out, even if xenophobia affects most categories of migrants, it remains important to recognise the intersectionality informing the migrant experience. Physical space is one of these factors, but so too are the cultural, gender, racial and ethnic make-up, class composition and migration histories of migrants and perpetrators. In other words, even where negative attitudes are widespread, they are directed and felt differently by different categories of outsiders. The manifestations are determined not only by varying perceptions of 'threat' posed by the outsider, but also by the actions and reactions of migrants themselves as well as by local and national socio-institutional frameworks.

If we consider violence as overt, explicit and due to conscious complicity, almost everyone is guilty of xenophobic behaviour: ordinary residents, community leaders, public servants, political officials, bureaucrats and law enforcement agents. Government officials and political leaders often make xenophobic pronouncements that shape or reinforce public opinion and behaviour; public servants deny 'outsiders' access to services they are entitled to; law enforcement agents are particularly known for extortion, harassment, arbitrary detention and selective enforcement of the laws while 'members of the public' often engage in, or condone, collective violence against foreigners.

As with other forms of collective violence, xenophobic violence can be executed by either a large population or a fraction of people but with broad popular support or complicity. Its manifestations include murder, assaults causing bodily harm, looting and vandalism, robbery, arson attacks, burning of property, immolation, displacement, intimidation and threats, eviction notices, etc. It must be understood that in some circumstances, intimidation and the threat of violence cause substantial socio-economic damage and are thus of the same order as overt physical attacks (Gerring, 2009).

In line with the comments above, while xenophobia does not distinguish between most categories of newcomers to areas of South Africa (refugees, asylum seekers, domestic and international migrants), their specific experiences vary tremendously due to the intersectionality of personal, structural, and spatial factors. Not surprisingly, migrants living in poor and often generally violent urban areas are disproportionately targeted by xenophobic attitudes and behaviour. Growing population mobility and increasing urbanisation of refugee populations have opened new spaces for further direct and substantive confrontations. As more refugees and asylum seekers continue to seek protection in poor and marginalised urban and peri-urban areas, they are exposed to racism and intolerant attitudes and practices that not only threaten their lives but also prevent them from securing livelihoods, accessing public services such as schools for their children, health care and social welfare systems and moving freely.[5] This is particularly evident in deprived, poorly governed informal settlement areas where new arrivals enter spaces where long and short-term residents are already struggling with issues of security and socio-economic opportunity. In such sites, social fault lines are complex and multiple and community residents often perceive diversity of any kind as threatening to their lives, livelihoods, and socio-political orders.

2.2 XENOPHOBIA IN SOUTH AFRICA: SCOPE, NATURE AND RESPONSES

2.2.1 Scope

Since the 1990s, studies consistently document strong negative sentiments and hostility towards foreigners amongst the general public and government officials (see Dodson, 2010; Crush, 2008; HSRC, 2008; Joubert, 2008; Nyamnjoh, 2006). It is fair to say that, "anti-immigrant sentiment is not only strong; it is extremely widespread and cuts across virtually every socio-economic and demographic group" (Danso and McDonald in Nyamnjoh, 2006:38). Although there are examples of hospitality, tolerance, and South Africans defending the rights of non-nationals (see, for example *Sunday Times*, 2011), there is strong evidence that South Africans are generally uncomfortable with the presence of Black and Asian non-nationals in the country. This is reflected in various statistics, produced at both national and local levels. Although many of the sources mentioned below are somewhat dated, continued research suggests that popular sentiments have changed little over the two decades since apartheid's end:

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[5]   Evaluation Terms of Reference (p3).

1. In a 1998 survey, SAMP found that 87% of South Africans felt that the country was letting in too many foreigners (*op cit.*);

2. 25% of South Africans nationally favour a total ban on immigration and migration, considerably more than in other countries in the region (Crush, 2000);

3. 20% of South Africans feel that everyone from neighbouring countries living in South Africa (legally or not) should be sent home (*op cit.*);

4. In a Wits University survey of residents in inner city Johannesburg (2004), 64.8% of South Africans thought it would be a positive thing if most of the African refugees and immigrants left the country. By contrast, few see ridding the country of its white population as a priority;[6]

5. A 2011 survey by the Institute for Democracy in Southern Africa (IDASA) confirms that negative attitudes towards foreign nationals and particularly migrants from other African countries are still as strong and pervasive as they have always been: "South Africans who are opposed to immigrants exhibit various forms of xenophobia citing that immigrants weaken society and threaten the health of the nation" (IDASA 2011:6).[7] As in 2008, around a third of people would be willing to take action against foreign nationals in the country, 32% would be willing to take action to prevent foreign nationals from moving into their neighbourhood, 36% from operating a business in their area, 32% from sitting in class with their children and 31% from becoming co-workers (*Ibid*);

6. A 2014 survey by the Gauteng City-Region Observatory (GCRO) revealed that "levels of xenophobia and intolerance of foreigners are increasing in Gauteng", as "thirty-five percent of all respondents said we should send all foreigners home now."[8]

Such attitudes are aptly summarised in Crush's finding (2008: 1) that within the region, "South Africans are the least open to outsiders and want the greatest restrictions on immigration." Amongst South African citizens, he notes that a third would be willing to take action against foreign nationals, typically to protect 'local' jobs or fight crime.

Popular attitudes are mirrored among many policy makers resulting in a mutually reinforcing relationship between anti-immigrant policies and opinions. Despite its formally progressive asylum legislation, South Africa's immigration regime reflects anti-foreign sentiment, as is elaborated below.

It is not only non-citizens who face discrimination: people moving within South Africa are often equally labelled 'outsiders' and excluded based on ethnicity, language, and geographic origins. We must remember that the apartheid system worked to turn Black South Africans into 'foreign natives' within the country. They did this by creating a system of homelands, or Bantustans, to which the black population ostensibly belonged. As a 1921 Transvaal Province Commission argued, "the Native should only be allowed to enter urban areas, which are essentially the white man's creation, when he is willing to enter and to minister to the needs of the white man, and should depart therefore when he ceases to minister."[9] Although widely derided, such a system has nonetheless imbued South Africans citizens and officials with deep suspicions of those who move – particularly those moving to urban areas – whether they move across a provincial or national border. For municipalities, ward councillors, local leaders and some citizens, uncontrolled urbanization remains nothing but a financial, political, and security threat. It is, therefore, not surprising that we continue to see tensions and discrimination not just against non-citizens but also against certain minority ethnic groups (Landau, *et al.*, 2013).

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6   See details in Landau, *et al.*, 2004.

7   IDASA, 2011. "The Afrobarometer." *Migration Bulletin.*

8   http://www.iol.co.za/news/crime-courts/xenophobia-on-the-rise-in-gauteng-1.1735336#.U_7fvcWSzZN.

9   Transvaal Province, *Transvaal local government commission*, 1921 TP 1/1922, para. 42 in Posel 1997: 40.

2.2.2 Xenophobic manifestations in South Africa

South African xenophobia manifests in various forms, ranging from everyday street-level abuse to discrimination and harassment by government officials and recurring bouts of popular xenophobic violence in varying intensity and scale. There is strong evidence that outsiders, a group including non-nationals, domestic migrants, and others, living and working in South Africa face discrimination. This comes at the hands of citizens, government officials, the police, and private organisations contracted to manage and provide services, promote urban development or manage detention and deportation processes. More specifically, such 'outsiders', including but not limited to UNHCR's PoC, face disproportionate difficulties in accessing employment, accommodation, banking services, and health care, along with extortion, targeted corruption, arbitrary arrest, detention and deportation (Landau, *et al.*, 2004; Crush, 2008). While arrest, detention and deportation are fundamental components of the country's immigration regime, research over the last two decades suggests that such practices are carried out in ways that are not only highly prejudicial, but often extend well beyond legal limits (Amit, 2010).

Xenophobic violence in particular has become a longstanding feature in post-Apartheid South Africa. Since 1994, tens of thousands of people have been harassed, attacked, or killed because of their status as outsiders or foreign nationals. During this period, what might be termed xenophobic violence has increased across townships and informal settlements, although, in the absence of centralised and standardised recording mechanisms, it is possible that it is also just being noticed and reported on more (see Palmary, *et al.*, 2003; Murray, 2003; Landau and Haithar, 2007; Landau, 2011). The situation has however become alarming enough that the African Peer Review Mechanism's[10] country report on South Africa warned that "xenophobia against other Africans is currently on the rise and must be nipped in the bud" (Johwa, 2008). Six years on, it is evident that anti-xenophobia strategies have had minimal effects.

Xenophobic violence was most intense and widely scrutinised in May 2008 when attacks across the country left at least 62 dead, 670 wounded, dozens raped, more than 100,000 displaced. Millions of Rands worth of property

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[10]   The African Peer Review Mechanism (APRM) is a self-monitoring instrument voluntarily agreed to by member states of the African Union. It is used by member countries to self-monitor all aspects of their governance and socio-economic development.

was also looted, destroyed or appropriated by local residents in just over two weeks (CoRMSA, 2008). Although the majority of those attacked were foreign migrants, a third of those killed were South African citizens "who had married foreigners, refused to participate in the violent orgy, or had the misfortune of belonging to groups that were evidently not South African enough to claim their patch of urban space" (Landau, 2011:1). These attacks are now largely remembered as anti-immigrant, but it is important to recognise the diverse sources of violent exclusion that emerged from the country's volatile and varied socio-political configurations.

Despite official claims that the government and South African society has "moved on" (Black Sash, 2009), the violence did not end in June 2008 when the massive outbreak that started a month earlier finally subsided. Although the country has not witnessed violence of the intensity seen in May 2008, the incidence of violence has not decreased. Rather, there is a growing recognition, even among some government officials, that violent attacks on foreign nationals, "have taken on disturbing proportions" (DAC, 2012). Since May 2008, attacks against outsiders – most notably foreign shop-keepers and workers – have resulted in an ever growing number of murders and injuries at the hands of individuals and gangs. In every single year since 2008, violence has claimed more lives than it did during the May 2008 attacks. Since mid-2008, almost every month there has been at least one attack on groups of foreign nationals in the country; and between mid-2009 and late 2010, there were at least 20 deaths, over 40 serious injuries, at least 200 foreign-run shops looted and more than 4,000 persons displaced due to violence targeting foreign nationals (CoRMSA, 2011). In 2011, at least 120 foreign nationals were killed, five of them burnt alive, 100 were seriously injured, at least 1,000 displaced, and 120 shops and businesses permanently or temporarily closed through violence or selective enforcement of bylaws.[11] In 2012, the number of violent incidents increased: at least 250 incidents were recorded resulting in 140 deaths and 250 serious injuries. In 2013, an average of three major violence incidents were recorded per week[12] with attacks regularly reported in many areas across the country during 2014. According to UNHCR ROSA, up to March 2014, an estimated 300 incidents of violence against asylum seekers and refugees had been reported, an estimated 200 shops had been looted and 900 persons had been displaced. The South African Police Services (SAPS) were overwhelmed by the increase in violence against foreigners and required support and assistance from all relevant government departments.[13]

While violence once seemed concentrated in the townships around the country's big cities, it is now increasingly spreading across the country's nine provinces and into rural areas. The most affected provinces remain the Western Cape, Gauteng, KwaZulu-Natal, Free State, Limpopo, Mpumalanga and Eastern Cape where some locations and sub places have become the settings for repeated occurrences of violent attacks.[14] In all provinces, this violence occurs mostly, but not exclusively, in poor and economically marginalised informal settlements where citizens, many of whom are themselves internal migrants, and immigrants meet amidst poor living conditions and a general scarcity of public services, employment and business opportunities.

While the May 2008 violence targeted almost all foreign nationals and South African 'outsiders' within affected areas, more recent attacks typically targeted foreign nationals, mainly Somali, Ethiopian, Bangladeshi and Pakistani nationals, operating small businesses in townships and informal settlements across the country. These are often organised following or during 'service delivery' protests or when allegations surface that a foreigner has killed or wounded a local resident.

As in previous years, attacks continue to result in deaths, serious injuries, looting and burning down of foreign-owned businesses. Foreign business owners also continue to receive vicious threats and terrorising eviction notices from local business associations, such as the Greater Gauteng Business Forum (GGBF), and the South African Blacks Association (SABA),[15] and increasingly face the discriminatory and selective enforcement of bylaws by municipal authorities and police. In Northern Limpopo, for example, "the police have been selectively targeting foreign-owned businesses, shutting them down for bylaw infringements while similar South African shops remain unscathed" (Landau, 2012).[16] Similarly, in 2011, a local council in Middleburg (Mpumalanga) was found to work hand in hand with local business people to unlawfully shut down foreign-owned businesses (Misago and Wilhelm-Solomon, 2011). In some instances, shop owners are held responsible for deeds committed, or presumed to have been, by others from their country of origin (see Freemantle and Landau, 2014).

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[11]   Unpublished UNHCR statistics on data compiled from the UNHCR xenophobia hotline.

[12]   Communique by UNHCR's Munyaneza Alphonse, TITLE, at the PWG meeting of 22 January 2013.

[13]   UNHCR ROSA (2014). UN Protection Working Group Meeting Minutes. 7 March 2014

[14]   ACMS/OCHA -Xenophobic violence incidents database 1994_Aug2012 (Unpublished).

[15]   See for example Misago, J.P. and M. Wilhelm-Solomon (2011) "Foreign traders are fair game." *The Mail & Guardian. 20 May.* Accessed at: http://mg.co.za/article/2011-05-20-foreign-traders-are-fair-game/

[16]   L. B. Landau, 2012. "Marikana, Mayfair, and Legitimate Hate" (Editorial), *Mail & Guardian Online* (5 September 2012).

This violence, real or threatened and other forms of exclusion described above mean that the country has not lived up to its promises of building a, "South Africa that belongs to all who live in it" and that "the supposed 'rainbow nation' has in reality been a strongly exclusionary space […. as …] the lives of foreign Africans living in South Africa […] are marked by discrimination, exclusion, and fear" (Dodson, 2010:4).

2.2.3 Considering explanations for violence: Causes and triggers

2.2.3.1 Xenophobia's social and institutional origins

To truly make sense of xenophobia in South Africa means placing it within an extended history of the politics of exclusion established during the colonial era and Apartheid, a history which continues to shape concepts of rights to belonging, space and opportunities (Nieftagodien, 2011:109; Neocosmos, 2008; Morris, 1998; Tshitereke, 1999; Harris, 2002; Misago, *et al.*, 2009). The history of the 'alien' in South Africa society begins during the colonial era but achieved a more sophisticated if insidious status during the Apartheid era. During this period, the state used the idea of the alien to deny both political rights and rights of residence to the city's 'surplus people'. The system was legitimised in the name of promoting the welfare and security of the then white citizenry. Any interloper who was not explicitly required and authorised in urban areas was seen as a drain on resources and a threat to the desired cultural and political order, a legacy that continues to shape not only the approach to foreign 'others' but to domestic migrants who are often considered un-entitled trespassers too.

According to the Citizens Rights in Africa Initiative (CRAI, 2009:1), the racial segregation and isolation under Apartheid created fertile ground for xenophobia in several ways: First, "it created racialised notions of identity and worth, which encouraged Black South Africans to see themselves not only as inferior to whites, but also as separate from the rest of the continent." Second, it encouraged separation and compartmentalisation of various populations as a means of governance and discouraged integration or contact between groups. Finally, it institutionalised violence as a means of communicating grievances and achieving political ends." Apartheid thus served as an antecedent to contemporary socio-political configurations and approaches to mobility and outsiders. As a Mozambican respondent in Atteridgeville acknowledged (in Misago, *et al.*, 2009:15):

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

As during the Apartheid regime, unregulated human mobility continues to be seen as a threat to the economic and physical well-being of citizens, and prejudice against foreigners is often reflected and exploited in political scapegoating, baseless inflation of immigration statistics (Crush and Williams, 2001; Palmary, 2002), unchecked assumptions about opportunistic asylum claims or foreign involvement in criminal activities, and xenophobic attitudes among the police (see Newham, Masuku and Dlamini, 2006) and Home Affairs. Officials regularly blame foreigners for a variety of social ills. By way of example, a former high ranking official with Home Affairs stated in 2002 that:

> " *Approximately 90 per cent of foreign persons who are in RSA with fraudulent documents, i.e., either citizenship or migration documents, are involved in other crimes as well* [note: there is no known factual basis for this claim] *[...] it is quicker to charge these criminals for their false documentation and then to deport them than to pursue the long route in respect of the other crimes that are committed."*

More recently, but providing the same rationale, another member of the Department of Home Affairs publicly stated at a committee meeting in 2011 that foreigners who settled in South Africa were draining resources. The official questioned the use of human rights law and the constitution to accommodate foreigners and suggested that they should be turned away, as migrants were by other countries such as Spain:

> " *Really, this intake, for how long are we going to continue with this as South Africans? Is it not going to affect our resources, the economy of the country? We've never enjoyed our freedom as South Africans. We got it in 1994 and we had floods and floods of refugees or undocumented people in the country and we always want to pretend it's nothing like that.*"[17]

While apologising after being condemned by civil society organisations, these views are nonetheless shared by many in the country and are likely to help legitimise negative perceptions amongst the public.

In 2010, the South African government amended the Act of 2002, rendering it even more narrowly protectionist and restrictive in terms of labour market access and asylum than it had already been. According to the then Minister of Home Affairs, the legislative changes were designed to, "top the spread of organised crime, trafficking in persons and corruption" as well as to accelerate employment creation for South Africans.[18] Such statements only reinforce impressions that migrants are major sources of insecurity and unemployment. In 2011, the government also began to shut down refugee reception offices – once situated in five of the country's major urban centres – with plans to move them all to the borders. Although the formal justifications for this move were financial, civil society observers suggest it was motivated by desires to stem the perceived 'flood' of asylum seekers from making it to the cities (Amit, 2012; CoRMSA, 2012). These campaigns to control and contain asylum seekers and refugees are in line with an on-going discussion about discontinuing the country's long standing 'non-encampment' policy for recognised refugees which allowed refugees to self-settle wherever they liked in the country (LHR, 2012).

As Landau (2011) notes, citizens regularly echo long standing state discourses blaming foreigners and migrants more generally for many of the country's socio-economic ills. As in official discourses, many of these popular beliefs and perceptions centre on crime, illegality and "the image of a subtle invasion of South African territory" (Vigneswaran, 2007:144) as well as what is perceived to be "illegitimate" competition for scarce resources and opportunities including jobs, businesses, houses, social services and women (see detailed discussion on these perceptions in Misago *et al.*, 2009). The power of perceptions, myths and rumours to mobilise collective action has been recognised in many different contexts. Created and regularly reinforced through a variety of sources – notably the media – they become the benchmarks of public debate (Vigneswaran, 2007), as Crush, *et al.* (1999:44) argue:

> " *Scapegoating tendencies and public rhetoric of fear and loathing collectively shape and define the contours of symbolic threat posed by immigrants. That is, they transform diverse migrant groups in the public imagination as an undifferentiated mass, representing a menace and threat to the well-being and security of host populations.*"

Stereotyping foreigners and other outsiders assists in their victimisation, and uninformed opinions are often reproduced unexamined by the media. Press references to overwhelming 'floods' of foreigners entering the country heighten existing fears and defensive attitudes in the absence of reliable statistics or any credible basis upon which to measure the true scale of immigration (Crush and Williams, 2001). The careless use of the word 'illegal' in reference to immigrants lends credence to the criminalisation of foreigners who in many cases are undocumented due to administrative delays rather than criminal intent. This is a particularly dangerous form of stereotyping, as the label 'illegal' legitimises police abuses and community 'justice' by positioning the migrant as a criminal deserving of punishment.

In sum, historical and current institutional factors have combined with the country's socio-economic configurations to promote and sustain xenophobia and hostility towards foreign nationals as they continue to construct the South African citizen as 'exceptional' while rendering the migrant, particularly the poor African migrant, the 'violable other'.

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[17] ioL news July 5 2011. "*Xenophobia: LHR hails MP's apology*».
      http://www.iol.co.za/news/politics/xenophobia-lhr-hails-mp-s-apology-1.1093413#.U2YGlYGSzZM

[18] Dlamini-Zuma, N. (2011) 'Briefing by Minister Dlamini-Zuma regarding Immigration'.

2.2.3.2 Triggers of xenophobic violence

Following the unprecedented levels of xenophobic violence in May 2008, analysts, politicians, academics, media and rights activists put forward diverging explanations to account for the violence and xenophobia in South Africa in general. Most of these explanations are based on normative assumptions, political rationales and ideological stances rather than empirical evidence. They variously explain the attacks as caused by the involvement of a "third force," poor border control, poor service delivery, poverty, unemployment, corruption or rising food or commodity prices (see for example HSRC, 2008; Landau and Misago, 2009). Those linking the events to "afro-phobia" (see Gqola, 2008) similarly "missed" the empirical realities, since it is not only Africans but also Pakistanis, Bangladeshis and Chinese who have been subject to hostility and xenophobic violence.

What is perhaps most notable about the literature on xenophobia in South Africa is the degree to which it has placed nationality as the sole fault line for division. While immigration and structural factors affect many communities in the country, we do not see violence in all of them (Misago, 2011). Moreover, by focusing so extensively on immigrants, we all but ignore that processes of 'othering' does not only affect all foreign nationals alike but also can touch South African citizens from ethnic or political minorities. While structural factors, history, and immigration are important, they are not alone determinative. Rather, a strong explanation must account for: the appearance of violence in some areas while others with similar socio-economic conditions remained calm; the specific targeting of certain groups of foreign nationals as well as of South African nationals; and the timing, location and diffusion of the violence. This means taking a more nuanced and political approach.

Understanding the timing and location of xenophobic violence in South Africa means considering such practices within a more general context of violence in informal settlements and townships. As Kynoch (2005) notes, violence has been a persistent feature of township life since the inception of these settlements, characterised by decades of social and economic disadvantage, repressive policing, criminal predation and a consequent recourse to vigilantism. Many analysts (see for example Hamber, 1999) have pointed to a "culture of violence" where violence is endorsed and accepted as a socially legitimate means of solving problems and achieving both "justice" and material goals. Kynoch (2005:496) for example asserts that in those areas, "violence frequently became a normative means of pursuing material interests, resolving conflicts and seeking justice". Similarly, Misago, *et al.* (2009:10) observe that, "although it is inappropriate to speak of any culture in homogeneous or universalised terms, there can be little doubt that violence has gained a level of social acceptability rarely seen elsewhere in the world."

Research indicates that the triggers of the May 2008 attacks, along with violence preceding and following them, were rooted in the micro-politics of township and informal settlement life. Indeed, since 2008, ACMS research has repeatedly provided evidence that violence against foreign nationals is in most cases organised and led by local groups and individuals attempting to claim or consolidate power and authority to further political and economic interests. Violence against outsiders is just "politics by other means" and its instrumental motives are located in local political economy and micro-political processes (see Landau, *et al.*, 2009 and Misago, 2011). There are a number of factors or characteristics that link places affected by violence while distinguishing them from those without incidences of violence. These include:

- Leadership vacuums and competition for community leadership that allow the emergence of parallel and self-serving leadership structures. In most cases, violence occurs in areas where official local authority or community leadership is directly involved in the violence or complicit with the perpetrators, weak or considered illegitimate;

- A lack of trusted, prompt and effective conflict resolution mechanisms that leads to vigilantism and mob justice. As all societies are faced with conflicts in one way or another, it is how these conflicts are resolved that determines whether they live in peace or not;

- Absence of rule of law, a pronounced culture of vigilantism and mob justice as well as a culture of impunity with regard to public violence in general and xenophobic violence in particular, that continues to encourage the ill-intentioned to attack non-nationals for a variety of reasons; and

- Local authorities' support and enforcement of illegal practices and unlawful compromises such as forcing victims of the violence to drop charges against their attackers, price fixing, the limiting of the number of foreign-owned business in a given area, among others, that not only violate the law but also reinforce communities' resentment towards foreign nationals who are not ready or willing to comply with those 'compromises'.

The evidence above suggests that xenophobic violence is thus the product of both nationalist and localised politics rather than an inevitable outcome of multi-ethnic or multi-national diversity amidst social and economic marginalisation.

2.2.4 Responding to xenophobia in South Africa

Systemic and deeply entrenched xenophobic attitudes and behaviour in South Africa are clear evidence that responses and interventions designed to address the problem have been largely ineffective. National government and relevant local authorities have thus far either tended to ignore the problem or to categorise violence against foreign nationals and other forms of xenophobic behaviour as part of 'normal' crime with no need for additional targeted interventions. Civil society efforts to foster peaceful coexistence and tolerance through social dialogues and awareness campaigns have also largely proven unsuccessful in changing attitudes and reducing violence and other forms of outsider exclusion.

Early efforts by the government included its commitment to uphold the Declaration adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) held in Durban in 2001. The Conference recognised the urgent need to translate the objectives of the Durban Declaration into a practical and workable plan. Unfortunately more than a decade later no such a plan exists although a *National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance* spearheaded by the Department of Justice and Constitutional Development has been under discussion for many years.

The first and most significant of civil society's response to xenophobia in post-apartheid Africa was the Roll Back Xenophobia (RBX) Campaign. In a partnership with the South African Human Rights Commission, the National Consortium on Refugee Affairs and the United Nations High Commissioner for Refugees, the RBX Campaign was launched in December 1998 in response to the rising levels of xenophobia particularly targeted at African migrants and refugees in South Africa. The campaign aimed to combat xenophobia through public education in the media, communities, schools and work places. Its funding ended and it was formally terminated in 2002 with, "the promise of the initiative … never realised" (Crush, *et al.*, 2009:84). Whatever its potential benefits, it did little to prevent the most acute manifestation of xenophobia in South Africa's history in May 2008.

Responses and interventions to counter xenophobia and its different manifestations proliferated after the May 2008 violence. Indeed, following the outbreak of the violence, numerous state and non-state actors at different levels of government and society got involved in different interventions to stop the violence, mitigate its effects and prevent future occurrences.

2.2.4.1 Post-May 2008 government response

During the May 2008 violence, the government called on specialized units, created *ad hoc* committees and designated task teams in parliament, ministries, provincial and local governments, and the police. However, once the acute violence subsided, so too has the government's commitment to counter xenophobia. Both before and after the 2008 attacks, it is often said that the overall government response to xenophobia and related violence in South Africa has been characterized by "denialism." In many cases, such denialism is rooted in a discourse which labels all xenophobic violence as "just crime and not xenophobia," a categorization that demands few specific interventions or policy changes. As Crush, *et al.* (2009:19) note:

> " *Despite the overwhelming research evidence of a powder-keg of xenophobic sentiment, the issue was largely ignored in public political discourse, until it was too late. Even then, the response of those in government to May 2008 was largely denialist in character. Several prominent politicians initially voiced surprise and concern and acknowledged that xenophobia was a significant problem. They were quickly silenced by an official 'party line' from the President's office. The attacks were criminal, not xenophobically motivated, said President Mbeki at an official day of mourning for the victims. South Africans were not xenophobic and anyone who said so was themselves being xenophobic."*

Similarly, in its 2011 report, the African Peer Review Mechanism Monitoring Project gave South Africa a 'red rating' for its failure to address, and indeed its denial of, xenophobia (SAAIA, CPS and AGMAP, 2011). The denialism characterising government response in 2008 continues. Such positions and the lack of sustained political will to address xenophobia led efforts initiated in 2008 to be abandoned or allowed to wither. Task teams and units have been dissolved or are no longer functional and, somewhat ironically, 'xenophobia' has been almost entirely excised from the country's *National Action Plan to Combat Racism, Xenophobia and Other Forms of Intolerance*. The unwillingness to recognise xenophobia coupled within the current judicial system has also led to an alarming culture of impunity and lack of accountability for perpetrators and mandated institutions: foreign nationals and others have

been repeatedly attacked in South Africa since 2004 but few perpetrators, some of them government representatives at the local level, have been charged. Even fewer have been convicted. In some instances, state agents have actively protected those accused of anti-foreigner violence (see Misago, 2011). Similarly, there have been no efforts to hold mandated institutions such as the police and the intelligence accountable for their failure to prevent and stop violence despite visible warning signs.

In explaining government denialism in the face of overwhelming evidence, Polzer and Takabvirwa (2010:7) argue that admitting the existence of a xenophobic citizenry is both, "ideologically and politically uncomfortable" for the ANC which, "understands itself as heir to a long non-discriminatory, pan-African tradition." Admitting that various forms of violence against outsiders even within the black population remain a striking feature of the 'rainbow nation' is likely to be a similarly uncomfortable truth to acknowledge as it sits uneasily with long-standing ANC visions of 'unity in diversity' and poses serious challenges to the state's legitimacy and sovereignty.

It is worth noting that there are small-scale on-going initiatives to counter xenophobia and promote social cohesion within various government departments. These include the Department of Home Affairs' (DHA) programme aimed at 'Strengthening Communities of Peace and Diversity', the Department of Justice and Constitutional Development's (DoJ) *National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance,* and the Arts and Culture's (DAC) 'National Strategy for Developing an Inclusive and a Cohesive South African Society'. While the last two initiatives are still under discussion, the success of these strategies is uncertain given the consistent lack of coordination and complementarity among different government departments in addressing xenophobia since 2008.

It should also be noted that some senior officials within the national and provincial governments acknowledge the problem's severity and have appealed for tolerance. For example, in her keynote speech on World Refugee Day on 20 June 2013, the then Minister of Home Affairs publicly condemned xenophobia and acknowledged that much needs to be done to combat the violence and educate the community. The Deputy President and Premier of Gauteng Province also recently spoke out against xenophobia and again stressed that more needs to be done to address it. In addressing a Gauteng social cohesion summit in Johannesburg in August 2014, the Deputy President stated:

> *As the province with the largest number of immigrants, Gauteng must lead the way in combating xenophobia in all its manifestations. The people of this province must, through their actions, underscore the fact that foreign nationals pose no threat to our desire for social cohesion nor do they present any impediment to the achievement of a common South African nationhood."*[19]

Similarly, the Gauteng Premier stated, "South Africans should self-reflect before blaming all their problems on foreigners" and urged the country to unite against xenophobia.[20]

As we wait to see whether these pronouncements will translate into concrete action since those made in the past did not, we are reminded that they contrast starkly with the national government's populist turn over the last two to three years. A series of current policy proposals intended to restrict immigration and the socio-economic rights of non-nationals in South Africa is a sign of this shift. So while government has tentatively accepted the need to fight xenophobia, it has left this largely in the realm of rhetorical appeal while actively working to restrict immigration and opportunities for non-nationals in South Africa. As Landau (2014:1) notes, it is somewhat ironic that efforts to promote social cohesion in the country are "premised on separating groups and denying some segments of the population rights guaranteed to others."[21] It is important to note that even this general acceptance of xenophobia again reinforces the position that this is fundamentally an issue of immigration and not one rooted in potentially violent divisions within South Africa's population.

While UNHCR ROSA has commended the current efforts by the South African Police (SAPS) to prevent and respond to xenophobia, it argues that other government services should be involved in fighting xenophobia in order to enhance on-going responses and contribute to the long-term consolidation of social cohesion. UNHCR ROSA's continued involvement in programmes to prevent and to protect PoC from xenophobic violence seems unavoidable as socio-political structures evolve.[22]

2.2.4.2 Post-May 2008 civil society[23] response

The widespread anti-outsider violence in May 2008 elicited a range of responses from local and international civil society and international organisations. Many have been involved in providing humanitarian assistance to the victims of the violence. Others have launched interventions aimed at preventing the recurrence of such a violent conflict by promoting 'social cohesion.' These have had mixed effects. While some have undoubtedly provided needed succour and others have had little impact, some have risked exacerbating tensions by reinforcing notions that foreigners are a privileged group or promoting conflict resolution strategies that bolster inter-group boundaries.

Although characterised by much 'chaos' due to a lack of coordination and communication among different stakeholders, the immediate humanitarian response to the May 2008 crisis was generally laudable: NGOs (local and international), UN agencies, faith based organisations (FBOs), and individuals proffered volumes of donated food, clothes and other goods and services to the displaced populations (Igglesden, *et al.*, 2009). Beyond the humanitarian crisis, various civil society organisations initiated programmes aimed at preventing the occurrence of the violence and promoting social cohesion. The Nelson Mandela Foundation, for example, organized social cohesion community dialogues in violence affected communities across the country. The International Organisation for Migration (IOM) initiated the 'ONE' Movement, a social change campaign that seeks to reverse attitudes that result in discrimination, xenophobia, racism and tribalism. This was intended to use media campaigns, community conversations, youth mobilization, curriculum interventions and human rights training with a wide range of civil society partners to promote a culture of tolerance, human dignity and unity in diversity across South and Southern Africa (IOM, 2009).[24]

Together with many other initiatives organised by interested parties and organizations, these interventions may have increased awareness of xenophobia as a social problem. They have, however, done little to address social and institutional xenophobia and its various manifestations. Indeed, as mentioned earlier, official and public xenophobic pronouncements and attitudes are as pervasive as ever and violence against foreign nationals is on the rise.

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[19]   http://www.sanews.gov.za/south-africa/gauteng-must-lead-fight-against-xenophobia

[20]   http://ewn.co.za/2014/08/26/Xenophobic-attacks-in-the-spotlight

[21]   http://www.migration.org.za/uploads/docs/landau-star.pdf

[22]   UNHCR evaluation ToR

[23]   For present purposes, we use the term 'civil society' broadly to include local and international NGOs, UN agencies, FBO, community-based organizations, etc.

[24]   'ONE' Movement Launched to Combat Xenophobia and Racism in South Africa as New Study is Released. https://goo.gl/676RgV

2.2.4.3 Police responses

Although the police are charged with protecting all residents of South Africa from physical harm, they have often expressed ambivalence towards the rights and welfare of "outsiders" or have been actively hostile and complicit with violence against them (see Amnesty International, 2010; Landau and Haithar, 2007). Rather than grapple with the issue as distinct from high levels of "ordinary" crime, government and police officials have resisted pressure to approach xenophobic violence as anything rooted in attitudes, political instrumentalism, or economic ambition. Instead, they argue, the language of xenophobia is merely a cover for criminality or even a conscious effort to bring South Africa's reputation into disrepute. According to a police spokesperson quoted in a May 2013 issue of *The Mail & Guardian*:

> *Holistically speaking, South Africans are not xenophobic and many cases are merely crime. [...] We cannot conflate this issue and we commonly see this as Afrophobia that is underpinned by criminality. When we see children looting shops and people robbing people of their goods it is to us a blatant sign of crime that is being excused as xenophobia."*[25]

The Consortium for Refugees and Migrants in South Africa (CoRMSA) argues that because the "police are very quick to dismiss attacks on foreign nationals as simply 'criminal' rather than xenophobic," they have limited ability to detect prejudice motives in criminal incidents.[26] This has serious implications for their ability to counter violence: when the police arrest or bring perpetrators to justice, which they rarely do, the focus is almost exclusively on those caught in the act rather than on instigators behind the scenes. While the instigators are often well known to the community, they have *de facto* impunity and may – as they have in many cases – act again. Indeed, by eliminating economic competition, seizing housing, or winning political favour through their actions, their incentives are further strengthened.

In explaining their insufficient response, the police often point to lack of capacity and fear of victimization at the hands of a hostile community. This may be true in many instances, but one must not overlook their own anti-foreigner sentiments and support, or at least passive condoning, of the violence and their unwillingness to draw attention to a politically sensitive topic (Misago, *et al.*, 2009). In the run up to the 2010 FIFA World Cup, the police minister labelled those raising concerns about overt threats of xenophobic violence as "prophets of doom." TV footage showed interviews with township dwellers preparing to "finish the war" they started in May 2008. Although the police officially maintain that the recurrent violence should not be considered a 'hate crime', they are nevertheless collaborating with UNHCR, and its outreach teams in some instances and have elsewhere worked to prevent or stop the spread of the violence.

The 'evacuation strategy' has become a characteristic feature of police responses to xenophobic violence. In almost all cases, the police have limited their role to escorting victims to places of safety rather than protecting them and their property *in situ*. Even where well-intentioned, such activities may inadvertently abet perpetrators trying to remove 'unwanted' foreigners from their midst. In some instances in the past, the police have been accused of actively collaborating with such campaigns (see Landau and Haithar, 2007). While appreciating the police efforts to save their lives, some victims of the attacks believe that effort should also be made to protect their property. For them, saving livelihoods is as important as saving lives. A Somali shop owner in Orange Farm states:

> *Well, the problem...helpers, the police, they are coming. And they come to save our life, but not our property. They say 'leave the shop; let us take you to the police station'. And they take us to the police station. Tomorrow, how can we survive? Yes, okay...they save my life...tomorrow, what can I...I eat and drink? Yes, they have to protect us with our property. Even last time, they robbed our shops. Now even I don't have a shop. I can show you my shop is closed."*[27]

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[25]   http://mg.co.za/article/2013-05-28-diepsloot-crime-xenophobia-or-both

[26]   http://www.cormsa.org.za/wp-content/uploads/2010/07/hate-crimes-working-group-background-paper.pdf

[27]   ACMS Interview with a Somali shop owner, Orange Fam, 20 March 2014.

2.2.4.4 Community responses

In the absence of effective government and civil society responses, foreign nationals and local communities and their leaders are forging new ways to deal with discrimination and violent exclusion. In a few instances, local communities have resisted violence mobilisation and have actively protected foreign nationals and other groups living in their midst.[28] However, much of this 'protection' or 'welcoming' of foreigners in the community is motivated by self-interest too, rather than a principled stance of tolerance and hospitality. In some places, foreign nationals and local communities have resorted to unlawful compromises such as limiting the number of foreign-owned business in a given locality and setting minimum prices on basic goods. Segatti (2011:3) notes that "these agreements are problematic because they set precedents akin to market division and price-fixing." In other instances, foreign nationals pay protection fees to local leaders or gangsters or are forced to drop criminal charges against their assailants to appease communities or in response to threats of further attacks (see Misago, *et al.*, 2009). There are also growing concerns that foreign nationals are making efforts to acquire firearms, even if illegally, for self-protection (Amnesty International, 2014).[29]

2.2.4.5 Best practice

The literature offers little in terms of success stories where interventions have managed to successfully address xenophobia and its different manifestations. Crush, *et al.* (2009:50), argue that globally, responses to address xenophobia have generally not been able to make a positive impact because of a lack of political will and of sustained, long-term, and coordinated interventions. They state:

> " *In many cases, this is explicable because of the unwillingness of countries to admit that they even have a problem. Cash-strapped NGOs and civil society organizations attempt to fill the breach with piecemeal programs that have some local impact but often put them on a direct collision course with the authorities. In other countries, the effectiveness of anti-xenophobia measures is compromised by the crisis-driven nature of the response. Once the crisis is over, as in South Africa, enthusiasm for addressing the causes begins to wane. In situations where xenophobic attitudes are deeply entrenched and pervasive, there is no quick fix. A sustained and coordinated response over a considerable time period may be necessary.*"

As the preceding pages illustrate, these points all apply to South Africa.

Understanding best practice also demands an understanding of the nature of interventions and what they are trying to achieve. It is difficult to measure the success of interventions with diffuse objectives such as 'changing public attitudes'. However, anti-xenophobia interventions with measurable impact or objectives such as, for example, by reducing the number of violent attacks and other xenophobic practices, can serve as examples when they succeed.

One such intervention is the 'Diversity Initiative' in Ukraine. If the 2011 Human Rights First report is to be believed,[30] "The number of recorded hate crime attacks decreased markedly in 2009 and 2010, and the Diversity Initiative's partner organisations played a key role in achieving this result" (Human Rights First, 2011:11). The initiative was launched in 2007 to coordinate efforts of domestic and international NGOs and agencies to raise awareness of the hate crime problem, provide assistance to victims, and advocate a more robust government response. Strong advocacy and sustained pressure for accountability, law enforcement, adoption and enforcement of hate crime legislation particularly led the government to begin addressing the problem in a more systematic way. According to the report, the early success of the initiative is attributable to the strong leadership initially provided by UNHCR and IOM, its multipronged strategy, its diverse network of grassroots human rights and community organizations, the support it received from foreign embassies in Ukraine, and its successful efforts to work closely with both national and local authorities in Ukraine. Sustained commitment of all stakeholders proved to be key factor as hate crime was on the rise again in 2011 when the commitment of some partners began to wane.

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[28]   See for example 'Popular Opposition to Xenophobia in Ramaphosa' at http://abahlali.org/node/8084/

[29]   Amnesty International: Urgent Action, 10 June 2014. UA: 148/14 Index: AFR 53/001/2014 South Africa. Available at

[30]   http://www.humanrightsfirst.org/wp-content/uploads/pdf/UNHCR_Blueprint.pdf

2.2.4.6 Lessons learnt from others

Evidence gleaned from observations and smaller-scale evaluations of xenophobia related programming point to at least six factors explaining the shortcomings of civil society's interventions and can therefore serve as lessons learned:

- **Put the Politics Upfront:** First, there is a lack of consistency and political muscle to hold government accountable for its failures to protect people's fundamental rights or to influence strong and sustained official response to xenophobia and related violence. Pugh (2014:1) rightly notes that much civil society response tended to be humanitarian in nature, rather than presenting any sustained political challenge that would address the underlying structural causes of such violence. In trying to address xenophobia and its different manifestations in South Africa, civil society has almost exclusively targeted affected communities with awareness campaigns and moral appeals for tolerance but has largely failed to mobilise government responses to address the institutional xenophobia that fuels anti-foreigner attitudes and behaviour among the public. It has also failed to generate an official, policy level response aimed specifically at building a society inclusive of foreign nationals and other "outsiders" or at least obtain offical governmental support and sustained involvement in on-going initiatives. As Pugh (2014:17) further notes, there appears to be no, "space available for CSO (Community Service Organisation) actors to effectively advocate for structural and political change in the management of migration, refugee, and asylum seeker issues, let alone for addressing the root causes of violence" (see Peberdy and Jara, 2011:49). With a focus on communities, interventions often overlook the broader institutional structures that help reinforce perceptions and practices that disadvantage people of concern. As noted earlier, the root causes of intolerance and discrimination in South Africa are located in mutually reinforcing social and institutional configurations at local and national level.

- **Target the Incentives for Xenophobic Behaviour:** Second, civil society organisations often base their interventions on shaky foundations. For one, they have focused almost exclusively on attitudes, neglecting other factors and motivations that trigger violent behaviour towards foreigners. This shifts attention from factors critical to combatting the immediate effects of xenophobia (law enforcement, accountability, and the like), to ones with only potential long-term consequences. Although promoting tolerant attitudes is an important objective in any fragmented society, the psychological research is inconclusive regarding relationships between attitudes and behaviour. From what we know, attitudes are not necessarily a good predictor of behaviour.[31] As indicated, anti-foreigner attitudes are consistently high across different sections of the country's population, but manifestations of violence and acts of discrimination differ significantly across locations. People may value an inclusive society in general but are nonetheless willing and able to alienate particular, demonised sub-groups. Hence, attitudes alone cannot explain why certain forms of violence tend to happen in certain types of communities and not in others.

  Apart from questionable efficiency, the emphasis on attitudes overlooks the importance of political mobilisation of xenophobic discourses or institutional configurations – formal or informal – that help to differentiate and divide populations based on race, ethnicity, nationality, legal status or any other of the factors that might become the fulcra for xenophobic discrimination. Political entrepreneurs and local leaders often deliberately capitalise on distrustful climates and make political or economic gains from discrimination against and violent exclusion of those deemed to be 'outsiders.' By overlooking these instigators, interventions are left dealing only with the consequences rather than the root causes.

- **Pro-Migrant Programming Can Backfire:** Third, immigrant-oriented programming runs the risk of exacerbating rather than eliminating bias and discrimination. Overt pro-migrant, pro-minority rights programmes may further isolate migrants or minorities by reinforcing existing boundaries and fuelling tensions. Such programmes risk reinforcing the categories by drawing attention to them, requiring people to seek remedy by membership in said groups, and bolstering popular conceptions that foreigners receive special aid and attention. By demonstrating that foreign nationals or other minorities have international allies (UNHCR, Amnesty, or others), well-meaning agencies may unwittingly build resentment among the disadvantaged citizenry who feels forgotten and angry. Some of this may be unavoidable, but campaigns organised around more transversal or universal themes like law enforcement, rule of law, administrative restructuring or the like may help diminish, rather than reinforce, difference. This may require a different set of partners and expertise

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[31] See for example Icek Ajzen & Martin Fishbein (1977). "Attitude-Behavior Relations: A Theoretical Analysis and Review of Empirical Research." *Psychological Bulletin 1977*, Vol. 84, No. 5, 8-918. See also Stephen J. Kraus (1995). "Attitudes and the Prediction of Behavior: A Meta-Analysis of the Empirical Literature". *Personality and Social Psychology Bulletin 1995*, Vol. 21: 58–75.

beyond the normal human rights and refugee protection collaborators. Such a 'stealth' approach may be more politically palatable and sustainable and less visibly pro-migrant or minority.
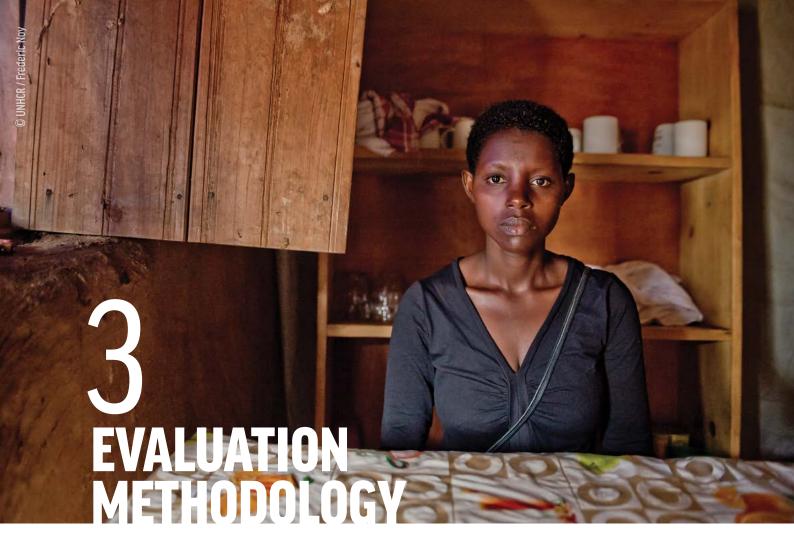
- **Target Relevant Actors and Choose Interventions Carefully:** Fourth, many civil society interventions treat symptoms not causes of conflict. Assumptions that events like community dialogues, cultural and sport festivals that bring different groups together will help achieve peaceful coexistence among groups, for example, ignores the fact that these initiatives are unlikely to reach those behind the violence. While there is potential value in bringing people together who otherwise might not engage, they do little to address the political economy of violence within South African communities. Moreover, as noted above, when managed poorly, even supposedly 'non-political' events such as soccer tournaments, intercultural dialogues or cultural events easily become politically charged and divisive. Such events require very careful management and a clearly structured framework for establishing dialogue around issues of mutual concern to avoid the worsening of existing tensions.

- **No Size Fits All:** Fifth, many civil society organisations use a 'one size fits all' approaches that fails to recognise the specific sources of violence in particular sites. While there are commonalities across many sites, initiatives that fail to recognise the triggers, targets, and forms of discrimination as practiced in a specific place are unlikely to succeed. It is thus important that interventions are adapted to the specific dynamics of a locality – carefully considering which local institutions to target, which residents to work with, which venues to choose and which specific tensions to address.

- **Coordination and Collaboration are key:** Lastly, a lack of coordination and collaboration: as mentioned earlier, there is a multitude of civil society organizations, both large and small, that are involved in initiatives aimed at addressing xenophobia in South Africa. While this is valuable in principle, the lack of coordination and collaboration hinders the effectiveness of their overall response due to duplication of efforts, as well as gaps, and an inability to direct resources to where they are most needed. This fragmentation also means that there are lost opportunities for complementarities around programming and achieving economies of scale. The lack of knowledge sharing also sees unsuccessful programme designs being repeated.

2.2.4.7 Conclusions

Recognising that xenophobia is a global phenomenon makes the degree to which it is entrenched in South Africa less surprising, but no less problematic. Non-nationals and other 'outsiders' regularly face forms of xenophobia ranging from street-level abuse to discrimination and harassment by government officials and recurring bouts of popular xenophobic violence in varying intensity and scale. Although this is not universal – and we need to understand more about those communities that practise peaceful coexistence and tolerance – many townships and informal settlements in the country have become scenes of repeated incidents of violent attacks on foreign nationals. The roots of xenophobia in South Africa are both social and institutional and responses and interventions to address it have fallen short mainly due to the lack of sustained government political will and the lack of political space and muscle needed by civil society to hold government accountable for the failure to fulfil its core mandate to protect the fundamental rights of all of the country's residents.

In addition to uneven political will at all levels of the government and the lack of civil society muscle, there are critical ontological and etiological blind spots. Most of the current interventions by civil society fail to address the presence of institutional roots of xenophobia and neglect the importance of political mobilisation of xenophobic discourses or institutional configurations, and are based on unfounded assumptions that changing attitudes, even if successful, will necessarily improve behaviour.

If nothing else, the previous pages demonstrate that addressing xenophobia or at least minimizing its effects requires more than moral appeals and awareness campaigns. Rather it requires sustained, coordinated and broad-based efforts; greater support from public programmes and politicians; a more nuanced understanding of the space specific drivers of violence; and efforts to counter the culture of impunity, promote the rule of law and enhance community based conflict resolution mechanisms that respect the constitutional principles of universal rights and due process. To reiterate the third point, this means shifting from one size fits all approaches towards strategies that consider the localised political and social variations and area specific histories of conflict in order to respond appropriately and in a more sustainable manner.

3
EVALUATION METHODOLOGY

3.1 GENERAL METHODOLOGICAL APPROACH: PROCESS AND IMPACT EVALUATION

The general methodological approach used for this research was guided not only by the evaluation's objectives but also by the UNHCR Evaluation Policy of 2010 that prioritises the involvement of all relevant stakeholders, including UNHCR relevant staff, implementing partners and beneficiaries, and emphasises the importance of principles such as integrity and high quality standards. In order to assess not only the effectiveness and impact of UNHCR ROSA programmes to protect PoC from xenophobia but also the reasons for their relative success or failure, we simultaneously conducted two complementary types of evaluation: an *impact evaluation* and a *process evaluation*.

Aimed at improving on-going and future UNHCR ROSA programmes, the *impact evaluation* assessed the impact UNHCR ROSA programmes have had or are having in protecting PoC from xenophobia and related violence, while the *process evaluation* focussed on issues related to institutional and intervention logical frameworks as well as programme implementation from inception to close. The *process evaluation* considered the nature, frequency and extent of programme activities: how much of what, for whom, when, and by whom. It also focused on the contexts and processes of programme implementation. It assessed the programmes' theories of change and logical frameworks, such as the relevance of programmes and activities in addressing the targeted problem; whether programmes and activities were implemented as planned; the challenges encountered during implementation and how these may have affected the achievement of the programmes' goals and objectives. The combination of these two types of evaluation afforded us an opportunity to assess the effectiveness of the entire programme process from its conceptualisation to the implementation and impact.

According to the objectives mentioned earlier, the evaluation thus consisted of: evaluating programmes against their own objectives, in other words, assessing whether programmes achieved what they set out to accomplish; assessing the relevance of programme objectives and activities in addressing the identified problem, such as the extent to which programmes and their stated objectives coherently address xenophobia in South Africa and meet the priority needs of target populations; and identifying a set of concrete and operational objectives, criteria and indicators that are likely to be more effective in addressing xenophobia in South Africa.

3.2 RESEARCH DESIGN

3.2.1 Qualitative approach

Due to the number and nature of the projects to be evaluated, the UNHCR and ACMS agreed that a qualitative approach was the most feasible and appropriate in collecting the necessary information to answer the questions guiding this evaluation. The approach was participatory, involving all relevant stakeholders throughout the process. These included UNHCR staff, implementing partners, target populations and other relevant key informants and stakeholders. Some of the stakeholders had already been identified before the process started; others were identified as the evaluation progressed.

3.2.2 Sources of data and information

To capture necessary information, the evaluation used a combination of the following sources of information and data including document reviews, interviews and focus group discussions:

1. *Document reviews:* the evaluation team reviewed a wide range of programme documents covering programme proposals and designs, implementation progress, monitoring and evaluation, programme results and indicators, etc. During this phase, ACMS also reviewed information relevant to patterns of xenophobia in selected evaluation sites. Documents reviewed are listed together with other references;

2. *Interviews:* the evaluation team conducted individual interviews with a wide range of relevant stakeholders including UNHCR and implementing partner staff, key informants at national, provincial, municipal and research site levels, target populations and ordinary members of communities in selected sites. Altogether, the evaluation conducted **a total of 105 individual interviews**. The list of all key informants interviewed by organization can be found in Appendix I.

3. *Focus group discussions:* in addition to individual interviews, the research team conducted **two focus group discussions (except in Gugulethu where only one discussion was held) with members of target populations and communities in each of the selected sites**. The focus groups vary in size from five to ten per group.

Using the combination of these information sources allowed not only the acquisition of the necessary information but also quality control through triangulation of findings from those sources.

3.2.3 Sampling

This evaluation required two sampling stages: the first involved the selection of research sites from a number of locations where programmes have been implemented for the time period of the evaluation. ACMS, in discussion with UNHCR ROSA, selected one site for each project and the sites selected are in the areas most affected, by xenophobic violence in recent years, or hot spots. The sites selected were Sasolburg in Free State Province (programme by DMPSP); Gugulethu in Western Cape Province (programme by ARESTA); Mamelodi (programme by Xaveri Movement) and Orange Farm (programme by Thetha FM Radio) in Gauteng Province. Details on the specific programmes are included in later case study sections. The second stage involved the selection of participants, deciding who to interview, how many respondents in total at each site as well as a strategy of how to reach them. Purposive and snowball sampling techniques were used at this stage to select key stakeholders to participate in the evaluation. At each site, the ACMS team then consulted with representatives of all implementing partners, conducted an average of 22 individual interviews with beneficiaries and community residents and independent on site key informants including authorities and civil society members and two focus group discussions with the programmes' beneficiaries and community members. In additions to site data collection, ACMS conducted interviews with eleven relevant UNHCR staff and eight Representatives of other relevant institutions at the national level.

3.2.4 Data collection and analysis

In addition to the information obtained from literature and programme document reviews, the evaluation involved the collection of primary data from selected respondents. The primary data collection process involved approaching participants in their usual settings and administering research instruments including in-depth semi-structured interviews in person. In some cases, however, administration of research instruments was done by telephone. The data collection at research sites was mostly done by a team of experienced field researchers that ACMS recruited and trained prior to the beginning of the field research. Given the limited time allocated to fieldwork, ACMS used two teams of researchers to collect data at different sites simultaneously. Research teams had only seven days for data collection at each site. ACMS senior researchers were also involved in primary data collection, particularly in conducting interviews with key informants and stakeholders. Field research was conducted from mid-March to mid-April 2014 but follow-ups and interviews with key informants continued until August 2014. With the participants' consent, ACMS researchers recorded interviews digitally and later transcribed them verbatim to facilitate analysis. Research instruments or interview guides for different stakeholders can be found in Appendix II.

ACMS applied content analysis techniques to analyse the data collected. Content analysis is a method of analysis used in qualitative research in which text notes are systematically examined by identifying and grouping themes and coding, classifying and developing categories. The technique allows comparing and contrasting information from different sources and respondents and helps identify predominant views as well as commonalities and differences across sites.

3.2.5 Limitations

The main limitation to this evaluation was the time constraints. In studying the impact of social change programmes such as UNHCR ROSA's programmes, it would be ideal to embed in the community and study the impacts over a period of months, or at least weeks. The research design of this evaluation did not provide that level of appraisal. ACMS is however confident that, despite these constraints, the evaluation is able to provide critical insights into the programmes' achievements and challenges as well as useful reflections for future improvements.

4
FINDINGS

4.1 ADDRESSING XENOPHOBIA IN SOUTH AFRICA: STRATEGIC APPROACH, MANDATE AND PARTNERSHIPS

4.1.1 UNHCR ROSA's strategic approach to addressing xenophobia in South Africa

To understand what informs different xenophobia related programmes and activities supported or initiated by UNHCR ROSA, the evaluation sought to identify the institution's strategic approach or overall vision that the different programmes are meant to support. However, a review of relevant documents and discussions with key staff suggested that UNHCR ROSA did not have such a formal or consolidated strategic approach.

The evaluation's terms of reference (ToR) indicated that UNHCR recently drafted a strategy for sustained work on campaigns to protect PoC from xenophobic attacks and community outreach in one particular programme. This programme referred to in the strategy has four key aims: information management to prevent violence and protect refugees from xenophobic attacks; rapid re-documentation of those having lost their documents during attacks to minimize hardships; reintegration of refugees and asylum-seekers to their places of former livelihood to reduce hardships and isolation; and negotiation with local authorities to improve response time and prevent future xenophobic attacks.[32] However, these objectives were not included in an overall strategy document informing all UNHCR ROSA programmes. Instead, the strategy document with the four objectives was only used for the aims and activities of a single programme, namely the one implemented by DMPSP.[33]

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[32]   ToR p3

[33]   See Militia/DMPSP Implementing Partner Report, Part 2 – Narrative Reporting. 15 July 2013.

Another document, the 2009 "South Africa Plan of Action and Status Report" provides "UNHCR Pretoria analysis and strategy" to "counter xenophobia and build positive public attitudes towards refugees and asylum seekers"[34] in South Africa. This comes as a response to the "*Ad Hoc* Inquiry Recommendation 18," which stated that, "UNHCR Pretoria should launch a public information and media campaign against xenophobia, in cooperation with other UN (particularly UNIC) and non-UN partners."[35] The document also suggested that "UNHCR Pretoria should consider re-launching the well-received 'Roll-Back Xenophobia' campaign or a similar initiative, perhaps in partnership with the South African Human Rights Commission."[36] In this document, UNHCR ROSA gives the following analysis and strategy:

1. UNHCR Pretoria agrees on the importance of counter xenophobia public awareness campaigns. UNHCR Pretoria will work along parallel tracks, promoting specific messages regarding the plight of refugees and asylum seekers, their need and right to be protected and the capacities and contributions they bring, while also supporting and collaborating with broader counter xenophobia initiatives;

2. The May 2008 violence targeted African migrants generally, not only refugees and asylum-seekers, and also South Africans considered as 'outsiders' in the community, making a broader approach essential. At the same time, UNHCR has mandate responsibilities in relation to refugees and asylum-seekers, who face specific challenges related to their status, making a more targeted initiative also important;

3. Furthermore, a spirit of collaboration is important to avoid a proliferation of parallel initiatives, such as IOM's One Movement campaign, which was launched in March 2009 without the involvement of UNHCR, other United Nations Country Team members or other key stakeholders, such as the South African Human Rights Commission (SAHRC); and

4. While affirming the value of awareness campaigns in shaping public attitudes, UNHCR Pretoria nevertheless cautions that their impact should not be overstated. Xenophobic violence arises from profound and complex root causes that include governance challenges, community-level 'micro politics' and intractable socio-economic problems that cannot be mitigated effectively only through positive messaging.[37]

As part of the action already taken, UNHCR ROSA initiated and chaired the Protection Working Group whose members assist victims of xenophobic violence, and participated in the community dialogues sponsored by the Nelson Mandela Foundation to promote tolerance and training of the police and other civil society organisations. Future plans included "developing plans for a campaign aimed at promoting the acceptance of refugees and asylum-seekers."[38]

Yet, another (undated) document *UNHCR Guidelines and Vision for the Prevention of Xenophobia against Refugees in RSA*, provides a different approach and set of priorities, emphasizing the primary responsibility of the government in refugee protection, the preservation of asylum space, cooperation with SAPS and prevention activities at the field level, such as daily community monitoring, outreach activities and refugee reintegration through community dialogue facilitation, and national level prevention awareness activities.[39]

In sum, the documents reviewed above show different approaches and priorities. While the documents are highly principled and speak to UNHCR's commitment and role in combatting xenophobia, they do not constitute a coherent strategy. And, thus, there does not seem to be an overall vision that informs all programmes and activities or to which different programmes and activities contribute.

The lack of a clear and agreed upon strategy and vision was also confirmed through discussions with relevant UNHCR ROSA staff. A key staff member in the UNHCR Pretoria Office indicated that he follows a strategy that he drafted and presented to relevant staff and stakeholders although it was never formally adopted. His particular strategic approach

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34   South Africa Plan of Action-3(rev 28May2010) p4

35   "The campaign should also highlight the successes in the general standards of treatment of refugees, asylum seekers and other migrants in South Africa over the past decade which the country should be proud of, such as access to health care for all, including undocumented individuals."

36   South Africa Plan of Action-3(rev 28May2010) p4

37   *Ibid*

38   *Ibid*

39   UNHCR ROSA Guidelines and Vision for Prevention of Xenophobia against Refugees in RSA

to addressing xenophobia in South Africa focuses mainly on prevention through building strategic alliances with various leadership structures within government at both the central and grassroots levels, information management and community based action. When asked when the strategy was drafted and adopted, the staff member responded, "It was not formally adopted. It became a strategy of two years. It was like a living document. It is why you see many of my documents don't have dates. It is because when I arrived I was thrown into this thing not knowing what I was dealing with."

Another staff member, in the leadership team, reiterated that the main tenets of their strategic approach were prevention of and support to the victims of xenophobic violence. For this staff member, UNHCR's role in terms of prevention involves working with communities to foster peaceful coexistence and providing PoC with tools that would facilitate their integration. The staff member stated:

> " *Our strategic approach, which came as a result of the 2008 xenophobic violence, was to essentially prevent and to support, in as much as resources allow, the victims of xenophobia. And by prevention I mean to work with communities to foster peaceful co-existence to educate at [the] grassroots (e.g. schools and communities on refugee issues like who they are, why they are here and what can be done to support them at grassroots level). We have got radio campaigns, school campaigns and to a lesser extent media campaigns. That is what I would say our role is in terms of prevention. We are also gradually trying to work with the refugee communities themselves […] because integration in the community is not a one way traffic. […] As an organisation, we have realised that we have to work with some of these refugees more to give them the tools that will allow them to integrate in a more effective way."*

Other staff members did not, however, believe the office had a strategic approach to addressing xenophobia in South Africa. For instance, a staff member involved in anti-xenophobia programmes indicated that the office did not have a clear policy or strategy to address xenophobia and believed that having one would help improve the effectiveness of their efforts. The staff member stated: "I think what would make us stronger and do better would be having a clear policy or strategy to combating xenophobia; having the right people in the office that are committed to working on this issue."

Staff members, however, indicated that things are now looking much better with the new leadership that arrived in 2013 which introduced new ways of dealing with issues of concern. As an example, they mentioned the fact that this evaluation is the initiative of new leadership that is keen on getting a clear understanding of what has been taking place and on charting a better way forward.

In addition to the lack of a national strategy, there is also a lack of central coordination of xenophobia related programmes and activities implemented in different regions of the country. A key staff member in the Pretoria office indicated that xenophobia related activities in regions fall under the direct supervision of respective chiefs of operations. This staff member however believed that although regions work well together, having central coordination would make things much better.

In summary, UNHCR ROSA lacks a coherent national strategic approach that informs its different anti-xenophobia programmes and activities implemented in different regions across the country. The lack of such a strategy or coherent approach means that *ad hoc* programmes with different objectives and methodologies are being implemented in different areas of the country without coordination and a clear common vision or goal to which they contribute. Most UNHCR ROSA staff members interviewed believed that having such a strategy would improve the effectiveness of the office's work in addressing xenophobia in South Africa.

4.1.2 Xenophobia and the protection mandate

As indicated earlier, this evaluation's main aim is "to assess the extent and scope to which UNHCR ROSA has been able to provide timely and effective protection to refugees and asylum seekers who are victims of xenophobia in South Africa."[40] The aim and the questions that followed seem loaded with an implicit assumption that UNHCR ROSA is mandated to provide such protection and that effective protection means shielding PoC from various forms of harm associated with xenophobia.

With this in mind, this evaluation sought to record the views of relevant UNHCR ROSA staff on what they perceived to be their institution's role and responsibilities in this regard, namely providing effective protection, and their understanding of how addressing xenophobia generally fits into the broader protection mandate. The aim was to find out whether and how their views and understanding shaped current anti-xenophobia interventions and approaches. This allowed for the effectiveness of their efforts to be analysed in a context of a clearly understood mandate, roles and responsibilities.

Most of the staff interviewed indicated that addressing xenophobia, particularly providing physical protection, including protecting PoC from violent attacks, is not part of UNHCR's mandate or its responsibility. They made clear that it is the responsibility of host governments and national authorities to ensure the physical safety of refugees and asylum seekers living in their countries. UNHCR's role in terms of international protection is to ensure refugees have access to asylum and assure that there are functioning asylum processes in place. A member of UNHCR ROSA's team stated:

> " *We count on the government to ensure there is physical protection of refugees wherever they may find themselves in the country. It is the responsibility of the national security authorities. UNHCR of course has an interest of ensuring that the physical integrity of the refugees is protected and where we feel that for one reason or the other, refugees are victims of attacks or violence then our role is to liaise with the local authorities or the government authorities and to try and to get them to intervene. […] UNHCR's role is in terms of international protection and this is clearly articulated in the Convention. International protection is to ensure that refugees have access to asylums and that there are functioning asylums processes in place."*

Another staff member reiterated the role of the government and stressed that xenophobia is not UNHCR ROSA's primary mandate or responsibility. The staff member stated, "We will never replace government when it comes to physical safety or physical protection. […] I say this to my Representative so many times that this is not our primary mandate or responsibility."

In addition to having concerns about setting up parallel structures to those of the government, staff members also spoke to concerns about not having the right skills and expertise to address the overwhelming problem of xenophobia. Yet one staff member stated that even if UNHCR does not have the expertise and capacity, they cannot afford not to intervene when PoC are being affected:

> " *I want to admit that xenophobia is not UNHCR's mandate. Secondly it is not our strength as an organisation; that is not an area where we are experts. […] This is a vacuum and this is something where our persons of concern are directly affected and UNHCR could not stay on the sidelines. UNHCR does not have the capacity to fully take on xenophobia. As I have told you this is not our expertise. That is not an area where we are strong. We are supposed to support others who are better equipped to do it. That is why we work through NGOs; that is why we work through the provincial government and municipal authorities."*

UNHCR ROSA staff agree that even if it is not their mandate per se, UNHCR should work with stakeholders to address xenophobia in the country because the UNHCR's PoC, those who it is mandated to protect, are often the target. Thus, even if anti-xenophobia programmes would ideally be the purview of the government, staff concur that these are indispensable activities.

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40   Evaluation ToRs (p4)

How these activities are implemented was also discussed by the staff. In their view, UNHCR's role in providing its PoC with protection from xenophobic violence in South Africa involves working with law enforcement agencies to provide timely responses to threats of violence as well as, when violence occurs, to ensure that perpetrators are held accountable. As one staff member stated:

> *Crime is prevalent in South Africa. I cannot say to my clients that you will be protected in the safe zone because of UNHCR. No I cannot promise that but what I can promise them is that when you identify threats to your physical security, etc., I will make the call so that police will take action or even go out of their way to make sure that you are shielded from that violence. Either through the hotline or the liaison work. […] Protection for me means supporting the local law enforcement people there to be more in the preventive mode, to be more effective in the deployment so that refugees and citizens benefit from that."*

Another staff member echoed this by stating that in South Africa and elsewhere where violent attacks on PoC occur, prevention also requires holding perpetrators accountable and eradicating impunity:

> *Our role is to sensitize and to ask the government to ensure that when these things happen, people are prosecuted because part of prevention of course is to send a message that we as a society we don't tolerate this type of discrimination, harassment or abuse of individuals by virtue of either their nationality or their origins and so on. So our role is to encourage the government and to work with the government to ensure that these acts are not carried out with impunity."*

UNHCR ROSA staff are aware that this definition of their role and where the boundaries lie is not appreciated by everyone. As another UNHCR ROSA colleague noted, many stakeholders, particularly civil society organisations operating in South Africa, criticised UNHCR with regard to its response to xenophobia. According to this staff member, perceptions that UNHCR ROSA was not doing enough, probably stemmed for the lack of a clear understanding of its mandate and responsibilities. The staff member went on to indicate that this criticism of UNHCR ROSA encouraged the office to become more involved and to respond with greater intensity. This is perhaps most evident in UNHCR ROSA's initiation of programmes and activities a few years ago, including the creation of the Protection Working Group, the opening of new offices in Cape Town and Musina, the implementation of the xenophobia hotline as part of an early warning system and of community outreach programmes to foster social cohesion and facilitate the reintegration of the displaced.

All xenophobia activities need to be considered within the context of a large group of stakeholders of which UNHCR ROSA is only one of many. After all, addressing xenophobia in South Africa and elsewhere cannot be the responsibility of only one institution and UNHCR ROSA's role should be understood in concert with other stakeholders' responsibilities. As a member of the leadership team stated:

> *Our role as a refugee agency that is primarily responsible for the human rights protection of a particular group of individuals, I think that our role should never be in isolation. We should play a role in concert with other key actors whose roles perhaps are more direct than ours because in a country, in which the government has the capacity, the legal framework exists, implementation is as it should be, and UNHCR's role would not really be very great. […] As I said it should be made clear that UNHCR is not the only actor. We have the office of the Human Rights Commission in this country and this is a human rights issue. We have the police, we have civil society with all kinds of different focuses and mandates and therefore UNHCR is not the sole voice in this."*

With most staff indicating that UNHCR ROSA does not have the relevant expertise to address xenophobia, the evaluation sought to understand what informed their various programmes and initiatives. A member of the leadership team indicated that UNHCR ROSA's anti-xenophobia interventions are mainly informed by a comprehensive study conducted after the 2008 violence: "I think after the incidents of 2008 we carried out a comprehensive analysis of the causes and tried to identify both strategically in terms of our own mandate where UNHCR with the resources we have could make a difference, fully respecting the roles of others." Subsequent interactions with UNHCR ROSA staff revealed however that the analysis staff members refer to is a multi-country survey[41] which did not actually provide a clear understanding of dynamics of xenophobia in South Africa.

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[41]   Urban Refugees and Xenophobia: 2012 Survey Data. PDES, 2013

It should be noted that UNHCR ROSA's understanding of its role and responsibilities in addressing xenophobia in South Africa is in line with the guidelines provided in the 2009 UNHCR strategic approach to combatting xenophobia and other related intolerances, "Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach"[42], at least with regard to working and collaborating with all relevant parties and focussing on awareness and education campaigns as preventative measures. Even with its own weaknesses (see critical review in Appendix V), the UNHCR policy is meant to serve as "guidance for UNHCR offices around the world."[43] Therefore, it is important to raise awareness about these guidelines amongst all staff, since many seem to be unfamiliar with how xenophobia should be handled within UNHCR's global mandate.

With these clarifications in mind, the evaluation now proceeds to a discussion on partnerships and collaborations. It then elaborates on the specific nature of the programmes to determine how UNHCR ROSA fared in assuming its responsibilities towards providing its PoC with effective protection against xenophobic violence.

4.1.3 Partnerships and collaborations

With the discussion above indicating that UNHCR ROSA considers its role in addressing xenophobia in South Africa mainly as support of or collaboration with relevant stakeholders, this section looks at the nature and effect of partnerships and collaborations UNHCR ROSA has forged in this regard, particularly with different levels of government and with civil society organisations working in the migrant or refugee sector.

4.1.3.1 Partnerships and collaboration with government institutions

UNHCR ROSA indicated that the office collaborates with the South African Government in different ways to ensure it assumes its responsibilities under the 1951 Refugee Convention. The collaboration involves technical support, advice and consultations in relevant matters, including xenophobia. At this point, it appears that consultations particularly with the national government have yet to yield the desired level of tangible results at least with regard to getting the government to play its leading role of providing PoC with effective protection against xenophobic violence. As indicated earlier, following the 2008 xenophobic violence, UNHCR ROSA increased and diversified its involvement in the fight against xenophobia and discrimination against its PoC as it awaits a comprehensive and effective state-sponsored response.

To date, consultations with relevant national government departments such as the Department of International Relations and Cooperation (DIRCO) or the Department of Home Affairs (DHA) continue on a regular basis but they have yet to result in any concrete national level response either in terms of policy, legislation or practice. Yet, policy engagement and response at the national level is critical. As one staff member stated, "I would really like to see this xenophobia taken at a different level; at national level or at policy level before we look at the little projects that we are doing. Where does it lie at a national level? We need to engage at that level with the people that matter."

Because South Africa is an advanced, democratic nation that has willingly signed all the relevant conventions to protect refugees, there is all the more frustration that one of the main obstacles in addressing xenophobia in South Africa is the lack of government presence at the forefront. This speaks to a broader question of what UNHCR is able to do on these matters when governments are not on board and how the organisation might design effective advocacy strategies to win government support.

As for UNHCR ROSA, the office engages with the government in different platforms, through regular meetings or written submissions on issues of mutual concern. However, while the government generally welcomes UNHCR's support and engagement, this does not mean that government always accepts or takes on board all of UNHCR's suggestions and alternative solutions to issues of concern as is the case in many other places. UNHCR pleads on behalf of PoC with the support of international legal instruments, yet these pleas are made in sovereign states. A member of UNHCR ROSA's leadership team responded the following when asked whether the South African Government always took on board UNHCR technical advice and alternative ideas on issues of concern:

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[42]   By UNHCR, Division of International Protection, Geneva. December 2009.

[43]   *Ibid*, p4

> *Nowhere are they always taken on board. […] Bear in mind, when we asked governments in Europe to open borders so that the asylum seekers will come in and not to detain them, they still detained them. They still have Sangatte in France; they are still detaining them at the airport in Heathrow. […] So let us not hold South Africa, this government to standards that we don't hold other countries because that is where the discussions break down. […] It is a sovereign government, you know."*

UNHCR ROSA feels that, despite challenges, South Africa is doing a great deal to protect refugees and asylum seekers in the country. South Africa's national refugee legislation is amongst the most progressive although the implementation of this legislation is the concern. According to UNHCR ROSA however, the challenges faced are not unique to the refugee regime and are not a result of a lack of good will. In one staff member's words:

> *This country has one of the most progressive refugee legislations and there is a reason for that which we all know. And it is something that we feel should be maintained but, as in many countries, what you have on paper is often not translated in its entirety either in terms of policies or either in terms implementation at the lower level. This country faces challenges like every other country and the challenges that refugees face in many cases are similar to those that nationals face. And the challenges that they face are not in many instances as a result of a lack of good will or as denial but are purely as a result of perhaps poor implementation, lack of understanding, lack of knowledge trickling down to the very lower echelons of the implementation."*

In sum, UNHCR ROSA recognises the importance of the government's involvement in combatting xenophobia and has cordial and regular engagement with the Government of South Africa around these matters. UNHCR ROSA also notes that there are considerable variations across government departments, with each department responding with more or less vigour. In addition to the national government, other notable xenophobia related partnerships UNHCR ROSA has initiated with state institutions are those with the South African Police Service (SAPS) and the Western Cape Provincial Government. Despite this encouraging assessment, UNHCR ROSA expressed a desire for more centralised vision and commitment to combatting xenophobia at all levels of the Government of South Africa. UNHCR ROSA's frustration with the Government of South Africa's policy deficit points all the more to their own need for a published UNHCR ROSA strategy that can be shared and compared.

Partnership and collaboration the South African Police Service (SAPS)

As previously mentioned, one of UNHCR ROSA's most important alliances in addressing xenophobia is its partnership with SAPS. UNHCR ROSA described a generally positive working partnership with SAPS. While they are engaged with SAPS at multiple points, the primary collaboration is between UNHCR ROSA and the SAPS central, national command. Based primarily on information sharing through the UNHCR ROSA xenophobia hotline, the partnership has resulted in prompt and decisive police response that on many occasions has prevented the outbreak or the escalation of violent attacks on foreign nationals in the country. For many observers, this partnership saved thousands of lives, as an implementing partner noted:

> *To me it has been an extraordinarily effective means of intervention that has obviously saved thousands of lives. I say this as a general impression and not having detailed knowledge. […] direct intervention with […] the police central command is a very creative and a very simple, relatively cheap and extremely effective project."*

UNHCR ROSA staff indeed acknowledged that, although the partnership did not always succeed in triggering the much needed police response, it had and continues to have a significant impact in protecting PoC and other foreign nationals from xenophobic violence. Similarly, the SAPS official credited for the success of this collaboration indicated that the collaboration with UNHCR is certainly valuable in terms of supporting police work with PoC and foreign nationals in general. He noted, however, that it is difficult to determine the net value or contribution of this partnership as there has been no proper assessment of it. For instance, there is no way of knowing whether a police intervention in a certain location is due to hotline messages. He stated:

> " *It was never evaluated* per se *or in total. There was a problem there, then the police proactively got there and prevent something. That's what we look for. But we never go back and say was this because of the UNHCR or something they would have done before. We have never called provinces and sat down and ask how far are we with this issue, or did we intervene because of this or that. In some instances they will have already responded before the SMS.*"

It is worth noting here that this partnership and good working relationship does not seem based on a common understanding of the problem to be addressed. For SAPS, the collaboration with UNHCR is about addressing criminal offenses committed against PoC and foreign nationals and not xenophobic violence, a form of hate crime. As a SAPS official explains, xenophobia is a not a word readily accepted in South Africa and attacks on foreign nationals are not necessarily xenophobic:

> " *In South Africa, the word xenophobia is not adopted per se. There are a number of words used in this context, hate crime, opportunistic by criminals, and when I explain, you'll see how it features and why these things are happening. South Africa is not yet there with the word xenophobia per se. It is offenses against foreign nationals that are currently taking place.*"

He indicated that he wouldn't call most of the violence against foreigners 'xenophobic' mainly because known public perceptions and negative attitudes among some sections of the South African population do not necessarily result in community mobilisation for violence.

When asked whether the lack of a common understanding on the issue affected the working relationship with UNHCR, he responded: "Unintentionally we moved away from the definition and concentrated on the activities. We agreed that much on this." He also noted that, while some may speak of a xenophobia desk within SAPS, there is no such thing: "No, we don't have a xenophobia desk. There was a time around 2008–9 when we thought of something with that name. But we realised that in 2008 even South Africans died."

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As elsewhere, the Government of South Africa is reluctant to acknowledge xenophobia. One UNHCR ROSA staff member surmised that this reluctance can be attributed to the lack of 'readiness' on the part of the government to engage in this discourse:

> " *[…] I am going to propose my view on that. I call it readiness. Every time I go to a country I see the readiness of the people to tackle, readiness to understand, technical readiness, ideological readiness, political. You can put it in various ways but that readiness is key for me because I am only going to engage the person before he is ready to process then I am going to go with him and lead him gradually to move to the next level of readiness which in our case would be about his readiness to consider attacks on refugees as xenophobic when there is evidence that they are."*

A lack of political will to acknowledge and fight xenophobia results in the treatment of all attacks on foreign nationals as simply 'criminal' attacks, even when there is evidence suggesting otherwise and limits the police ability to detect a prejudice motive behind them. The consequence is that when the police attempt to arrest and bring perpetrators to justice, they focus on those caught in the act rather than on the instigators behind the scenes who are likely to strike again as they act in total impunity. The paragraphs above also point to the difficulty UNHCR ROSA had in influencing a centralised organisation that depends little on UNHCR ROSA for technical or financial assistance. While able to build a good relationship with the central command, it has limited say over its approach or operations.

Collaboration with Western Cape Province Government

UNHCR's Cape Town Office reported having a good working partnership with the Western Cape Provincial Government. UNHCR and the Provincial Disaster Management Committee co-chair a task committee on xenophobia. The committee includes all stakeholders from civil society involved in the fight against xenophobia from SAPS to District Disaster Management Centres. This partnership, in addition to work done by other IPs, is making a significant contribution towards providing PoC and other foreign nationals with protection against xenophobia. A UNHCR ROSA staff member testified to the provincial authorities' interest and involvement particularly the Provincial Disaster Management Centre and the police:

> " *We have got the Provincial Disaster Management Centre which has decided to take on xenophobia as a disaster, it is classified as a disaster and it is an issue they have taken interest in. They have created a social conflict activity on xenophobia. […] They also made a xenophobic emergency plan which was shared here and even up to national but there is still debate about where should it go, who should own it?"*

Nevertheless, even if the situation in one province is relatively clearer in terms of whose responsibility it is to deal with xenophobia, a national platform is still very much needed. "But you have to have a national platform and I am saying for me it doesn't exist. Even just identifying one government ministry to tell me that xenophobia falls under the ministry of this," the staff member based in Cape Town continued. The absence of a national strategy from the Government of South Africa impedes similar experiences in other provinces, especially when the provinces are as heterogeneous as they are in South Africa.

Again, as with the police, the relationship with the Western Cape Provincial Government highlights the importance of developing relationships at multiple levels. Where UNHCR ROSA was only able to effectively partner with national SAPS, a relationship with a sub-national provincial body has opened new opportunities for extending protection operations. That being said, it also raises the challenges of engagement in a highly decentralised system where a single, ministerial connection may be inadequate for UNHCR to achieve its mandate.

4.1.3.2 Partnerships and collaborations with civil society

While UNHCR ROSA works closely with and supports a number of partners which are implementing xenophobia related programmes and activities across the country, the main platform for civil society engagement and collaboration with regard to addressing xenophobia in South Africa remains the Protection Working Group (PWG). In its regular meetings, the PWG brings together UN Agencies, international and local NGOs, faith based organizations (FBOs), trade unions, government and police representatives and donors. Led by UNHCR ROSA, the PWG deals with all relevant protection matters affecting PoC and foreign nationals in South Africa, including xenophobia.

In terms of addressing xenophobia, the PWG brings together organisations and institutions involved either directly or indirectly in anti-xenophobia programmes and activities at the national, provincial, and local or community levels. Along with and through information exchange, the PWG has resulted in concrete partnerships and collaborations between UNHCR and other organisations or amongst the other participating organisations. The collaboration between UNHCR and SAPS, COSATU, the US Embassy and others, for instance, was born of this platform.

The PWG has resulted in collaborations among civil society organisations that do not involve UNHCR or the Government of South Africa. IOM, for example, indicated that the PWG has resulted in a partnership with a faith-based organization FBO they would not have known otherwise. It should also be noted that IOM and UNHCR have a good working relationship and partner on many xenophobia activities in South Africa, as one IOM official states:

> " *As I mentioned we are partnering with them (UNHCR) on the prevention side starting from the 'One Campaign' to 'Ubuntu Has no Borders' and now with 'I Am a Migrant Too'. […] I mentioned we put articles together with them, presenting benefits migrants and refugees are bringing into the South African society, we do have joint events within communities, and when we talk to high level government officials, we do that jointly on issues related to xenophobia among others."*

Other stakeholders similarly indicated that the PWG is a useful platform for forging new and different partnerships. An official from the national faith-based community involved in the fight against xenophobia in the country indicated that: "I have appreciated going to the working group because it has helped me to connect with some interesting people."

However, while widely hailed valuable in terms of information sharing and collaborations among individual organizations, the platform does not seem to have resulted in the coordination of various anti-xenophobia programmes among group members or even among UNHCR implementing partners. The regional director of an international NGO observes:

> " *What we haven't had and what is really needed is a sense of 'roundtable' with all the implementing partners. We may have had it and I may not be aware of it but a round table where we can work as a cohesive group being all the implementing partners. I don't think we have come together to get a cohesive strategy across the whole implementing partner working group whose aims and work or at least part of it is to lessen xenophobia."*

The lack of coordination has been mentioned among the reasons the civil society response to xenophobia in South Africa has been largely ineffective as alluded to in the earlier discussion under the operational context.

Other group members noted the absence of the voice of xenophobia victims themselves. The same stakeholder from the national faith-based community noted, for instance, that to be more effective in addressing xenophobia, the group needs to include the most 'critical stakeholder': the victims of xenophobia themselves. In his words: "You understand, because you can have very lofty ideas but be completely irrelevant to the actual stuff that is happening on the ground and so you cannot do this work by excluding the central stakeholders in this matter." For him, finding durable solutions to xenophobia and other protection concerns requires UNHCR ROSA to work with critical stakeholders to work out a viable holistic strategic approach.

Other organizations also noted UNHCR ROSA could do more to tap into existing experience and expertise with regard to addressing protection facing its PoC in South Africa, as the above mentioned regional director of an international NGO notes: "They [UNHCR ROSA] do not respect our expertise or our experience. They think they have all the answers."

More than anything, the NGOs want to see the Government of South Africa more actively engaged in anti-xenophobia coordination and activities. For the Consortium for Refugees and Migrants in South Africa (CoRMSA), the PWG has made a significant contribution towards finding solutions to xenophobia in South Africa but its collective shortcoming has been the inability to obtain government buy-in. A CoRMSA official observes "[…] one of the things which continue to be missing I think the Protection Working Group tried to address is the issue of getting government buy-in and commitment. […] So for me I think one of the shortcomings would have been that relationship with government in terms of getting the buy-in on the programme."[44] The official believes that not having government on board is a major challenge to addressing xenophobia and that since the PWG has failed to bring higher level of government on board maybe UNHCR should try a bilateral engagement outside the broader group. In a similar vein, Amnesty International stated that they "remain concerned that in the six years since the large-scale violence and displacements of 2008, the South African authorities have not put in place any systematic measures of prevention and protection."[45]

To conclude the discussion of partnerships and collaborations, the discussion above shows that, in order to address xenophobia and protect its PoC from its different forms of manifestations, UNHCR ROSA has initiated a wide range of partnerships and collaborations with government institutions, civil society organisations and donors. The PWG has provided a valuable forum for the exchange of ideas and information, yet it has not resulted in wide-scale action that is supported by the national government. Consultations with the national government have yet to result in the ownership and leadership of an anti-xenophobia strategy that is cohesive and durable. Many observers indicated that the lack of government buy-in and commitment is one of the main challenges to addressing xenophobia in the country.

UNHCR ROSA enjoys a good working relationship with SAPS which has often resulted in rapid and decisive police response to prevent or stop the escalation of violent attacks on PoC and foreign nationals in many areas across the country. However, the authors of this evaluation feel that the relationship is undermined by the lack of a common understanding of the issues to be addressed: the now well known 'xenophobia' versus 'just crime' discourse which unfortunately has negative implications in terms finding a durable solution to the problem. The relatively successful partnership with the Western Cape provincial government suggests the need to engage more often and forge partnerships and collaborations with other spheres of government.

UNHCR ROSA also works in partnership with other civil society organisations. It supports IPs to implement xenophobia related programmes and activities in many areas across the country and the contribution of some of these IPs are discussed in the following section. The main platform for civil society engagement remains the PWG, which brings together, in regular meetings, UN agencies, international and local NGOs, FBOs, trade unions, government and police representatives and donors. In addition to, or through information sharing, the PWG has resulted in concrete partnerships and collaborations between UNHCR and other organisations or among organisations on their own without UNHCR involvement. Many organisations believe the PWG is a useful platform but note that its collective shortcoming has been the inability to get government buy-in despite its regular participation in the group meetings. The platform needs to improve in coordination of anti-xenophobia programmes among group members and UNHCR's IPs. Lack of coordination is seen as one of the reasons the civil society's response to xenophobia in South Africa has been largely ineffective. Other organisations feel that perhaps one of the reasons UNHCR ROSA does not have an effective strategic approach to addressing xenophobia and protection concerns in South Africa is the fact that, outside the PWG, UNHCR ROSA is not accessible and is not actively leveraging the experience and expertise of the working group's members or other organisations working in the sector.

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[44] Although representatives from DHA, DIRCO and DSD aready done earlier in the text attend PWG meetings, these individuals are not at the policy making level that can promote a national response within their Departments.

[45] Amnesty International: Urgent Action, 10 June 2014. UA: 148/14 Index: AFR 53/001/2014 South Africa. http://www.amnestyusa.org/sites/default/files/f1u14814.pdf

4.2 CASE STUDIES: FINDINGS FROM SELECTED PROGRAMMES

This section presents summaries of detailed case study reports submitted separately to UNHCR. The section focuses on main findings and their analysis. The respective detailed case study reports offer more details on UNHCR ROSA's IPs, operational contexts, programmes and their activities.

4.2.1 Peace education among refugee and local community youth through sport activities (by Xaveri Movement)

4.2.1.1 Introduction

The activities reviewed here are part of a broader initiative, the 'NineMillion.org Project,' executed with financial support from the athletic apparel company Nike. The overall project is a collaborative initiative amongst the Xaveri Movement – the focus of this analysis – and three other organisations or implementing partners (IPs): Daveyton Environmental Youth Counsel, Altus Sport and Lesedi La Batho. All work in different parts of Gauteng province. Founded in 2007, Xaveri Movement South Africa (hereinafter Xaveri) is a refugee run NGO that aims to promote youth advancement, good citizenry, social cohesion, nonviolence and peaceful resolution of conflicts.

Xaveri implemented activities as part of the 'NineMillion.org Project' in three areas: Mamelodi, Brits and Olivenhoudbosch. The total amount UNHCR spent on Xaveri projects in 2013 was 45,792USD. This evaluation concentrates on Mamelodi Township, north of Pretoria which has been a hotspot for xenophobic violence in the recent past. Tensions between local residents and foreign nationals in the township have escalated on numerous occasions, e.g. in April 2008, March 2010, April 2012, July 2012, March 2013, April 2013 and June 2014, into full blown xenophobic violence resulting in deaths, looting and destruction of business and residential property and the displacement of foreign nationals.

This evaluation finds that, although Xaveri reports some positive impact, the project did not achieve its overall objectives or expected outcomes. These shortcomings are due to two sets of factors. On the one hand, there were serious irregularities in implementation, most notably in the lack of monitoring. On the other, the project's internal logic was shaped by the empirically unsupported assumption that promoting tolerance and improving public attitudes towards PoC can effectively prevent xenophobic violence. Other findings point to project management shortcomings despite a guidance session given by a Project Control Officer in July 2012. These include a lack of monitoring, evaluation and feedback and a lack of technical assistance to the IP with regard to project design, implementation and reporting.

4.2.1.2 The project: objectives, planned activities and expected outcomes

Administered under the Jesuit Refugee Services (JRS), the project's objective was "to promote tolerance, peace, co-existence and life skills among refugee and South African youth through sport activities."[46] The ultimate goal was to promote co-existence, a holistic and healthy lifestyle through exercise, education and social interaction.[47] Its expected outcomes were: i) improved relations between local and foreign national children in dealing with conflict; ii) children to acquire pragmatic skills on anger management; iii) children's life and leadership skills to be enhanced; and iv) xenophobic violence to be prevented in targeted areas.[48]

The project's main planned activities included training workshops for youth leaders; information sessions to teach the youth peace-building skills prior to the sports activities including soccer, netball and athletics. As in other implementation areas, the Mamelodi project targeted local and foreign youth, community leaders, and communities at large. Families were also expected to benefit indirectly through messages on tolerance and co-existence transmitted from the children.

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[46]   Project work plan

[47]   Information on the Ninemillion.org project (UNHCR)

[48]   *Ibid*

4.2.1.3 Project implementation

A final project report that would have indicated the implementation status of all planned activities was not available to the evaluation team. However, a progress report for the period of November 2011-June 2012 indicated that three types of activities – sport, cultural and intellectual – were implemented in order to involve young people in discussions and action to reinforce the role of sport as a facilitator of peace and non-violence. Except for the soccer tournament that was reportedly organised in 2011, this evaluation found no evidence of implementation of the other activities in Mamelodi. Indeed, apart from a local soccer and netball coach, all other respondents including Mamelodi East local and foreign youth, in both individual and focus group interviews, representatives of local youth centres at the Ikamva Youth Centre and Stanza Bapope Development Centre, the Mamelodi High School which is listed as a target in the work plan, local churches and Mamelodi East Police never heard of Xaveri and its activities in Mamelodi East which was the specific implementation area. The soccer tournament itself did not provide the opportunity for local and foreign youth to interact as no foreign youth participated. The above mentioned local soccer and netball coach recalled that the only Xaveri activity in the area was the soccer tournament among local teams and that it did not include foreigners. In the coach's own words:

> "There is no team of foreigners in Mamelodi; there was no foreign team in the competition; foreigners were not involved in the tournament. We played against other teams from other sections. […] For Xaveri, it was one soccer tournament in 2011 and no other activities. The members of my teams were not involved in any other Xaveri activities."

Xaveri admitted that even the revised and curtailed activities were not implemented as planned due to funding and time constraints. Not all planned activities were implemented and even those that were implemented were not of the desired quality and quantity in terms of their frequency and reach. In Mamelodi specifically, activities such as cultural exchange, youth and community leader workshops, and others, did not take place or at least were not implemented as planned. In the inter-community peace cup tournaments, the communities were only represented by two players each instead of the planned four soccer teams, four netball teams and twenty-five athletes. Due to incomplete and 'improvised' implementation processes, evidence of project implementation on the ground was difficult to find and the effectiveness of the activities could not be proven.

Implementation challenges

Xaveri indicated that the main implementation challenges, including not being able to implement all activities and reach all their targets, were a result of the revisions to the funding arrangement and different expectations between Xaveri and UNHCR on the timeframe for the project. The Xaveri project team was frustrated by the rigidity of the programming and budget cycle that enforced spending funds and closing the project before they thought it was ready. A Xaveri team member explained:

> "[…] the issue was that when they gave us the one-year programme there was not that freedom of you running the programme how you are supposed to run it; there was a little bit of pressure to say that we need to finish, we need to close so we need to spend […] spend so that we finish but you don't evaluate the impact […] you don't assess it is making impact or I am just doing it for the sake of pleasing the funder to some extent […] They [UNHCR ROSA] were not able to compromise on the issue of time. […] but to them I see it was not the issue of the time, it was about spending the money […] the money was to be spent to meet their funder's needs."

UNHCR ROSA was also frustrated since they did not receive the funds for the programme until well into the first quarter of the implementation year.

The project proposal anticipated two potential challenges: i) that refugees and local communities could be reluctant to participate in project activities due to existing tensions between the two groups, and ii) that the project could prompt

opportunistic xenophobic violence if entry into communities was not properly managed[49]. Apart from one occasion when a local boy initially refused to participate in a workshop that talked about refugee issues[50], no significant incidents occurred in this regard. However, at no point did the IP or UNHCR anticipate the potential challenges and limitations associated with the IP itself: Xaveri, an organisation founded and run by refugees and foreigners. As a project whose aim was to address xenophobia and promote tolerance in local communities, it is *de facto* implemented by the very same people who some members of the host communities did not want in their midst. Xaveri staff are certainly aware of the dynamics and explain how they go about 'entering' potentially hostile communities. A project staff member indicated that they did not face any serious problems probably because they let local volunteers prepare the ground before they went in. In his own words: "when we do ground work, we are not on the front, local people, volunteers go first and prepare the ground and when we go everything is prepared." That said, he admitted that some parents expressed 'scam' and 'kidnapping' fears. He stated when asked specifically whether parents trust Xaveri with their children:

> " *[…] in one experience we were organizing a camp and we sent indemnity letters to parents. I was not at the workshop so they tried to contact me but they could not. So they got worried, they sent out an email saying 'is this guy scamming our children, isn't he going to kidnap our children,' things like that. The good thing was that in the process, I didn't even have to answer that email; some other parents answered the email that they [worried parents] had nothing to fear. […] Some had been exposed to our activities and had become loyal to us. New ones still have fears but with time those things change."*

In addition to relationships with community members, Xaveri also indicated that sometimes it is difficult to build trust and good relationships with community leaders particularly because of frequent shifts and changes in leadership structures.

There is no way of telling whether the parents' suspicion and the fluctuating relationships with the local leadership are because Xaveri is a refugee run organisation. However, it is important to give these issues and dynamics due consideration when designing and selecting IPs for projects like this one whose relevance or success is precisely dependent on the participation of – and good relationships with – communities and their leaders. IPs with credibility, moral authority and legitimacy in selected communities stand a better chance of success in this regard.

4.2.1.4 Achieving objectives, expected outcomes and impact

Xaveri indicated that, while it managed to give approximately 2,280 disadvantaged young people in the township of Brits, Olievenhoutbosh and Mamelodi opportunities to engage with each other in intercultural dialogue and reconciliation through sport,[51] the project could not achieve its overall objective and expected outcomes due to the above mentioned implementation challenges. A project staff member believes that changes in the original plan and funding arrangement contributed significantly to the failure. He states:

> " *I can say it affected in a bigger manner because the programme was planned for three years. Now for one year you can't say I am going to get the results the way I wanted because if you look at our outcomes actually the impact we were supposed to make the way we were planning it, I think it was in some way diverted, because with the limited resources we now have to adjust to whatever it was. I can't say we succeeded ten out of ten because I didn't achieve the overall objective. […] It was closer to December so we started to do everything fast, fast, fast but we didn't have enough time for us to sit down and assess what we were doing. You know this kind of programme is not like a food distribution where you distribute then go."*

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[49]   Project original proposal: 'Access to Education, Sport and Technology for Refugee Children and Youth: A Child's Right to Adequate Development', (page 4) by Private Sector Fundraising and the Education Unit UNHCR Geneva

[50]   According to the project coordinator, the boy eventually stayed and expressed a changed and more favorable opinion about refugees after the workshop.

[51]   See progress report: 'Xaveri Movement Implementing Partner Report, Part 2 – Narrative Reporting. November 2011 – June 2012'; page 3

When asked how they did in terms of achieving one of the expected outcomes ("xenophobic violence to be prevented in target areas"), the project coordinator indicated that it would be difficult to know because no assessment was done and thus he was not sure communities lived in peace as would have been hoped:

> *[…] to achieve it means the community is already peaceful and all of those things have been going well, but no guarantees. If I may repeat again from what I said in the beginning, the way we did we carried and there was no proper assessment and not enough time of empowering the people in the community so that they become fully skilled with those mechanisms of how to deal with issues in a community."*

Recent incidents of xenophobic violence in Mamelodi, even in Mamelodi East, the areas focused on by Xaveri activities, are evidence that xenophobic violence was indeed not prevented in project implementation areas. Xaveri, however, believes that the project, despite not achieving the overall objective and all expected outcomes, made an impact at least among the youth they managed to reach, particularly those who participated in the project activities. The project coordinator stated:

> *To me first seeing young people coming together, playing together, understanding one another sharing common values; when they have a problem they try and solve together, that is an impact for me. What I can say at least I can say there is that tolerance among my targeted group. That is one of the biggest things I can say on that."*

According to a Mamelodi based coach whose soccer team participated in a Xaveri-organized community tournament, Xaveri and its activities made a significant impact in the community.

> *It has made a difference because we have made 200 children and the youths participate in the programme. The youths enjoyed themselves and they enjoyed the food that was provided there. Xaveri gave them ball to play with and it was nice and they enjoyed. Xaveri helped us in taking those kids from the streets and taking them away from the drugs. The project helped in our community. They have made us love one another in the teams that we were in. There were teams that we were not getting along but since Xaveri combined us there has been unity and peace in the community."*
>
> Mamelodi-based Coach

4.2.1.5 Understanding the difference and the relationship between objectives, activities and impact

This evaluation cannot confirm the impact claimed by the organisers due to the little evidence of project implementation on the ground. The paucity of evidence became clear during evaluation interviews with Xaveri staff. The evaluation team was not able to triangulate the Xaveri account against the evidence on site or in the project documentation. Moreover, the stated impacts were not included in the project progress report. This suggests confusion and lack of understanding of the difference and relationship between objectives, activities and impact. Indeed, under the heading: 'Actual Progress Achieved towards Planned Results', the progress report submitted in July 2012 (page 5) presents a slightly different objective, namely that 'public attitudes toward people of concern improved'. This makes the original objective the intended impact. Then, the following are listed as actual impact and performance indicators:

Actual impact: nine months series of sports events, skills and peace building topic was organized at the venue of each hosting community with aims of empower youths with the capacity to embrace peace through sports and to equip them with skills in using popular sports and Educational Development Theatre as animation tools for peacebuilding, participation and cross-cultural understanding.

Actual impact indicator: 300 t-shirt, 50 soccer balls, 25 netballs, 45 soccer bibs blue and orange), 20 whistles, 1 bag of first aid kits, 100 Medals, 10 stop watches and 3 banners, mini soccer goal posts Sum of R 365200.

Given the circumstances and objectives of the project, listing implemented activities and distributed equipment as project's 'actual impact' and 'impact indicators' makes little sense. This reveals the implicit, if unfounded, assumption that the mere fact of implementing project activities means that project objectives and expected outcomes and impact have been achieved. Asked why the progress report shows a different objective and how they understood impact indicators, the project coordinator indicated that "UNHCR gave us this form; it came with this objective, although it is related to what we were doing. I can say it can be our second objective. We were never briefed on how to fill the form. Now it looks stupid now looking at what we put there." Such feedback illustrates the following challenges in achieving meaningful impacts for protection work on xenophobia: UNHCR's one-year programming cycle is not well suited to addressing complex socio-cultural challenges, and setting appropriate indicators for such an intervention is difficult.

4.2.1.6 Realistic expectations and project's theory of change

Xaveri admits that it is unrealistic to expect that a project with such a short timeframe would achieve the above-mentioned objectives and expected outcomes. This is a concern shared by this evaluation since one-off, short term, 'event' based activities like the ones eventually implemented by Xaveri have little chance of achieving sustainable change, especially where an organisation remains effectively 'external' and unfamiliar to local residents. Futhermore, it is not good practice to keep the project's original objectives and expected outcomes even when the project's timeframe and funding have been significantly reduced. That seems to be setting the organisation up for failure.

In addition to the reality basis of expectations, this evaluation also looks at the project's internal logic. The question here is whether the project, even if its activities had been implemented according to plan, would have led to the achievement of all expected outcomes. Even if the programme had been fully implemented, could promoting tolerance and improving public attitudes towards PoC have led to the prevention of xenophobic violence in project implementation areas? As discussed extensively in earlier sections, given that the roots of xenophobic violence rest in the socio-political configurations of informal settlements, it is unlikely that the types of interventions run by Xaveri would have made a significant impact in preventing attacks on foreigners.

4.2.1.7 Monitoring, evaluation and feedback

While the project's original proposal indicates that "regular joint monitoring by UNHCR Community Services and Programme Unit will be undertaken throughout project implementation,"[52] Xaveri reported that no such monitoring took place. The office says that despite their limited staff, brief monitoring did take place and often notes were created from these visits. Yet, the notes were not shared beyond the UNHCR Programme team.

> " *Monitoring and evaluation was planned from the original programme. When all the changes happened, monitoring was not there. So whatever we did, we did our own assessments on a weekly basis when we were on the ground to meet young people to talk to them. Like Saturdays when they play a game sometimes we are there to watch to see for ourselves, to assess what is going on. There was no monitoring from UNHCR or JRS. There was no monitoring and evaluation from outside. According to the project, UNHCR was supposed to do the monitoring. They did not do it. They just came like two days, like an observation of what was going at the place, that was all. It was like a quick passing visit. They just came to say 'ah ok, are you playing?' that's all."*

In addition to inconsistent monitoring, UNHCR ROSA did not provide any substantive feedback either on activities or the written progress report that Xaveri submitted to UNHCR in July 2013. The project coordinator felt that substantive feedback on activities and the submitted report would have been helpful as it could have helped them know whether Xaveri was on the right track and were meeting UNHCR ROSA's expectations. When asked whether Xaveri received feedback on reports submitted to UNHCR, he responded:

> " *They didn't give us feedback. That was surprising that we didn't get feedback from them. It is something we never focus on to get feedback. It is something we never thought about. Actually I could appreciate it if UNHCR could give us feedback then we could know. We didn't get feedback from them. That was a challenge. Even ourselves, did we make impact or we didn't make impact? Did we meet their expectations or not?"*

Although UNHCR ROSA states they provided verbal feedback to Xaveri and the other NGOs in a combined meeting, a follow-up document such as meeting minutes or even correspondence would have helped the implementing partner understand where they stood and serve as a record if there was a change in leadership.

4.2.1.8 Conclusions: Key findings

1. *Project Implementation:* There were implementation irregularities. Activities were not implemented according to plan due to, according to the IP, funding and time constraints resulting from the revisions to the original project plan;

2. *Results Based Mangement and Impact Analysis:* IP's lack of understanding of the difference and relationship between objectives, activities and impact and no significant evidence of project implementation on the ground. IP reported some impact among the reached target groups in terms of tolerance and attitude but overall objective and expected outcomes were not achieved. The reported impact could not be independently verified;

3. *Unrealistic Expectations:* Nine month programme in three communities to change public attitudes and prevent xenophobic violence. Objectives and expected outcomes from the original plan were maintained even when timeframe and budget were significantly reduced;

4. *Questionable Theory of Change and Attribution Logic:* The assumption that promoting tolerance and improving public attitudes will automatically prevent xenophobic violence ignores the key aspects of violence dynamics including root causes, motives and triggers;

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[52] Project original proposal: 'Access to Education, Sport and Technology for Refugee Children and Youth: A Child's Right to Adequate Development', (page 7) by Private Sector Fundraising and the Education Unit UNHCR Geneva

5. *Management Concerns in Relation to UNHCR ROSA's Oversight:* Lack of monitoring to ensure activity implementation; lack of feedback on activities and written progress report; imposed reporting form, which IP was not briefed on; concerns over third party (JRS) involvement in the administration of the project; and

6. *Partner Selection:* The implications of using a refugee-owned organisation without a local organization to bridge it to the community needs to be carefully considered. Since a refugee organization by itself may not have the legitimacy required to affect social change in a community that has entrenched anti-foreigner attitudes and practices.

4.2.1.9 Project specific recommendations

1. UNHCR ROSA could help IPs design projects with realistic objectives and achievable and measurable outcomes taking into consideration the issue to be addressed but also funding and time resources available, and a coherent theory of change and results based programming;

2. IPs need to understand the relationship and difference between activities, objectives and impact. Implementing activities does not necessarily mean achieving objectives or making an impact. Objective measures of the impact must be embedded in project conceptualisation in the planning phase of an intervention;

3. UNHCR to ensure that programme management duties are performed, including monitoring implementation, evaluation to ascertain the achievement of objectives and outcomes, providing IPs with typically much needed technical and substantive feedback, and acknowledging and resolving challenges that may arise due to the involvement of a third party in the administration of the project; and

4. UNHCR ROSA to always carefully assess the respective strengths and weaknesses of different types of organisations, i.e. external or internal to communities, refugee run or run by South Africans, with long history or not in an area etc., when selecting IPs for specific projects. Although no specific evidence in the evaluation of Xaveri points to the lack of the initiative's success as related directly to the refugee run nature of the organisation itself, challenges that can potentially be posed by such dynamics should not be ignored. A more general recommendation here would thus be to assess specifically whether or not any implementing partner organisations – regardless of the national or ethnic makeup of its staff and membership base – can demonstrate sufficient popular legitimacy and authority in a selected community. Refugee run organizations have an important role to play, but should prove in the planning and proposal stages of projects that they are able to deal with or address potential community trust issues, for example twinning collaborations with other organisations should be considered as well as the use of local volunteers as Xaveri has done.

4.2.2 'Ubuntu has no borders' community radio programme (by Thetha FM radio)

4.2.2.1 Introduction

Under the theme 'Ubuntu Has No Borders,' this initiative was a partnership between UNHCR ROSA and fourteen community radio stations in Gauteng, Free State, KwaZulu Natal, Limpopo, Mpumalanga and North West provinces.[53] It consisted of an eight part series of radio discussion programmes aimed at preventing xenophobia from further occurring and promoting social cohesion. In 2013, 12,400USD was spent on the entire 'Ubuntu Has No Borders' programme; 954USD went to Thetha FM. In a context of increasing xenophobic violence against foreign minorities in South Africa, UNHCR ROSA "used community radios to reach out to the people in the townships where most of the incidents of violence occur. Community radios were noted to be the most effective tool of communicating the message in trying to curb violence."[54] Although the series was aired across multiple locations, this evaluation focuses on the Orange Farm area of Gauteng, a site serviced by Thetha FM Radio, a community radio station whose main mission is to provide informative and empowering programming that can be used by the community to solve local problems. This approach is consistent with UNHCR's 2009 policy, *Combatting racism, racial discrimination,*

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53   See List of radios and their respective areas in UNHCR ROSA (2013). *Community Radio Programs Report. 2013 Project: 'Ubuntu Has No Border'.* 28 November 2013

54   UNHCR ROSA (2013: 2). Community Radio Programs Report. 2013 Project: 'Ubuntu Has No Border'. 28 November 2013

xenophobia and related intolerance through a strategic approach. The policy encourages staff to engage "a network of diverse organisations and actors that implement complementary activities targeting different groups in society."

Orange Farm is one of the most populous townships within the City of Johannesburg Metropolitan Municipality (CoJ) in the Gauteng Province. Along with a number of other chronic problems such as poverty and high unemployment rates, high levels of violent crime, violent service delivery protests, tensions between foreign nationals and locals are among the main socio-economic problems affecting residents of the township. Xenophobic attitudes have become so entrenched and banal that community residents and public officials refer to foreign nationals living in the area as 'xenophobias.' Whatever their origins, tensions have resulted in violent attacks against foreign nationals in the township on many occasions. At least four major incidents took place between 2010 and 2013 (in February 2010; March 2012 and May 2012; and May 2013).[55] During these incidents foreign nationals, particularly foreign business owners, were attacked, displaced, and had their businesses looted and property destroyed.

The evaluation finds that the project did not achieve its objectives and expected impact for multiple reasons including irregular implementation and breach of service agreements and diffuse impact expectations. The fundamental impact issue in the project's inherent logic is its expectation that an eight part series of radio programmes could have a significant and measurable impact in countering xenophobia, changing attitudes and curbing violence, or in promoting social cohesion on its own. Even the best run project has little chance of achieving its objectives when based on problematic presumptions about the causes of conflict, a belief that attitudes can be changed in compressed periods of time, and a presumption that attitude change, even if it were to be achieved, could in itself lead to the prevention of violence. Human behaviour is complex and is driven by the interplay of personal and group attitudes as well as environmental factors and other behavioural drivers. The evaluation also revealed a number of programme management shortcomings including lack of monitoring to ensure project implementation and lack of verification to ensure adherence to the terms of services agreement.

4.2.2.2 The project: objectives, planned activities and expected outcomes

As mentioned above, the project aimed at using community radio programmes to prevent xenophobia from further occuring and promote social cohesion in South Africa. According to the service agreement between Thetha FM Radio and UNHCR ROSA,[56] Theta FM Radio was required to air an eight part, 30 minute radio discussion programme under the theme 'Ubuntu has no Borders.' Each part or episode would cover a specific topic. The eight topics covered included: jobs, housing, crime, law enforcement, documentation, small businesses, relationships and positive messages. Following a pre-recorded programme, the presenter would engage with the listeners through prize winning questions and answers based on the topic presented. Thetha FM Radio would award R200 to the winner of the competition at the end of each episode, except episode eight after which the winner would be awarded R500.

While intending to reach its wider audience with these programmes, Thetha FM Radio particularly targeted youth on the presumption that they were the ones involved in violent attacks against foreign nationals. There is certainly value in targeting youth or those carrying out the attacks, but targeting this group alone is problematic because research suggests that these may be the street fighters but not necessarily the organisers of the violence.

4.2.2.3 Project implementation

Although building listenership relied on a cash-based competition, it appears that there was not a competition at the end of programmes and no prizes were awarded to winning listeners. Despite the Thetha FM report indicating that the "competition created more hype for the listeners as they participated more on the programme's competition"[57] and listed the names of the competition winners, this evaluation reveals that no competition took place and no prizes were awarded at the radio station evaluated. The programme producer confirmed that there was no competition at the end of the episodes; and in fact, some of the listed prize winners were Thetha FM employees. Thetha FM's seemingly deliberately inaccurate reporting puts in doubt the entire implementation of the project. In short, there was no evidence that this programme was effective since there was no data available beyond the anecdotal accounts of the station staff.

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[55]   ACMS/OCHA Xenophobic violent incidents database 1994_Aug2012 (Unpublished).

[56]   Service agreement, not dated, not signed

[57]   Thetha FM report, page 1.

4.2.2.4 Achieving objectives and impact

Based on feedback received from listeners and his own personal observations on the ground, the radio station staff member believed that the radio programmes achieved their objectives and had an impact in addressing xenophobia, in terms of changing negative attitudes toward foreign nationals and promoting social cohesion in the area.

> " *[…] we have a very participating listenership. […] We received a lot of calls after the shows. We got a lot of interaction. We got… you get people with a lot of different views. There were people feeling like we are harbouring foreign nationals in our area, we don't want them to leave. And as a station we should be saying to people, 'hit them hard, let them go'. But we were singing a different tune. Our response was that, 'you know what my brother these people are our very own people. They're Africans just like us. We need to give them space to breathe. They are here legally. They did not infringe any legal laws and stuff. They need to be here and treated the same as you are.' Others would however call in and say 'no, now that I hear this thing I'm beginning to understand that we need to treat these people like our very own people'. So that would tell you that we've managed to reach out to the people."*

He further added that his personal observations on the ground also suggest that young people's attitudes towards foreign nationals have changed due to the radio programmes. Asked why the observed 'positive changes' should be attributed directly to the radio programmes, he responded:

> " *Well, radio wise, I would say that I'm 100% sure that the show was contributing towards this thing in a very big way. Number one, we are the only radio station around here. We don't have any other radio station. Number two, we've called public meetings. It was not only an issue that this happened only on radio. […] Like, we had an area in District 1, whereby people were up in arms trying to burn a shop and stuff, and then we managed to go there to calm everything down with the police and some journalists, to bring the two groups together. Because now, we were now faced with a situation whereby foreign nationals were now beginning to retaliate, to fight back and it was now becoming too violent. So then we went and intervened and from there, we took whoever who was there, the leadership who were there, on radio and said 'guys please come and talk to your people now'."*

The above discussion indicates clearly that no systematic assessment was done to ascertain that the radio programmes achieved their objective and had the impact the programme manager described. It appears that his conviction is based on hope and assumptions rather than solid evidence. In the end of project report, the station indicated that "an estimated number of 100,000 people listened to the radio programmes, and we hope that the way of thinking of people towards refugees will change from now on."[58]

Research for this evaluation finds no evidence of either positive change or the radio programmes' impact, as the following illustrates:

1. Contrary to claims of 'positive change', negative attitudes towards foreign nationals are still pervasive among the public and community leaders and tensions are still high between local residents and foreign nationals as evidenced by ongoing violence toward foreigners in those locations;

2. The impact of the radio programmes cannot be verified because residents of the area do not even seem to remember listening to those programmes on Thetha FM Radio and therefore cannot attribute changes in attitude or behaviour to the 'Ubuntu Has No Borders' programme. The members of the local youth focus group – the intended audience for the programmes – had never heard of the programme. (Group Member 1) GM1:[59] "No, when, what time was the programme?" GM2: "No I have never heard of it,'" GM3: "No we did not listen to it." It appears the radio programmes did not reach the target audience as much as reported and therefore had no significant impact, at least on this particular target group, as was expected; and

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[58]   Thetha FM report, p2

[59]   GM: Group member

3. Foreign respondents in the evaluation's focus groups indicated that foreign nationals in the area live in great fear that they could be attacked any time. According to a Somali national, a victim of past violence whose shop is still closed, foreign nationals living in Orange Farm are always afraid and are not sure whether they will still be alive tomorrow. A local police captain shares this view. He says: "They [foreign nationals] are accepted as part of the community depending on the mood of the people. If somebody wakes up someday and says 'listen, today's the day that you must get rid of the foreigners' then all of a sudden they are no longer part of the community." This clearly testifies to the precarity of the situation foreign nationals find themselves in in Orange Farm.

Thus, it is difficult to attribute any positive impacts to the radio programmes in this particular location. However, a further evaluation of other locations could yield evidence that would tie the radio programmes to the prevention of recurrent xenophobic acts and social cohesion.

4.2.2.5 Unrealistic expectations and project's theory of change

Although mass media has the potential to inform and raise awareness through its pervasiveness and accessibility, a radio show would ideally be accompanied by other related interventions in order to affect change. Since causal pathways for behavioural change necessarily include multiple interventions over time that include many levels of society, i.e. civil society, government, private sector, NGOs, UN agencies, etc., the points above highlight the limitations of logic and presumptions that informed the intervention in the first place. In other words, it is unrealistic to expect an eight part series of radio programmes to have a significant impact in countering xenophobia (changing attitudes and curbing the recurrence of violence) and promoting social cohesion. Even a well-run project is unlikely to accomplish its goals if it is premised on inappropriate presumptions about the range of actors involved in the conflict, and that beliefs that attitudes can be changed in a relatively short period, and the presumption that attitudinal change, even if it were to be achieved, could in itself lead to the prevention of violence. Indeed, the station's programme manager admits that some expectations may have been unrealistic. He responded the following when asked what should be the realistic expectations of the shows: "[…] It's to make sure that people are educated. Well, we can't stop violence and stuff but, the more we give education to our people, the better it will become. So, what is expected of me, is to make sure that the programme is posted at the right time slot for the right target audience."

4.2.2.6 Monitoring and evaluation

The fact that the aforementioned implementation irregularities (Section 4.2.2.3) and breach of service agreement were not noticed by UNHCR ROSA indicates a lack of monitoring, oversight and verification. UNHCR ROSA does not seem to have made any effort to check whether the project was implemented as planned, objectives achieved and terms of services agreement respected. Subsequent conversations with UNHCR ROSA staff involved in the project revealed that Thetha FM Radio has submitted a CD reportedly containing programme recordings but UNHCR ROSA admitted that they had not verified its content. Additional email correspondence with relevant UNHCR ROSA staff informed the evaluation team that the CD provided "had one of the episodes which had been aired" and that they "don't have the capacity to listen to all the episodes from all the stations when they are aired, but randomly sample them." Understandably, UNHCR ROSA cannot be expected to listen to each and every show but there should be mechanisms for ensuring that the shows have been aired. The same UNHCR ROSA staff indicated that they "are now working with Thetha FM to re-air all the programmes as was originally intended."

4.2.2.7 Thetha FM radio suggestions for way forward

Although UNHCR stated that the radio station presenters were briefed at length about the programme's requirements and expectations, and were provided with a Q&A Guide, a Thetha FM employee stated that the shows could have been greatly improved by a formal pre-training of presenters. An interactive training would have provided presenters with the necessary knowledge on the topics and would have given them a greater sense of ownership over the shows, rather than just playing pre-recorded materials. A Theta FM employee said:

> " *Yes, they [UNHCR ROSA] can do better. The first thing that I noticed was that as a community broadcaster, we normally get presenters, our presenters who are not clued up with these things; these foreign things and what not. It would be much better before we are going to be running the programme maybe this year, they take one of our people for workshop. So that when they come on air, they come to talk about something they know, you see? Because remember when you get to a studio, you get a script, you get a recording. You stick to that script, it's not you. But it would be much better if we take ownership of it by [...] by form of giving them training. When they train, they will come back knowing what they're talking about on air."*

This is a valuable observation since, after pre-recorded materials have been played, presenters are expected to engage with listeners, addressing their comments and answering their questions.

4.2.2.8 Conclusion: Key findings

1. *Project Implementation:* Implementations irregularities and breach of the service agreement went unnoticed by UNHCR ROSA. The IP misstated activities in their end of project report. All of this occurred in an oversight vacuum. Monitoring, oversight, and verification mechanisms were not in place to ensure implementation of all planned activities and achievement of objectives set;

2. *Results Based Management and Impact Analysis:* There is no evidence of the project's claimed impact on attitudinal change since no objective measures were provided. Instead negative attitudes are still pervasive among local residents and their leaders, tensions between locals and foreigners are still high and foreign nationals continue to live in fear; and

3. *Theory of Change and Attribution Logic:* The presumptions that informed the intervention in the first place were untested and could have been more carefully examined before implementation. An eight part series of radio programmes, even if implemented according to plan, cannot in and of itself have a significant impact in countering xenophobia through changing attitudes, curbing violence and promoting social cohesion. The radio programmes should have been part of an integrated approach or they could have stated other more modest goals such as creating awareness.

4.2.2.9 Project specific recommendations

1. UNHCR ROSA and IPs to set realistic and achievable objectives, indicators and outputs that can be measured and monitored within UNHCR's Results Based Management System;

2. UNHCR ROSA and IPs to work together to ensure that projects clearly indicate how they will achieve their intended objectives;

3. UNHCR ROSA and IPs to ensure proper messages are given to programme listeners, e.g. it is not only 'Africans' who need to be treated fairly. UNHCR to ensure that IPs' interpretations of the issues to be addressed are in line with the correct messages provided;

4. UNHCR ROSA to ensure radio programme presenters are trained on relevant topics: giving them pre-recorded materials is not enough because they have to engage with the listeners; and

5. UNHCR ROSA to ensure monitoring to avoid implementation irregularities and fraudulent reporting.

4.2.3 Self-reliance activities for urban refugees and asylums seekers in western cape (by the agency for refugee education, skills training & advocacy: aresta)

4.2.3.1 Introduction

ARESTA is a Cape Town-based NGO whose mission is to contribute to the successful integration of asylum seekers and refugees through advocacy, training, skills development, education and research. ARESTA is financially supported by UNHCR and other local and international institutions. In 2013, UNHCR ROSA spent 135,748USD on ARESTA's self-reliance programme which seeks to address protection and socio-economic imperatives, such as local integration of refugees and asylum seekers living in South Africa's Western Cape Province. Noting that xenophobic attitudes and behaviour are a major obstacle to refugees and asylum seekers' self-reliance and integration, the programme includes peacebuilding and social cohesion initiatives in communities hosting refugees and asylum seekers. ARESTA involves a wide variety of people in the community including potential perpetrators, youths, "learners after school," counsellors and leaders. One such initiative is the Community Education Campaign currently implemented in Khayelitsha, Philippi, Nyanga, Langa, and Gugulethu. The latter serves as the research site for this evaluation.

The evaluation points to a long history of tensions between locals and foreign nationals living in Gugulethu, one of the oldest townships in the City of Cape Town's Metropolitan Municipality, in the Western Cape province. While there is currently a relative calm, these tensions have on many occasions translated into violent attacks on foreign nationals resulting in the loss of lives, livelihoods and displacement. The evaluation also reveals that, while tensions may have multiple causes including negative attitudes and perceptions, violent attacks are often motivated by business and political rivalries. Respondents also cited the lack of adequate protection as another reason why foreign nationals have become soft targets for violent attacks and robberies. While more dedicated research or investigation is required to ascertain the specific causes of the tensions and triggers of violent attacks, respondents' accounts point to the need for interventions that address xenophobia and its different manifestations. This means going beyond attitudes or even root causes to include an approach addressed at the triggers and immediate motives for violent attacks such as business and political rivalries.

This evaluation finds evidence that the project was implemented and partially achieved its intended primary impact of attitudinal change among respondents and organisations with members who attended ARESTA's activities. While it raises concerns over the presumed causal connection between attitudinal and behavioural change, it notes that the programme also included activities with a more immediate impact on reducing violence including: i) training in conflict resolution; ii) forming of community-based conflict resolution structures and processes; and iii) establishing early warning and response systems. The evaluation further finds that the partner's approach to implementation is commendable even if not always applied. Among its strengths are partnerships with relevant stakeholders, which have earned it legitimacy and acceptance in implementation areas. Shortcomings include a generalised approach that does not target groups directly involved in xenophobic violence and behaviour, an inability to elicit involvement from the PoC despite the programme's main aim being their own safety and well-being, and until their pre- and post-activity questionnaires are fully incorporated, ARESTA has limited monitoring and evaluation processes that rely on the perceptions of project implementers without any direct inputs from targeted populations in the implementation areas.

4.2.3.2 The project: objectives, planned activities and expected outcomes

Working from the position that successfully achieving local integration and self-reliance for refugees and asylum seekers in South Africa means promoting peacebuilding and social cohesion in host communities[60], the project has three specific but inter-related objectives: i) promoting refugee rights awareness and advocacy to improve and facilitate access to basic services; ii) facilitating asylum seekers and refugees' access to educational, vocational and livelihood opportunities to increase their self-reliance; and iii) building social cohesion through the implementation of a community education campaign to increase tolerance for diversity and to promote peaceful coexistence between refugees and asylum seekers and their South African host community.[61]

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[60]   *Ibid*

[61]   *Ibid*

The project's intended impacts are understandably in line with the above-stated objectives. They include:

- Improving refugees and asylum seekers' access to basic needs and essential services, particularly education. More specifically, to help refugees and asylum seekers from non-English speaking countries to acquire and improve their English language skills and increase capacity of refugees and asylum-seeker children to catch up with the South African school curriculum;

- Assisting refugees and asylum seekers to have viable and sustainable livelihoods. This is to be done by providing PoC with vocational skills training or effective local integration and self-reliance;

- Reducing discriminatory practices by publicly promoting positive and attitudes and a greater understanding. This is to be achieved particularly through the Community Education Campaign. "The overall goal of the campaign will retain its important preventitive function: to raise awareness about the plights of refugees, tackle misconceptions and stereotyping of foreign nationals, contributing to the prevention of social conflict and decreasing the incidence of xenophobic attacks and related discriminatory practices."[62]

The project's target population consists of refugees, asylum seekers and South African citizens living in urban and surrounding areas of the Cape peninsula region. Refugees and asylum seekers are mainly beneficiaries of self-reliance programmes. South Africans are also included but in smaller numbers. School-going youth and local community structures and leaders are specifically targeted for the community education campaign and social cohesion activities.[63] Activities aimed at addressing xenophobia in selected project implementation areas were coordinated through the community education campaign whose main aim is "increasing the ability of communities to grow into peaceful and cohesive communities, able to deal with tensions and conflicts in ways that do not result in violence, paralysing chronic tensions, or the marginalisation of refugee community."[64]

4.2.3.3 Planned implementation approach and process

Using community needs assessments to develop a good understanding of the context and issues is listed as one of the key elements of ARESTA's implementation approach and is one of the most commendable aspects of their approach. As indicated in the project description document,"Implementation approach and process are in line with ARESTA project implementation policy: (1) identify the most important areas of intervention through community needs assessment; (2) mobilise resources for interventions; (3) establish a clear vision, setting reasonable timeline expectations; (4) develop realistic objectives, outputs and indicators; (5) assemble and building the proper project team; (6) develop a comprehensive project plan; (7) implement the programme, reducing risks and addressing challenges during the implementation phase; (8) monitor the implementation progress; (9) conduct the impact assessment for narrative and financial reporting."[65]

ARESTA states that this approach helps them not only keep abreast of the community's needs and concerns but also to adapt interventions when needed.[66] As evidence of approach application in Gugulethu, for example, ARESTA shared with us a report on 'Community Profiling and Mapping of the Community of Gugulethu.' ARESTA was however not able to share any evidence of formal impact assessment and indeed impact assessment does not appear on the list activities implemented in 2013. In all fairness, UNHCR would need to invest more in partners like ARESTA to be able to measure the impact of socio-economic programmes. For example, ARESTA would need to know the baseline situation both in areas where the project was implemented and where it was not. This would then allow some before and after comparisons. But this is not really feasible in the one year project time frame with such a limited budget. UNHCR and its partners such as ARESTA could develop better assessment processes so as to either (a) identify what can realistically be achieved in a one year time frame and (b) ensure that the project desing reflects capacities and resources available, or (c) identify how a three year project could be developed in three separate annual interventions (with the usual disiciplines of assessing capacities, resource levels, etc.).

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62   ARESTA Project description 2013. P3

63   *Ibid*

64   PD p5

65   See ARESTA Project description 2013.

66   ARESTA IP report, Part 2-Narrative Reporting (14 February 2014); p9

4.2.3.4 Implementation in Gugulethu

ARESTA's director indicated that due to limited time and funding only core activities were implemented in Gugulethu in 2013. These included workshops on tolerance in schools and communities, sport events, a peace march, training of peace monitors and peace ambassadors, and lobbying and networking with local leadership structures and organisations. The evaluation found evidence of implementation of some of the activities the director mentioned, particularly in schools, local organisations, with traditional leaders and SAPS. Students and teachers at local high schools such as Fezeka and ID Mkize High Schools, for example, confirmed knowledge of and attendance at ARESTA organized activities during which some were trained as peace ambassadors. Similarly, local traditional leaders also participated in ARESTA activities and some of their members are now peace monitors.

> " *ARESTA then introduced the programme of peace monitors, when we looked at the way they worked with peace monitors we saw an opportunity as a chieftaincy to fight against violence and be people who monitor that. So we work with ARESTA; when they give certificates they call us for training even our members are peace monitors trained by ARESTA."*

ARESTA activities were further acknowledged by the local branch of SAPS. When asked whether he knew what ARESTA was doing in Gugulethu, a local station commander responded:

> " *Well, I have spoken about the social cohesion programmes that they are doing in the community. They are also training leaders in conflict management which is very important in the community. They are not training only community leaders but also the police personnel. […] They are doing quite a lot in the communities. They have established peace ambassadors in some schools here in Gugulethu. […] I have seen ARESTA organising peaceful demonstrations against xenophobia."*

In contrast to local institutions and leadership structures, ordinary community members, particularly out-of-school youth, have little knowledge of ARESTA and its activities. For instance, members of a youth focus group had not heard about ARESTA and its programmes and they were unpleasantly surprised when informed that ARESTA was offering training to refugees and South Africans on self-reliance and local integration. They didn't find it appropriate that refugees whom they want out of their community were receiving training to help them stay and integrate. In their words:

GM1:[67] "Training refugees? The same people we want out? They are being trained? To stay here? We want these people out!"

GM2: "They will never leave; trust me, because you are educating them they will never leave."

GM1: "Does it make sense that the violence was a sign that we want these people out; you wanna train them for what? Why do you want to train them? Deport them. […] It doesn't make sense, people are saying we don't want them but you want to train them. We don't want them to be integrated."

This perhaps explains the need expressed and decision taken by ARESTA to expand their target group by including the non-school going youth and asking UNHCR for additional funds to accomplish this. Indeed, respondents believe that ARESTA could have a greater impact if they worked with the community at large and not just in schools. A high school teacher states: "ARESTA is helping in a smaller way because still there are some people who do not like foreign nationals. ARESTA have not worked with the community, they are still working in the schools but the community also needs that education." ARESTA secured additional funds to work with youth not enrolled in school in 2014.

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[67]   M=focus group member

4.2.3.5 Achieving objectives and making the expected impact

According to ARESTA, the project's community education campaign component is achieving its objectives and having the desired impact. "We are really confident that our operation is making a difference in the communities," says the director. The 2013 year-end progress report indicates that there has been a change of attitudes among local communities towards foreign nationals; a reduction of attacks on asylum seekers and refugees, and a growing acceptance of PoCs in host communities; minimised prejudice and discrimination foreign nationals in schools; integration of refugees and other foreign nationals into local conflict solving bodies; tolerance workshops by the Department of Education as part of life orientation curriculum; and new and strengthened dynamic operational partnerships with local community structures, municipal ward councillors, government authorities, businessmen, foreign communities, civil society and the media.[68]

Despite its claims that the, "extent impact of xenophobia, racism and intolerance on PoC is minimized,"[69] the report provides no concrete impact indicators or evidence. This is likely because no systematic impact assessment or evaluation was done or due to the lack of baseline data. Whether the impacts are as notable as claimed or not, ARESTA attributes its success not only to activities aimed at attitude change but also to the training of peace monitors and ambassadors who include school going youths, local leadership structures, law enforcement agencies, civic organisations, and refugee communities. ARESTA encourages the trainees to form and be actively involved in peaceful community-based conflict resolution bodies and processes, namely peace hubs and peace clubs. Peace hubs and peace clubs have become conflict resolution spaces where conflicts, including conflicts between locals and foreign nationals, are peacefully resolved.

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[68]   2013 Year-end progress report p9–10

[69]   *Ibid*, p10

> *From our perspective and from what we see in the areas where we operate, there is behaviour change. We cannot really claim that behaviour change is due only to what we have done but we are really proud that we have made a contribution to that behaviour change through the formation of peace clubs and the peace hubs. The peace hubs are the places where the foreign nationals can go when they have conflicts with the locals. At these peace hubs, the foreign nationals know who to contact and they also know that there are community leaders who can help them. At the peace hubs the foreign nationals can go to raise their issues and concern and have their issues solved in a peaceful manner."*

ARESTA indicates that peace monitors and ambassadors have been particularly helpful in preventing attacks on foreign nationals either by diffusing tensions themselves or by sending out early warning messages alerting and requesting intervention of relevant institutions, such as SAPS. ARESTA staff indicated that when peace monitors, some of whom are part of the local leadership structures and Community Policing Forum (CPF), are not able to handle the situation they alert ARESTA and the police for assistance. The police response has been effective thus far. The Police Cluster Commander is also a peace monitor and he has enrolled six of his station commanders in a three day long ARESTA workshop.

According to a community education campaign manager, ARESTA works through the involvement of peace monitors and ambassadors in collaboration with community leadership structures and the police. This has reduced the number of violent attacks on and killings of foreign nationals in project implementation areas. By the community education campaign manager's assessment, "The killings are not as much as they were two or three years back. There has been reduction compared to the previous years. Robberies are still there and we cannot say the robbers are targeting the Somalis only. It is a case of people robbing wherever they get a chance to rob." As a concrete example of the successful work of peace monitors, the education campaign manager cites a Gugulethu case where peace monitors diffused a volatile situation and prevented attacks on foreign nationals. Indeed, peace monitors from Ikamva Peace Makers in Gugulethu confirmed that they played a role in calming the situation down and no foreigners were attacked. One of them stated:

> *Many people know that we are peace makers here in the community. […] we speak to the people to talk about solving the problem peacefully because we know these kids who would want to attack the foreigners for revenge. The other youths who would know about the arrangements to attack the foreigners will come and tell us all the planned activities by the other youths. We will then go to the people who would want to attack the foreigners and tell them to sit down with us. We calm all the planned activities to attack foreigners before the foreigners are even attacked."*

Members of Ikamva Peace Makers reported having benefitted greatly from ARESTA's training with regard to resolving conflicts peacefully.

> *We started last year, because we didn't have really an understanding of how to make peace among people because we were seeing when we are patrolling some of the parents they carried the sticks, some of the parents carry shamboks, some of them they are carrying pangas when we are patrolling if ever they notice this person, if ever they just judging somebody that they are a tsotsi then they started to beat him. […] Then we found ARESTA to help us, to train the parents so that they must have an understanding of how they must keep the peace without carrying the shamboks and the sticks and the pangas and all sorts of stuff. People must see us as peace monitors; we can't just carry sticks or weapons […]"*

With regard to attitude change, the campaign manager indicated that although they cannot claim that the campaign alone changed the attitudes of all the Western Cape or entire communities in which they work, their activities contributed to more tolerant attitudes among the people it reached. Some respondents encountered during this evaluation indeed confirmed that participating in ARESTA activities had changed their attitudes towards refugees and foreign nationals living in their community.

> "*We used to call foreigners names but now they are our brothers and sisters. Although there are some other people who do not like foreigners I can say that I have changed how I think about the foreigners. I now know why they are in our country. Some of the foreigners are running away from their countries because of war that is why they are here. They are just humans like us. I now have friends who are foreigners. I also now talk to my family about foreigners and that we should like them. Sometimes people listen to me but in some other cases they do not listen to me. […] The programme has made me change how I think about foreigners. They are good people. There might be foreigners who are bad but not all of them are bad.*"

In addition to testimonies from individuals who participated in activities, ARESTA indicated that they also measure the impact through pre-and post-workshop questionnaires. They were however not able to share any evidence in this regard. They indicated that results of this pre-and post-workshop testing have not yet been compiled in a formal report.

Like other observers, an independent contractor at ARESTA observed that while attitudinal shifts are evident, caution is in order because social change is a long term process. It cannot be achieved overnight. She opines that strategies and programmes that target not only attitudes but also behaviour change, like the ones used in the fight against HIV/AIDS, are required in addressing xenophobia in the country. For her, increased awareness and attitude change may not necessarily result in behaviour change:

> "*I often look at strategies that happened there and draw parallels so I think, tackling the HIV/AIDS pandemic also requires that kind of social shift; the same as tacking issues of xenophobia. When I look at the parallels between the two areas of concern then I would often want to say that awareness and creating that shift in attitudes perhaps can be accelerated when there is corresponding shift and projects that look specifically at beginning to shift behaviour because awareness and attitude do not necessarily translate into changed behaviour.*"

4.2.3.6 Programme strengths and weaknesses

According to ARESTA, the success, or at least the acceptance of the community education campaign by targeted populations and communities is due to a number of factors or key strengths including the use of South African staff to manage and lead the campaign, partnership with all local relevant stakeholders and getting the Department of Education to allow the programme in schools. For one member of ARESTA's leadership team, having citizens leading the campaign has been very beneficial and is a lesson learned from past experience. The South African campaign manager agrees that citizens respond better when addressed by another citizen: "When this education is done from a South African to a South African, it means a lot to them. If a migrant or an asylum seeker goes to the locals and say 'please do not kill us', the locals will not listen. Although we still need to do more about this, I think we are doing better," he says. He added that partnerships with all relevant stakeholders including community leadership structures, traditional leaders, and civic organisations have enhanced the acceptance and legitimacy of the programme. Involving the top ranks of the traditional aristocracy leadership, i.e. the Royal House of Amadumisa in Khayelitsha, Gugulethu and Philippi, and securing public endorsement reportedly contributed considerably to the education campaign and cultural diversity events' legitimacy and community profile.[70]

Although it is well known and respected, respondents on the ground noted some weaknesses that could be addressed to further improve the programme's impact. These include: the almost exclusive focus on schools and organisations at the expense of ordinary members of the community; ARESTA's limited success in securing the participation and involvement of foreign nationals in their community activities; and the lack of support to follow up on initiated programmes to ensure sustainability. ARESTA acknowledges that involvement of foreign nationals is a challenge they are working to address. In one ARESTA staff member's words:

> "*What we are having as a challenge is not having the foreign national community on board. This year, with help of funding from the UNHCR, we managed to employ a peer educator from the Somali community. Most of the time we organise workshops, peaceful awareness marches and soccer tournaments, it is always the South Africans who participate most of the times.*"

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[70]   End of the year report

ARESTA also acknowledges follow-ups have been a challenge due to limited funding and one staff understands that sustainability requires follow-up. Otherwise initiatives started in communities may not survive.

> " *To keep the projects sustainable, they are very costly. As we have trained peace monitors in different areas, sometimes they will call asking to do awareness campaigns in the area. They would ask for materials to further train more people. That needs money. It is not all the time that we have money to assist. It is then that I feel we will fail to nurture the seed that we have planted in the community. The seed will die if it is not pampered and natured. The follow ups are very important. […] We have trained younger people in Gugulethu and now we want to train counsellors there. To those that you would have trained, you need to see their success and see how they are working in being peace ambassadors or peace monitors. In doing this we will be able to keep a sustainable project."*

4.2.3.7 Project's theory of change

According to ARESTA, the community education campaign that aims to improve public attitudes towards foreign nationals and prevent xenophobic attacks is informed by their strong belief that changing public attitudes will lead to the prevention of violent attacks on foreign nationals because they understand that violent attacks are due to ignorance and a lack of information. In a follow up interview, the member of ARESTA's leadership team reiterated:

> " *For us our approach is that we strongly believe that prevention is better than cure. That is our leading belief. For us if we address the misconception, the stereotypes, if we change the community and mange to eradicate the ignorance, directly we will be addressing the core issue."*

The programmes may be moderately successful in their immediate goal of shifting attitudes, but their ultimate effectiveness rests on an unproven relationship between attitude and behaviour. The intention here is not to dismiss the potential relevance of attitudes but to remind ourselves that the link between attitudes and behaviour should not be assumed. It should rather be clearly thought through and explicitly explained during project design and conceptualisation. There are often other factors, which, in combination with negative attitudes or on their own, are more closely linked to xenophobic violence and practices.

Indeed, ARESTA's own findings from the Gugulethu community profiling and mapping research indicate that there are factors, other than ignorance and negative attitudes, that contribute to the violence against foreign nationals in that area. The report states: "The poor service delivery, poverty and unemployment are the contributing factors to the violence against foreign nationals."[71] Moreover, as the campaign manager indicated, violent attacks are often directly motivated by business rivalries. Although the community profiling report does not provide sufficient evidence to support its conclusion, this indicates that preventing violence involves more than just attitude change. If the programme were built on a cause and effect basis, it would have addressed service delivery, unemployment and business rivalries.

It is not clear how the findings from the profiling exercise and the knowledge of the violence dynamics informed the intervention at least with regard to preventing violent attacks on foreign nationals in Gugulethu. The campaign does not seem to have activities specifically targeting factors contributing to the violence and identified main perpetrators and instigators of violent attacks, namely local business owners and unemployed youth. These do not appear to be among the intervention's target populations. ARESTA indicated the concern was also raised by one of their partners and they are working to address it. ARESTA needs to include "those who are out of schools, who are moving up and down doing nothing" according to a station commander.

Nevertheless, the programme or the campaign did not limit itself to activities aimed at changing attitudes. As indicated earlier, the intervention also involved training in conflict resolution; forming community-based conflict resolution structures where all conflicts, including those involving foreign nationals, are or can be peacefully resolved and establishing an early warning system though which peace monitors present in communities share actionable information with relevant stakeholders, particularly the police, for appropriate response. Even if it were true that those involved in these processes are members of organisations or individuals whose attitudes were changed through ARESTA's activities, establishing these mechanisms is a step beyond attitude change. Critically, while it may not be

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[71]   Gugulethu community profiling p. 4

possible to universally change attitudes, it may be possible to mobilise sympathetic individuals to make significant contributions.

While more data is needed to definitively ascertain the interventions' effectiveness and impact, the limited evidence reviewed here suggests that the community-based conflict resolution mechanisms should be designed to have more immediate and direct impacts on preventing xenophobic violence and behaviour. This means complementing interventions aimed at public attitudes with those specifically targeting the triggers of violent and discriminatory behaviours. The community profiling exercise could be used to identify those triggers and actors involved.

4.2.3.8 Monitoring and evaluation

ARESTA's 2013 year-end progress report indicates that they have "a systematic and well-coordinated monitoring system to test and improve the effectiveness and efficiency of our services on a regular basis," and that:

> " *In 2013, ARESTA commissioned the services of an independent monitoring and evaluation specialist organisation to assist with the development of a monitoring framework and a set of interdependent information-gathering tools, enabling data collection and analysis at multiple levels and across different project areas."[72]*

Despite these claims, no systematic monitoring appears to have been done of the community education campaign. It appears that their main monitoring tool is 'regular meetings' as a member of ARESTA's leadership team explains: "The most important tool we use for our monitoring and evaluation is our regular meetings. We do the meetings every Monday morning. In the meetings we identify the challenges faced. This helps to create strategies to solve the challenges we face and improve our next phase of the projects." While such regular consultations with team members are undoubtedly valuable, they do little to reveal the operational impact. In this regard, our evaluation found competing claims about whether a project evaluation had taken place nor not. Although some staff indicated that they also use pre-and post-workshop questionnaires as well as community level assessments, others explained that monitoring and evaluation had not taken place but they were discussing systems to do so. One staff member stated: "Honestly we did not have people like from an institution. We have done monitoring and evaluation trainings. We are still in the working progress in planning a monitoring and evaluation of the programme. We are still developing the monitoring and evaluation of the project."

The UNHCR Cape Town Field Office provides regular follow-up on activities at the operational level. Monitoring by UNHCR was also mainly done through meetings with staff members who reported on activities. The Office also joined in the community campaigns with ARESTA in the field and maintains contact with the refugee leaders, community leaders, business forums and SAPS whereby they discuss the format of the programme.

4.2.3.9 Perceptions of PoC on UNHCR's protection against xenophobia in South Africa

ARESTA believes that UNHCR ROSA is providing its PoC with effective protection against xenophobia in the Western Cape Province through their support of IPs and collaboration with the provincial government. ARESTA draws particular attention to the relationship to the Disaster Management Centre, which has declared xenophobia a disaster in the province. UNHCR's Cape Town Field Office confirmed that provincial authorities are involved in fighting xenophobia which, indeed, is classified as a disaster.

This buy-in from the provincial government suggests the need to envisage and strengthen collaborations and partnerships with other spheres of government.

4.2.3.10 Conclusions: Key findings

ARESTA's community education campaign seeks to improve public attitudes towards UNHCR's PoC and to reduce incidents of xenophobic attacks and related discriminatory practices. An evaluation of this programme in Gugulethu found the following:

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[72]   Year-end report, p4

1. *Project Implementation:* Although not all intervention activities were implemented as planned, there was considerable evidence that the project had undertaken most of its planned activities. While these positively affected those respondents who participated directly in ARESTA-organised activities, there was little evidence that they reached a broader public. Further, although not entirely applied and entirely used to inform the intervention, ARESTA's implementation approach seems to be a useful tool. For instance, understanding the contextual dynamics of an implementation area may be useful in intervention design, successful implementation and achievement of objectives. Similarly, regular assessments can give an indication on the direction of the impact and whether the intervention is making a positive impact or making the situation worse. In this case however, the evaluation finds that findings from the community profiling were not used to inform the campaign and the regular impact assessments made;

2. *Results Based Management and Impact Analysis:* Regarding impact, there is evidence of attitudinal changes at least among respondents who participated in activities. The interventions included activities that had direct impacts with regard to violence prevention. These were i) training on conflict resolution, ii) forming community-based conflict resolution structures where all conflicts including those involving foreign nationals are or can be peacefully resolved, and iii) establishing an early warning system though which peace monitors present in communities share actionable information with relevant stakeholders particularly the police for appropriate response. While more evidence is needed to ascertain their effectiveness and impact, information collected during this evaluation suggests that these community-based conflict resolution mechanisms can be effective tools in diffusing tensions and preventing communal violence including violence against foreign nationals;

3. *Monitoring and Evaluation:* By both the IP and UNHCR were mainly boardroom based. As such, they relied on the perceptions of project implementers without any direct inputs from targeted populations in the implementation areas;

4. *Partnerships:* The intervention's primary strength stemmed from the IP's ability to work and partner with community leadership structures and local authority. This afforded the intervention the much needed legitimacy and acceptance among the residents of the implementation areas; and

5. *Shortcomings:* Respondents identified a number of shortcomings including: the limited visibility in communities; an approach that did not target perpetrators and instigators of xenophobic violence; lack of follow-up on initiated projects and the inability to get PoC or foreign nationals in general involved in intervention and community activities.

4.2.3.11 Project specific recommendations

1. The IP to continue its efforts to complement education and awareness campaigns with activities that specifically target the behaviours associated with xenophobic violence and other practices;

2. The IP should improve efforts to apply the described implementation approach particularly in regard to monitoring and evaluation and using the results from community assessments to inform interventions;

3. IP to expand efforts to target other key role players in its community education campaign. These should include, *inter alia*, out of school youth and local business owners who seem to be directly involved in violent attacks;

4. IP and UNHCR ROSA to extend monitoring and evaluation beyond boardroom meetings to reach implementation areas and targeted populations where real evidence of implementation and impact can be found, or not;

5. IP to perform regular formal impact assessments or evaluations in order to have clear and objective impact indicators in their progress reports. Regular impact assessments could produce data that in the long run could serve as baseline information against which to measure the impact of new or on-going interventions;

6. IP and UNHCR to undertake a thorough assessment of the workings of the initiated community-based conflict resolution mechanisms, i.e. peace hubs, peace clubs, peace networks, to ascertain their relative positive impact with regard to resolving conflicts and preventing violence against PoC. If evidence is confirmed, IP and UNHCR consider not only strengthening the mechanisms but also ways of trying the model in other areas.

4.2.4 Promotion of social cohesion among refugees, asylum seekers and nationals (by Militia / Displaced and Migrant Persons Support Programme: DMPSP)

4.2.4.1 Introduction

Militia/DMPSP is a civic organisation established in 1999 originally to facilitate the introduction of retrenched military personnel into the broader civil society. In 2009, Militia/DMPSP formed another NGO called the Displaced and Migrant Persons Support Programme (hereinafter referred to as DMPSP)[73], whose mission and objectives include monitoring and ensuring the protection of the rights of displaced and migrant persons.

It is in its latter capacity that DMPSP intervened in Sasolburg, a town in Free State Province, after over 160 foreign-owned shops were looted and over 500 foreign nationals displaced from Zamdela Township following violent service delivery protests in January 2013.[74] Similar attacks targeting foreign-owned businesses had also taken place in May 2010.[75] While the local police often interpreted the attacks on foreign-owned shops as opportunistic crimes for which foreigners are soft targets, local residents believe those attacks were a result of a deep-seated resentment towards foreign nationals, particularly those owning businesses, because they are perceived as a threat to local livelihoods. For the victims of the violence, impunity is the main reason why attacks keep happening. Perpetrators are not held accountable and even some who get arrested are immediately released without charges, which is viewed as having license to continue.

DMPSP with support from UNHCR, initiated a programme to prevent and mitigate violent attacks on UNHCR's PoC in 2009 in areas across the country. In 2013, UNHCR ROSA spent 84,943USD on the DMPSP programme. Sasolburg in Free State Province is the research site for this evaluation. Intended to address the physical insecurity facing many refugees and asylum-seekers in South Africa, this is a particularly important initiative.

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73   Registration number: 075-370-NPO

74   *Ibid*, p9

75   ACMS/OCHA Xenophobic violent incidents database 1994_Aug2012 (Unpublished).

As the following discussion shows, the project has the potential to go some way towards achieving its objectives of preventing and mitigating the effect of violent attacks on PoC if an appropriate approach is used and the right players are involved and committed. As currently implemented however, it is not only problematic but has also not been able to achieve all its objectives and impact. Prevention has particularly been the weak point. The evaluation documents provide positive project reviews from some partners but also find that some of the IP operations and their conduct have questionable legality, give the impression of creating unsustainable parallel institutions by inadvertently supporting the motives of perpetrators, perpetuating the cycle of violence and allegedly violating the rights of PoC. Finally, the evaluation reveals a number of UNHCR programme management shortcomings including: i) a lack of monitoring to ensure effective implementation, achievement of objectives and adherence to the code of conduct; ii) internal disagreement on the value of the programme, such as the hotline; and iii) inability to resolve tensions and ensure cooperation among its IPs, in this case between DMPSP and Lawyers for Human Rights (LHR).

4.2.4.2 The project: objectives, planned activities and expected outcomes

Implemented by DMPSP and administered under the Jesuit Refugee Service's (JRS) administration, this programme aims to prevent and mitigate violent attacks on PoC and consists of two main components: i) protection: liaison with police, local government structures, community structures and community mobilisation towards prevention or containment of violence, and ii) community cohesion: conflict resolution and re-integration of displaced.[76] The project's planned activities placed at their centre the collaboration between DMPSP, the South African Police Service (SAPS) and local authorities to provide fast responses to incidents of incipient violence against foreign nationals and to restore peaceful coexistence in the aftermath of violent episodes. The intended impacts of these activities consist of the prevention of attacks and looting through activation of law enforcement agencies in the area and liaison with community structures and leaders; the promotion of more positive and understanding public attitudes towards persons of concern; and making the livelihood interventions of refugees and asylum seekers sustainable and viable.[77] The project target population is UNHCR's PoC affected by xenophobia and related violence in selected areas.

4.2.4.3 Project implementation

The programme's primary focus, at least between January to June 2013, "has been on responding to violent incidents that have occurred, mitigation of such violence though liaison with community structures and visible patrols in affected areas in support of law enforcement agencies, registration of displaced or affected persons, mapping of priority affected areas, and liaison with police, DHA and local government structures."[78] Preventative measures were also carried out in certain areas, especially with regards to joint operations with police in order to effectively map and collate data in their areas regarding refugee shops while being able to provide workshops for law enforcement agencies and refugees regarding compliance issues. According to a member of DMPSP's team, one of the successful preventive activities has been the 'compliance inspections', whereby foreign-owned businesses' compliance with municipal by-laws and any other relevant legislation is vetted, to allay community fears that foreign traders are operating illegally in the country and that their businesses are not licenced. Businesses that are found to be 'non-compliant' get closed down as a DMPSP officer states "[…] so if they don't have the license they close down, we close them down. They have to go to municipality to apply for that."

4.2.4.3.1 Implementation modus operandi

Although the activities and implementation approach vary depending on the situation at hand, DMPSP indicates that their general modus operandi consists of: i) intelligence gathering to have a clear understanding of the situation, ii) dispersing crowds of perpetrators using force when necessary (working with the police or on their own), iii) evacuating victims of attacks to safe places, iv) searching for and retrieving stolen goods, v) arresting perpetrators and handing them over to the police, as well as vi) negotiating with communities and their leaders for reintegration of displaced foreign nationals.

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[76]   *ibid*

[77]   *Ibid* (p8)

[78]   *Ibid*

> " *What we do is we communicate with the local communities, also the CPFs (Community Policing Forum) structures in order to bring about the relationship between us and the community in order to be able to prevent actions which are taking place in the communities, but mostly what we do in communities we disperse the crowds that are causing looting because that is what we are good at and the people we have here are very good, flexible and they are able to run unlike the police who are mostly old people and are much slower when they try catching criminals they are unable to catch them and the other thing is that they are using vehicles and we don't have vehicles; what we do to get to the communities is we have our dogs.*
>
> *Our uniform does that [dispersing crowds] for us, the community knows the police is serving for the community and the police knows most of the community which means somehow they have relationship and they see another uniform coming into the picture, and also another thing is that we deploy with dogs. Our dogs are not used to civilians, they are used to our uniform that's how we trained them. When we go out there and see that are people committing crime; we don't just walk to them we go with force and when they see that we wearing a different uniform and mostly confuse us with the army and they think the army is there to help, they are not too soft, and when we get to them, we manhandle them a little so they confess to the community that what they are doing is wrong and we are just coming in to help. Also when we are running after them, they see that we are not like the police who give up easily and leave them. We however don't leave them, we persist, go in a large groups and have radio communications in order to coordinate how we should separate, where we should go and how to catch them.*
>
> *[explaining 'manhandling'] What happens when we go out there and we are combating xenophobia, what we are trying to do is that, is we are trying to leave a mark in the community, so they know what is wrong and what is right. When we go out there, we use force to show people if they do such a thing they are going to face the consequences, and when these guys come here they don't play unlike the police who just drive around and miss everything. They [the police] are unable to the things we do. When we go out there even if we make the dogs bite someone it's because these people are stubborn and have been trying to cause trouble for a long time in the communities."*

Another DMPSP Officer indicated that during the operations, they are sometimes attacked and stoned but that does not deter them from doing their work. When asked whether they are ever attacked, he responded:

> " *We don't care, we go there, we don't care, we don't make them beat us we must beat them because when we give up like the police, they are going to do it over and over that's why we must not give up. I know we are still young you see but we don't care. When there is riots you see when they are striking, we must go there to protect the xenophobias you see, we must fight with them you see and but they also attack us with stones and what what."*

DMPSP believes that the law allows them to perform such functions. One of their leadership team responded when asked whether they had the authority to do what they do: "We are a community-based organization working with the police as a community safety partner. It is allowed by the constitution." UNHCR ROSA staff also confirmed that DMPSP is allowed to do what they do and the authority or mandate comes from the local police and the Community Policing Forum (CPF) who have the power to deputise them. In a follow up interview, the DMPSP however emphasized that they always work with the police even though, according to one member, DMPSP is legally allowed to work in communities on their own. He stated: "Nothing prevents us from working with communities but we still work with the police; sometimes we may be in different locations but we are still working together; there is usually an official police member on the team. We are not doing things on our own." This contradicts what other DMPSP members have stated regarding a division of labour between themselves and the police. UNHCR ROSA also confirmed that there are times when DMPSP works alone, particularly when the local police do not have the capacity and do not want to call for reinforcement. According to a high ranking SAPS official, it is not allowed for organizations to do police work on their own without specific authorisation. When asked how the police would feel if an implementing partner was doing things such as patrolling, he stated:

> " *You cannot do a patrol without us authorizing you to do so. You'll see people on the streets with orange jackets who are volunteers. But among them, you'll have two or three officers. Even the Community Policing Forums cannot do a patrol. If they do so, they must do so under guidance and presence of the SAPS. They cannot roam the street without us."*

The relevance of UNHCR xenophobia hotline

The UNHCR ROSA xenophobia emergency hotline allows members of the public, particularly its PoC to report incidents or threats of violence through telephone calls or text messages. Information received is then verified and passed on to SAPS, outreach teams and other relevant stakeholders for immediate action. The hotline is vital for DMPSP operations as it is part of the early warning system used to get actionable information to trigger a response. According to DMPSP, the hotline is very useful for effective response. One member states: "It gives us heads-up and we can take immediate action. Not effective early warning *per se* because violence is not always prevented by at least we can easily and effectively respond. It works very well and it gives us an advantage when we respond."

When asked why PoC call UNHCR instead of calling the police for help, a UNHCR ROSA staff member responded that PoC are encouraged to first call the police and use the hotline as a last resort when the local police stations are not responding. Although the hotline has not always succeeded in triggering the much needed police response, some UNHCR ROSA staff believe it is a worthwhile exercise and encourages PoC to keep calling.

A SAPS official believes that reliable information is needed to understand whether PoC prefer calling UNHCR or the police and why. Asked how the police feel about UNHCR playing the 'middle-man' between its PoC and the police, the SAPS official responded that, "while it is not a problem as people should feel free to call whoever they want for help, he would like everyone to use the services already available..." That is the reason SAPS is planning meetings with foreign nationals to find out how they understand and use services.

In addition to an inconsistent response rate by the police, the effectiveness of the hotline is also hindered by lack of adequate resources. The hotline service is understaffed and cannot be sustainable if it continues as it is. There seems however to be internal disagreements over the appropriateness of UNHCR involvement in, or hosting of, the hotline. For some, UNHCR ROSA staff; instead of increasing the hotline staff and, UNHCR should step back from xenophobia responses.be minimized. One staff member stated:

> " *Should we continue to have this fire brigade approach with the hotline and everything? Some member will not sleep at night because he has the hotline, he is calling the police, and he is sending smses to the whole world. So is it the right way to go? For me I don't think it is the right way to go. Is it sustainable? Resources are dwindling […] So the hotline, we are trying to explore it. I have had a meeting here with the colleagues talking about how do we get out of this mobile hotline business."*

Another UNHCR ROSA staff member points out that although in urban settings refugees should be able to access UNHCR using all means possible including SMS and hotlines, UNHCR should not take over government responsibilities. Asked whether she feared the current hotline should have unintended consequences, she responded:

> " *My greatest fear is because this is the responsibility of the police. It is somebody else's role; who should be receiving this kind of thing. But then the hotline, it receives more than xenophobia but xenophobia is mostly the main issue but it is also the line that is open like any other. The refugees can reach UNHCR anytime they want. But we should not take over the responsibility of the government."*

However, UNHCR ROSA is involved in the hotline because there is need for it. They do not commit resources for activities they do not consider necessary. In one staff member's words, "If there wasn't a need to do it, we wouldn't do it. We don't put ourselves or give ourselves work that is unnecessary. We don't commit resources for activities that we don't consider to be necessary. If with the passage of time it is found to be unnecessary, we are willing to sit down."

According to the 'Implementing Partner Report,' activities DMPSP conducted in Sasolburg included: patrols to prevent looting and injury to PoC; evacuation of refugees from violence and the evacuation of shops; registration of displaced and organising a shelter for them; running of a shelter where food and support is provided to over 140 refugees displaced; negotiation with local government and liaison with community structures towards reintegration; collection of data and information in support of law enforcement agencies; successful reintegration of refugees into the township and the resumption of economic activities; and closure of this refugee shelter. The overall intervention outcomes consisted of protection, containment and reintegration.

Some of the displaced housed in the shelter at Abrahamsrust (a municipal recreation resort situated kilometers away from the Zamdela Township where violence took place) complained that DMPSP violated their human rights by beating them, denying them the opportunity to open a case for compensation and by forcefully evicting them from the shelter when they were still worried about their safety. A member of a Bangladeshi focus group explains:

> " *The people, the Militia people beat us people, say go today, not tomorrow. […] It's him who push us to leave […] so we ask them 'where we gonna go?' He say 'just go to a friend or you got maybe someone, just go […] just to leave that place'. Even dying is the same […] it doesn't matter, but leave the place."*

A supervisor at Abrahamsrust Resort, where the displaced were hosted, confirmed that the displaced complained that the conditions were not conducive for a safe return and he personally did not think the community was ready to receive them. When asked whether the community was ready for their return, she responded: "I don't think so because at that time there was still tension and the guys were not free. They wanted to go back saying that's where we make money but they were also not sure."

The DMPSP admitted that the displaced complained about military style rules used to run the shelter but says the eviction was necessary because it was a temporary shelter and conditions were conducive for reintegration. Many had already returned and those who were reluctant to leave the shelter had a resettlement agenda. "They didn't want to move out. So they had to be evicted. Reintegration was done," a member of the leadership team claimed. DMPSP indicated that the process of reintegration in Sasolburg involved a local reintegration committee comprising all relevant stakeholders including community leaders, local business owners and even instigators. There were some who were opposed but the majority were in favour so "we managed to reintegrate," the above mentioned DMPSP staff member stated. He indicated that foreign nationals or the displaced were not part of the process because they refused to participate but he did not see that as a concern because DMPSP was there to represent them. He responded, when asked whether foreign nationals were part of the reintegration process, the following: "No, they were not but we were there to represent them; they were invited but they did not want to attend because some of them had a resettlement agenda. But we were there to represent them, that's what we are here for anyway, so they were represented." Regarding reintegration, a UNHCR ROSA staff member stated that the process is peaceful, voluntary and inclusive of all relevant stakeholders although there are no guarantees that attacks will not happen again. In his words:

> " *The reintegration is a negotiation between the local communities, local councillors and the refugees. And so it's a voluntary thing. You don't force people to go if they don't want to go. […] we go to the municipal guys, is it okay for my guys to return and they say yes. We go to the locals, is it okay for the guys to return and then we go to the perpetrators and that is when we do the outreach. We say guys we are going back there, we are expect your guys to be calm. Is that so and they say yes we are not intervening. […] There is no guarantee [that violence won't happen again] but we are telling them today in the next coming two or three months we believe you can return."*

In Sasolburg, however, refugees were not involved in the reintegration process. Asked how reintegration can be successful when perpetrators are still in communities and the cause of the conflict still not resolved, the UNHCR ROSA staff member indicated that even if UNHCR is not able to get everyone on board, reaching a "critical mass of players" makes it possible. Refugees are also often willing to take a calculated risk. He states:

> " *In every place that we have reintegrated it was not everybody who was 100% on board with the reintegration. We believe that every time we have reintegrated we have reached what I call a critical mass of the players that were needed to make it possible. Then the refugees also did a simple calculation. […] Now the paradox is that if the refugee knows that if they go to the press that people have been attacked the same community that they are servicing are the ones that rob them; so if they are seen as going to court and challenging they consolidate the cycle of violence; so they have to make a choice; 'do I reconcile with these people and get my livelihood back or do I push for the full realm of justice and I have to testify with the consequences knowing that refugees have been killed on their way to testify?'. […] So we negotiate a clear set of everything and we leverage on that and we say 'look you [perpetrators] have done this and this and that you are lucky and we don't want to hear anything because next time it is UNHCR that is going to pressure you."* "

The staff member however admitted that reintegration has not always been successful as PoC and other foreign nationals have been attacked again on return. He said, "I will not lie to you, we have places that looting occurred a second time, a third time, a fourth time. […] We have had instances where attacks happened again after reintegration but it is not the majority. […] I would say 10-15% of the incidences have repetitions but if you look at it compared to 2009 you remember every week we had something happening."

The discussion above reveals that fears expressed by PoC in Sasolburg may be justified because, despite DMPSP insisting that reintegration was complete, there were no guarantees that attacks would not happen again. Indeed, by UNHCR's own admission, attacks had recurred in 10-15% of the 'reintegration' cases. Another issue in evaluating the DMPSP intervention in Sasolburg is accountability. As a UNHCR ROSA staff member indicated earlier, their role with regard to prevention includes working with the government to ensure perpetrators are held accountable and impunity is eradicated. Working with law enforcement agencies to ensure that crimes motivated by prejudice and intolerance are thoroughly investigated and perpetrators prosecuted or held accountable is also one of the elements of the 2009 *UNHCR strategic approach to combating racism, racial discrimination, xenophobia and related intolerance.*[79]

Furthermore, evacuating or escorting foreign nationals to safety, even on a temporary basis, whenever there is violence instead of protecting them and their property *in situ* could potentially play in to the hands of the instigators who wish them away. By escorting foreign nationals from communities in response to violence or threats thereof, UNHCR, DMPSP and the police, may inadvertently, support the intention of perpetrators to remove 'unwanted' foreigners from their midst. While appreciating all efforts made to save their lives, some victims of the attacks believe that effort should also be made to protect their property. For them, saving livelihoods is as important as saving lives. A Somali shop owner in Orange Farm states:

> " *Well, the problem... helpers, the police, they are coming. And they come to save our life, but not our property. They say 'leave the shop; let us take you to the police station'. And they take us to the police station. Tomorrow, how can we survive? Yes, okay... they save my life... tomorrow, what can I... I eat and drink? Yes, they have to protect us with our property. Even last time, they robbed our shops. Now even I don't have a shop. I can show you my shop is closed."*

UNHCR ROSA indicated that because of the slow police response, evacuation has become the standard operating procedure to save lives and livelihoods and to stop or delay the spread violence. The UNHCR ROSA officials contacted over the course of this evaluation did not seem to be aware of the above-mentioned complaints. Because of the nature of DMPSP's activities, it is difficult to monitor their interventions. UNHCR ROSA receives information about DMPSP primarily through participatory assessments.

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[79]   Combating racism, racial discrimination, xenophobia and related intolerance through a strategic approach, UNHCR's Division of International Protection, 2009 (page 10, point 18).

4.2.4.4 Achieving objectives and making the desired impact

DMPSP reports they achieved their objectives in Sasolburg as they provided protection to the displaced PoC and organised a successful reintegration. However, while the protection of PoC at the shelter and 'reintegration' or closure of the shelter were realised, other intended objectives and impacts were not achieved or are impossible to measure. These include the prevention of attacks through activation of law enforcement agencies and the local authority, and improving public attitudes towards PoC in project implementation areas. With regard to the prevention of violence for example, while it is understood that in Sasolburg or Zamdela more specifically DMPSP intervened after attacks had already taken place, the evaluation did not find any evidence of future preventive measures in place. It did not, for instance, find any evidence of the planned network of community-based outreach volunteers acting as the first point of entry in communities. This network would probably be helpful in preventing future attacks by at least sharing with the relevant authorities actionable information on tensions and threats of imminent attacks. Similarly the evaluation did not find any evidence of activities aimed at rendering public attitudes towards PoC more positive and understanding and, judging from the views expressed by residents, such attitude changes did not take place.

Local residents believe that DMPSP's intervention could not leave any legacy behind because they had little contact with the local community and its leaders. A local municipal official for instance responded when asked how DMPSP was involved with the community and local leaders: "[…] there was no involvement. I think they [DMPSP] were only here to help those guys [refugees]. And then after that, nothing happened. There was no, maybe sort of a public programme, maybe to go to the public and then, you know, teach them about these people… no, nothing." Similarly, a Sasolburg SAPS officer indicated that DMPSP focused their efforts on the municipality and had little contact with the community, which had a negative impact on the reintegration process as some PoC had to pay protection fees for return. He stated:

> *Like I said before they mainly facilitated and talked with the municipality. When you have a situation, for them to be successful is to talk to everybody, to talk to the community and see if there is a problem with them in facilitating the coming back of the foreigners to the community. I would say their communication with the community was not to my expectation, like if they went around having meetings with the community it would have been better in controlling the unrest. […] Now they operated from there and their interaction with the community was minimal…. and the negative side was in some instances we heard some people say they were made to pay some certain amounts of money for protection in order for them to come back into the townships […] I think the moving back of these people back to the community shouldn't have been with hiccups if they had extended their communication to the community. There wouldn't be people saying, pay this amount of money to guarantee your protection back into the community."*

4.2.4.5 Monitoring and evaluation

According to the project description, regular internal and independent monitoring and evaluation were supposed to be part of the implementation plan. Despite this provision however, both UNHCR and the IP indicated that monitoring and evaluation did not take place as planned mainly because of the nature of the work involved and how difficult it is to attribute causality. A DMPSP member stated:

> *It's very difficult to evaluate it because sometimes things happen sporadically, as I said this is opportunistic xenophobia, which is what we have been dealing with in the last years and we will continue doing that in the next year. The thing is tensions can quickly flare up and they can also quickly die down. Sometimes it's difficult to tell that did the tension die a natural death or it's because of our operations when the community sees this extra group of people assisting the police wearing the uniform. So it's difficult to measure that one. […] So from a research point of view or scientifically I think it's very difficult for me to evaluate it or to measure it."*

4.2.4.6 Realistic expectations going forward

DMPSP indicates that what they can realistically do is to mitigate the effects of the violence and facilitate reintegration. Effective prevention of attacks requires long-term interventions and government involvement. With regard to the project's theory of change, it appears that the project has the potential to have a significant impact in preventing or mitigating the effects of violent attacks on foreign nationals, provided an appropriate approach is used and stakeholders at the right level are involved and committed. The following points suggest how:

- The project's early warning system component would have an impact in preventing attacks if mandated institutions such as the police and intelligence services responded promptly to warning signs. Early warning systems are of no purpose if credible warning signs do not trigger appropriate responses;

- The project's original plan of supporting and enacting existing institutions and not creating parallel systems seems to be the only sustainable way of achieving the violence prevention outcome. Performing duties of already existing mandated institutions may have short-term benefits but creates unsustainable parallel institutions which may ultimately result in unintended consequences; and

- Although this is beyond the mandate and powers of UNHCR and its partners, prevention could also perhaps be achieved if efforts were made to eradicate the culture of impunity, by holding perpetrators of violence accountable, ensuring that rule of law prevails and reintegration is attempted only when conditions are conducive to do so.

4.2.4.7 Perceptions by other stakeholders

Stakeholders expressed mixed views about DMPSP's work and modus operandi. Some praised them for their direct intervention approach that has saved thousands of lives and their support to local institutions but others have expressed concerns over the alleged human rights abuses, the legality of their operations, the confusion over their identity and who they represent, and the reputational risks their activities and approaches carry for their partners.

For one international NGO, DMPSP work has been effective and is to be commended for saving thousands of lives. The INGO's Regional Director indicated that: "my understanding of DMPSP is that it is an emergency direct intervention style. I was in discussion with (name intentionally removed) when he initially conceived the ideas. To me it has been an extraordinarily effective means of intervention that has obviously saved thousands of lives." Similarly, a Sasolburg disaster management team member gave high praise to DMPSP for their dedication and support to local institutions.

Those who expressed concerns raised issues regarding the legality of their operations, the mistreatment of people they are supposed to protect, the confusion over their identity and who they represent and reputational risks all this may carry for their partners. As one stakeholder stated, if a UNHCR IP is allowed to do police work, such as patrolling, without authorisation and presence of the police, it is problematic for UNHCR and others. Another was concerned that DMPSP mistreated foreigners and made their predicament even worse. In a similar vein, while another stakeholder understands that DMPSP may not be solely to blame for the evictions of displaced PoC from temporary shelters, she was concerned about the way the process is handled. She also expressed anxiety over the possible confusion and misrepresentation through the use of military uniform and UNHCR logo. In her words:

> " *I would also like to know what the uniforms are about. I think it is confusing to communities if they see somebody in uniform you assume it is a government employee. You assume that person is from government and so I think that is very confusing. [...] On that [referring to partnership with UNHCR] (name intentionally omitted) gave me his business card and I was looking at it; it had Militia logo on one side and on the other side was the UNHCR logo. So it appeared that he was a UNHCR staff member. It really does appear to be some measure of misrepresentation."*

Another key stakeholder shared similar concerns and indicated that communities do not seem happy about DMPSP involvement and that its name alone is unsettling.

Regarding reputational risks, UNHCR ROSA indicated that if the allegations of human rights abuse and breaches of UNHCR's Code of Conduct levelled against DMPSP were true, they would reflect badly on UNHCR. To this end, UNHCR has provided five Code of Conduct training sessions to cadets and noted afterward that the tensions with the Lawyers for Human Rights (LHR) improved. DMPSP is aware that other organizations have concerns about their work, their 'old apartheid' uniform and their operational approach.

4.2.4.8 Conclusions: Key findings

Using the Sasolburg case study and drawing on information from other project implementation areas, the evaluation makes the following main findings:

1. *Project Implementation:* The project did not implement all planned activities and did not achieve all set objectives and impact. In Sasolburg and other areas where the project was implemented in 2013, the focus was on responding to violent incidents, mitigating the effect of such incidents and assisting with reintegration. In Sasolburg, the project was indeed successful in evacuating PoC from the violent zone, providing them with protection and necessary provisions in the shelter, and active involvement in negotiations aimed at ensuring reintegration. However, while it is understood that activities varied according to the situation on the ground and that DMPSP intervened in Sasolburg after violence had already taken place, the evaluation did not find any evidence of activities aimed at preventing future violence or improving public attitudes towards foreign nationals. Indeed foreign nationals were attacked again in Sasolburg in June 2014;

2. *Programme Management:* The evaluation reveals a number of UNHCR programme management shortcomings including: i) lack of monitoring to ensure effective implementation, achievement of objectives and adherence to the UNHCR Code of Conduct; ii) internal disagreement on appropriateness of the programmes (e.g. the hotline); and iii) inability to resolve tensions and ensure cooperation among its IPs (in this case between DMPSP and LHR);

3. *Stakeholder Management:* The reintegration approach used by DMPSP did not take into account that some members of affected PoC were genuinely afraid to return even after other PoC had already returned. It is problematic that PoC were not involved in the negotiation process and even more so that DMPSP claims to adequately represent the interests of all PoC although evidently some sections of the PoC population are not considered legitimate and trustworthy. As such, what the IP often refers to as 'reintegration' amounts to 'simple return' at best or forced 'eviction' at worst;

4. *Theory of Change:* Overall, the evaluation finds that the project has the potential to have a significant impact in preventing or mitigating the effects of violent attacks on foreign nationals, provided an appropriate approach is used and the right players are involved and committed. The project has the potential to make a measurable impact by reducing the number of violent attacks on foreign nationals if efforts are channelled into supporting and ensuring prompt and appropriate response by mandated institutions; and

5. *Partner Selection:* Some of DMPSP's operations mimic police work without the presence of police officers, such as patrolling, 'manhandling' of perpetrators and compliance inspections, have questionable legality and give the impression of creating unsustainable parallel institutions that may have unintended consequences. The project evaluations to date document positive reviews and praises for excellent work but also allegations of misconduct and complaints about human rights abuses from key stakeholders including PoC. Should such allegations and complaints be true, they would not only have a negative impact on the effectiveness of the project but they would also present reputational risks for all partners, including UNHCR ROSA.

4.2.4.9 Project specific recommendations

1. UNHCR to ensure activities are implemented according to plan and set objectives achieved;

2. UNHCR to rectify programme management shortcomings mentioned above. In particular, to investigate allegations of breaches of UNHCR's Code of Conduct and human rights abuse and take corrective measures if need be;

3. UNHCR and IP to carefully consider if by prioritising evacuation over protection of people and their property *in situ* and negotiating with perpetrators instead of making efforts to hold them accountable, UNHCR and DMPSP are inadvertently supporting on-going incentives for perpetrators;

4. UNHCR and IP to ensure the reintegration process involves all concerned parties particularly PoC. Their concerns must be taken into consideration. UNHCR to provide the IP with reintegration guidelines and make sure they are adhered to;

5. UNHCR and IP to channel efforts and resources into supporting existing institutions such as the Community Policing Forum (CPF) rather than attempting to create parallel systems that may have unintended negative consequences in the short and long run;

6. IP and UNHCR to support rule of law. The 2009 UNHCR strategic approach, indicating that perpetrators of hate crimes should be prosecuted and held accountable, should serve as a guide in this regard.

4.2.5 Case studies conclusion

UNHCR ROSA's support to the programmes reviewed here shows its tremendous effort and commitment to its role of contributing to a collective endeavour aimed at addressing xenophobia in South Africa and providing its PoC and other foreign nationals with effective protection. They reached out to communities and implemented programmes in difficult places. However, these programmes with similar goals of improving public attitudes towards PoC and preventing xenophobic attacks and other discriminatory practices against them use divergent approaches and activities. The variety of these programmes hints at a 'trial and error' approach that is not underpinned by a coherent overall strategic approach. Contexts and dynamics in project implementation areas vary substantially and interventions need to adapt accordingly, but interventions with similar goals and in a same national context could benefit from the basic fundamental principles an overarching strategic approach could provide.

The programmes themselves present varying degrees of strengths and weaknesses, successes and failures and have on occasion provided PoC with degrees of protection. Reasons for falling short of mitigating or preventing xenophobia towards PoC are many but the most critical include: i) limitations in the theories of change that serve as the bases for the projects: interventions are largely informed by untested presumptions about causal relationships between variables such as attitudes and behaviour, activities and impacts, and do not seem to be targeting xenophobic behaviour itself and its perpetrators; ii) unrealistic expectations: assumptions that short-term projects can achieve long-term and significant social change; iii) collaboration with IPs with limited moral authority and legitimacy in communities or implementing areas; and iv) implementation irregularities and lack of comprehensive oversight.

Xenophobia poses a serious threat to refugees, asylum-seekers, economic migrants and other locally defined 'outsiders' in South Africa. Recognising these dangers to the lives and livelihoods of its persons of concern (PoC), the United Nations High Commissioner for Refugees Regional Office for Southern Africa (UNHCR ROSA) initiated a range of activities aimed to address xenophobia and protect PoC against its manifestations. This evaluation assesses these initiatives, asking to what extent they have provided effective protection to refugees and asylum seekers threatened by xenophobia. To this end, it assesses UNHCR ROSA's strategic approach and adherence to its mandated roles and responsibilities as evident through an analysis of the processes and impacts associated with four selected interventions. Through this analysis, it offers the empirical and analytical foundation for building more sustainable and effective initiatives in South Africa. It implicitly offers reflections on the UNHCR's global approach intended to inform programmes elsewhere in the world.

This analysis emanates from the position that responsibility for addressing xenophobia in South Africa or elsewhere cannot rest on a single institution. UNHCR ROSA shares this position. Although the Office asserts that combatting xenophobia, particularly in terms of providing PoC with physical protection from violence, does not obviously fall into its international protection mandate, UNHCR nonetheless accepts a vital role in protecting PoC from xenophobia. Ideally, UNHCR ROSA would like to see the Government of South Africa take on this responsibility. UNHCR is working with and supporting national authorities and other relevant stakeholders to ensure that PoC are protected. It is in this context that UNHCR ROSA has become involved in a number of initiatives aimed at addressing xenophobia. The evaluation asks if UNHCR ROSA has played its intended or expected role and if its initiatives have made significant contributions towards providing its PoC with effective and sustainable protection.

This report examines UNHCR ROSA's role and contribution in efforts to combat xenophobic violence. Although we lack a counter-factual, what would have happened in the absence of UNHCR initiatives, levels of continued violence and the general unsustainability of many programmes suggests that, despite their good intentions and underlying protection principles, three out of four current campaigns have not been altogether effective. These critical findings do not mean UNHCR should redirect energies elsewhere. Rather, it is a call for UNHCR, as an institution, to invest more in the assessment, strategic guidance, personnel and partnerships that are required to address xenophobia in a meaningful and careful way that will promote a safer existence for persons of concern to UNHCR.

5

CONCLUSIONS: GENERAL SUMMARY AND DISCUSSION OF FINDINGS

LOOKING SPECIFICALLY AT UNHCR ROSA'S WORK, THE EVALUATION FINDS:

1 *UNHCR at large, and UNHCR ROSA in particular, needs to define and embrace its role in addressing xenophobia.* UNHCR's 2009 guidance paper, *Combating racism, racial discrimination, xenophobia and related intolerance through a strategic approach*, defines the impact xenophobia has on UNHCR's protection mandate and provides advice on how to mitigate xenophobia through attitudinal change. It does not, however, provide guidance or indicators for assessing the root causes of xenophobia in a specific context and, moreover, the use of advocacy tools and programming objectives to address xenophobia in a meaningful way for PoC. Despite the fact that xenophobia is central to protection challenges for many communities of PoC, this evaluation documents the lack of clarity amongst UNHCR staff on the agency's role in addressing xenophobia. In the case of UNHCR ROSA, a more concrete and public UNHCR policy would have provided an anchor for their advocacy and programme activities in the absence of a state sponsored anti-xenophobia policy. Divergent views amongst UNHCR ROSA staff on the centrality of xenophobia in UNHCR's protection mandate also indicate the need for more investment in staff training.

2 *There is a need for a coherent, local strategy for addressing the negative consequences of xenophobia on refugee and asylum seeking populations.* In any country, it is easier and more effective to link a protection strategy to the national government's policy on the topic. In the case of South Africa, the government has yet to announce and embrace such a policy. To its credit, UNHCR ROSA forged ahead and initiated a number of partnerships and working relationships with relevant stakeholders and supports a range of xenophobia related programmes and activities across the country. However, most UNHCR ROSA staff members interviewed for this evaluation felt that a coherent strategy would greatly improve their work's effectiveness. UNHCR supported programmes in South Africa with more or less similar goals, but which use divergent approaches and activities. Interviews and focus groups also revealed that stakeholders also observed that UNHCR ROSA seemed to lack a clear and consistent strategy and UNHCR ROSA often pursued multiple objectives or approaches. While contexts vary and interventions must be tailored accordingly, they should nonetheless all work from a coherent set of specific objectives and evidence-based presuppositions to inform an understandable theory on how their programmes will change the specific dynamic. The objectives within programmes and projects should be harmonised to this local strategy. However, this is currently not the case. UNHCR ROSA's xenophobia related programmes are guided by multiple documents and there is little cross-referencing amongst projects.

3 *The theories of change and other assumptions guiding UNHCR ROSA's xenophobia related programmes need to be broadened beyond changing public opinions and attitudes.* UNHCR ROSA deserves credit for its courage in piloting new and various methods to address xenophobia over the past few years with meagre and dwindling resources. This evaluation concludes that the premise for most of the programming needs to shift from public education to advocacy for policy change. Apart from the DMPSP programmes and to an extent the ARESTA programme, the UNHCR ROSA programmes were oriented towards public attitudes, not politics on the ground and national policy. By way of exception, ARESTA did identify poor service delivery, poverty, unemployment and political infighting as sources of violence but ARESTA nevertheless designed a public awareness programme instead of programmes to address the root causes they identified. And, public awareness programmes have value as long as they are complemented by other approaches that are also grounded in a local strategy.

4 *There is a need for improved results-based management logic and monitoring across the programmes.* UNHCR ROSA's various strategy documents rarely included concrete or measurable objectives, indicators, or implementation modalities. There was also inconsistency amongst outputs and outcomes in the programme documentation. Staff and partners, and most importantly communities affected, have a hard time designing and achieving programme goals in the absence of clearly stated objectives, indicators, activities, outputs and indicators. This evaluation concluded that partners needed more training on the results chain as well as reporting technology. It also revealed that UNHCR ROSA did not always document monitoring adequately and thus limited opportunities for institutional learning, creating baselines, and improving practice. This evaluation also discovered that the cascading framework of UNHCR's Results Based Management (RBM) does not accommodate synthesis amongst programmes in order to implement a cohesive advocacy strategy.

5 *Partnerships need to be catalysed further to provide a sustainable, broad-based response to xenophobia.* This evaluation found that UNHCR ROSA works well with some levels of the Government of South Africa in varying places. The efficacy of these relationships has been where UNHCR and the governmental entity found sites of mutual self-interest. Exploration of further collaborations with other parts of the government involved in the safety, security and well-being of its citizens is encouraged. At the same time, the evaluation also found that the absence of a national strategy that can be filtered down and through all levels of the government throughout the country impeded consistent responses to xenophobia. UNHCR alone cannot advocate for a national policy that would better protect its persons of concern. Civil society needs to be more actively engaged and a coalition needs to be formed to engage the government. UNHCR ROSA works in partnerships with civil society organisations across the country. It supports implementing partners (IPs) to conduct anti-xenophobia programmes and activities in many areas through a range of approaches. The primary platform for civil society engagement is the Protection Working Group (PWG), an initiative that has engendered concrete partnerships and collaborations between UNHCR and other organisations or among organisations. While noting its utility, many organisations note that its collective shortcoming has been the inability to secure government buy-in beyond the police. The platform has also failed to result in coordination of anti-xenophobia programmes among group members and UNHCR IPs. With the publication of their own strategy on xenophobia and an advocacy framework for implementing it, UNHCR ROSA could better coordinate and provide feedback on other anti-xenophobia programmes and possibly engage a broader base for an advocacy coalition with the potential to influence national level policy.

In sum, through its strategies, partnerships and supported programmes, UNHCR ROSA has provided PoC with temporary relief in certain areas. However, its efforts have been compromised by the absence of a coherent, empirically informed strategy; short-term and narrow programming; and an inability to address political structures and incentives. While UNHCR ROSA cannot protect refugees and asylum seekers from xenophobia all by itself, there is the potential for UNHCR ROSA's work to be more effective and sustainable. Most importantly, UNHCR ROSA needs a strategy that is able to elicit a government commitment and informs the selection of IPs as well as the selection and funding of programmes and activities with more sound logical frameworks and relevance in ways that place long-term and sustainable protection as their highest priority.

6
RECOMMENDATIONS

General recommendations are provided in this section. They are primarily informed by the findings provided above but also incorporate feedback from internal stakeholders, including senior staff from UNHCR HQ and ROSA. They also draw from and amplify the information already provided throughout this report, in particular the findings and recommendations at the end of each case study. Further justification for the following recommendations can be found in Appendix III, Chain of Evidence Supporting Recommendations. Noting that specific recommendations to IPs have already been provided, the following general recommendations are directed toward UNHCR at the headquarters level and UNHCR ROSA and address the following five broad areas of concern:

1.   The need for a revised and more relevant agency wide strategy and guidance to address xenophobia in UNHCR's operational areas;

2.   The creation of strategic advocacy platforms at both the headquarters and field level that exploit UNHCR's comparative advantage in social change and attract new partners with a mutual interest in combatting xenophobia;

3.   Base xenophobia related programming on evidence-based understanding of current political and socio-economic conditions and theoretically sound and empirically supported behavioural change models;

4.   Review results based management objectives, indicators, outputs and outcomes to realistically reflect xenophobia programming and enable better monitoring; and

5.   Dedicate more oversight, training, and human and financial resources to anti-xenophobia programming.

Recognising that xenophobia is an issue that influences all protection activities and that perpetrators, unwittingly or not, will likely fall back on denialism of their xenophobic acts and deeds, the following recommendations and suggestions for implementation have been formulated to equip UNHCR staff with the policy, implementation approaches and partnership models they need to responsibly address xenophobia in their field operations. In a more detailed manner, the evaluation recommends the following:

To UNHCR headquarters:

1. **Revise the 2009 policy, *Combating racism, racial discrimination, xenophobia and related intolerance through a strategic approach.***

   a. Include tools for socio-political analysis of situation and evidence-based behavioral change models, as well as practical programming ideas that expand beyond public awareness campaigns in a revised policy.

   b. Update the policy to address urban protection challenges.

2. **Create a platform for promulgating the revised policy.**

   a. Disseminate the policy widely within UNHCR and amongst all partners and provide companion training materials.

   b. Create a Geneva based task team on combatting xenophobia that enlists representatives from donor governments, other UN agencies, international organisations and non-governmental organisations to strategise on effective, joint diplomatic interventions as well as high-level advocacy strategies.

3. **Clarify UNHCR's leadership role in advocacy platforms addressing xenophobia.**

   a. Define UNHCR's comparative advantage of being able to rapidly reach out to and network amongst refugee communities and provide strategies for operations to enhance host country concerns such as state security, disaster preparedness, health and hygiene campaigns, etc.

   b. Encourage other partners to do the same to find interstices for strong negotiation positions.

4. **Focus on xenophobia related programming processes and tools.**

   a. Highlight requests for xenophobia related programming in annual programme reviews to ensure field and regional offices have a coherent local-level operationally relevant strategy and have explored complementarities amongst sector approaches.

   b. Review xenophobia related objectives and indicators in UNHCR's results based management system in order to see if they are realistic and relevant.

5. **Expand upon resources dedicated to xenophobia related programming.**

   a. Identify donors and partnerships that can provide the financial and human resources needed to implement a strategic vision for anti-xenophobia programming.

   b. Consider earmarked funding in order to protect these programmes from being subsumed by emergency related programmes.

To UNHCR ROSA:

6. **Systematically assess the impacts of xenophobia on Persons of Concern.**

   a. Conduct thorough assessments of operational contexts at the initiation of xenophobia related programmes and then every two to five years. Define the overarching concern and specify problems to be addressed.

   b. Focus on causal pathways for xenophobic violence and exclusion.

   c. Wherever possible, disaggregate based on place, gender, age, nationality, and economic sector.

7. **Create an operational strategy for addressing xenophobia.**

   a. Orient the new strategy to address root causes (attitudes, leadership vacuums, inconsistent application of the rule of law, high unemployment, widespread poverty) and multiple triggers in places where the violence takes place, such as local politics combined with high youth unemployment.

   b. Ensure the strategy involves a holistic approach that incorporates multiple factors and sectors including, for example, education or awareness, law enforcement, service delivery, housing and labour markets.

8. **Engage the Government of South Africa to collaborate on an operational strategy.**

    a. Work with national government (DoJ, DAC, DERCAW) to develop a UNHCR ROSA strategy that is in line with the Government of South Africa's own inasmuch as possible. Where the government lacks clear guidelines, work with officials and other stakeholders to develop a common vision.

    b. Develop an approach that delineates respective realms of responsibility and pushes towards long-term change. Such an approach should be oriented to maximising UNHCR's mandated role and inter-agency, inter-governmental resources as well as its knowledge of refugee communities in South Africa.

9. **Use UNHCR's comparative advantage to work with the Government and partners to create advocacy networks.**

    a. Consider multiple modalities and include partners and operations in non-humanitarian, non-migration fields to create this network, including trade unions, residents associations, the Hate Crime Network, etc.

    b. Formally map stakeholders across government, civil society and international organisations to (a) build solidarity around causes of concern to everyone such as township safety; (b) broaden reach; and (c) engage policy makers in line with their mandates.

    c. Look for complementarities with UN, international organisations and actors beyond the humanitarian space (through housing/Habitat, labour/ILO, OHCHR, UNICEF, UNDP's Peace through Diversity programme, and IOM).

    d. Explore the possibility of tripartite agreements with UNHCR, line ministries and an IO or NGO. Identify key agents of change throughout these organisations and develop approaches that further mutual interests.

10. **Open new and different discussion spaces for xenophobia.**

    a. Redesign the Protection Working Group (PWG) to maintain it as a general convening space but create a separate forum or task team for discussing xenophobia and coordinating xenophobia related programmes.

    b. Engage in other forums beyond the PWG that address xenophobia, such as housing meetings or town halls.

    c. Preserve a space outside the Protection Working Group where the Government can engage candidly.

11. **Invest selectively in xenophobia related programming.**

    a. Having identified key intersections of xenophobia and protection in specific contexts, UNHCR ROSA should collect and analyse evidence of strategies for addressing specific challenges that can be addressed within the limited funding available.

    b. Upon doing so, UNHCR ROSA needs to conduct a 'triage' of potential interventions to determine which are likely to be most effective; best value for money; most likely to catalyse long-term change and ongoing responses; and least likely to have negative protection or political by-products.

    c. Pilot programming in a particular place can be a good investment. When working on attitudinal change, link interventions to socio-economic factors and actual behavioural patterns and use clear causal pathways with integrated elements.

12. **Build upon existing entities to protect Persons of Concern from xenophobia.**

    a. Wherever possible integrate refugees into existing programming and initiatives to avoid building parallel structures.

    b. Use programming to support existing bodies to work on behalf of non-nationals. This might include trade unions, professional associations, migrant associations, urban residents associations, neighbourhood watches, etc. Collaboration might take multiple forms: knowledge production, joint advocacy, or developing guidelines. Look at opportunities for bridging between refugee-oriented organisations with locally legitimate bodies or persuade South Africa-oriented organisations to work with and for refugees.

    c. Clearly communicate UNHCR's role and mandate to partners.

13. **Create an evidence base that informs xenophobia related programming**

   a. Create an evidence base for future programming through systematic and innovative monitoring exercises.

   b. Explore remote monitoring possibilities for areas where access is limited or where programme responses are to incidents that are unpredictable.

   c. Consult stakeholders and populations targeted at the activity level regularly to verify the impacts and discover unintended effects.

   d. Consider commissioning stakeholders to provide regular feedback.

   e. Create an efficient tracking and data management repository in order to prioritize critical programme areas.

   f. Document the use of comparative advantage and advocacy campaigns through stakeholder interviews and focus groups amongst target populations.

   g. Use these statistics and concrete data to develop measures not only for assessing impact but also to describe continued need and funding gaps.

14. **Coordinate xenophobia related programmes amongst the multi-functional team.**

   a. Clearly identify at the office level within human resources and programming structures how to ensure a vision is coordinated amongst Community Services, Programme, Protection and Administration sections,

15. **Continue capacity building on xenophobia related programmes.**

   a. Remain vigilant on capacity building of all human resources. Ensure that UNHCR staff members responsible for programme activities receive adequate programme management training.

   b. Continue to train partners on results based management as well as the UNHCR funding or programme cycle.

   c. Continue to provide Code of Conduct training to all IPs.

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APPENDICES

APPENDIX I: LIST OF KEY INFORMANTS INTERVIEWS BY ORGANISATION AND BY RESEARCH SITE

Key national informants by organisation

Organization	Total
UNHCR Geneva	2
UNHCR ROSA	9
IOM	2
Central Methodist Church	2
Jesuit Refugee Service (JRS)	1
Lawyers for Human Rights (LHR)	1
Consortium for Refugees and Migrants in South Africa (CoRMSA)	1
SAPS (South African Police Service)	1
Total	**21**

List of case study interviews

Xaveri Movement South Africa

Stakeholders	Total
IP: Xaveri Movement	4
Key informants	9
Target populations	4
Community residents	4
Total	**21**

Thetha FM Radio Station

Stakeholders	Total
IP: Thetha FM Radio	5
Key informants	5
Target populations	4
Community residents	5
Total	**19**

ARESTA

Stakeholders	Total
IP: ARESTA	3
Key informants	10
Target populations	9
Community residents	4
Total	**26**

DMPSP

Stakeholders	Total
Implementing partners	9
Key informants	9
Target populations	3
Community residents	6
Total	**27**

APPENDIX II:
INTERVIEW GUIDES

Interview guiding questions for key UNHCR staff

General

- What is your position, role/responsibilities in UNHCR ROSA anti-xenophobia programme?

- What aspects of the programme were/are you responsible for?

- What is UNHCR overall strategic approach to countering xenophobia against PoC in South Africa? When and why was the approach designed and adopted? Do you think it still relevant to date?

- What exactly is the strategy and related programmes/activities trying to achieve? Attitude change? Prevent/stop/mitigate violence against PoC?

- How is ROSA strategy/programme aligned with the 2009 UNHCR strategy to combat xenophobia?

- What is your assessment of the current dynamics of xenophobia in this South Africa? Attitudes, behaviour, victims and perpetrators, responses?

- What do you see as the main challenges in addressing xenophobia in South Africa in general?

Overview of [name of programme/project]

What aspects of [name of project/programme] are you involved in or responsible for:

- Rationale/motivation?

- Objectives?

- Planned activities?

- Timeframe?

- Implementation plan?

- What budget and resources were made available for implementation?

- Support and partnerships; how and why partnerships were entered into?

- Beneficiaries and target populations and why selected?

- What were the implementation areas/locations and why were they chosen?

- [*Ask for any documents that confirm all that they say*]

- Have programme activities been implemented as planned? If not, why?

- Are there any the challenges encountered during the implementation process? *[probe with the following questions if necessary]*

- Relating to the social, political and economic contexts in which take place? How can these challenges be addressed in the future?

- Relating to human resources as well as staff capacity? How can these challenges be addressed in the future?

- How have partnership arrangements and internal structures impacted effective programme implementation?

- How have target populations received and engaged with the programme and what do they identify as its strengths and weaknesses?

- What are the programme achievements in terms of combating xenophobia against PoC in South Africa? Real difference made to beneficiaries? Objectives of different projects achieved?

  - Are programmes achieving their intended objectives? What evidence do you have?

  - Are changes most likely due to the programme, or are there other factors that may have caused or contributed to a particular outcome?

  - Does the impact of programmes vary across different groups of intended beneficiaries, regions, and over time? If so, what are possible explanations for this variation?

  - Any unintended effects of the programmes, either positive or negative? Evidence?

  - What is working that should be capitalized on?

- How cost effective and sustainable are programme activities, results and effect?

Interview guiding questions for implementing partners (IPs)

General

- What is your role in [*name of programme/project*]? What aspects of the programme were/are you responsible for?

- How does [*name of programme/project*] fit into your institution's normal area of work [mandate]?

- Is xenophobia your central focus [mandate]; is it just one of a number of areas of work, or does it fall outside your usual area of work?

Background on the area (conflict context)

- What population groups live in this area?

- What are the main tensions in the area that we should be aware of? [PROBE: national, ethnic, economic, business interest groups, recent migrants, generations tensions]

- What are the symptoms of those tensions? [PROBE: taxi violence, 'xenophobic violence,' threats against certain groups]

- Are there any groups that support the idea of managing tensions peacefully, and why do you think they do?

- Are there any groups that are against the idea of managing tensions peacefully? Why do you think they are?

- How would you characterise the relationship between residents and local authorities (e.g. council, police, CPF, etc.)?

- When residents talk about 'the community' do you think they're talking about everybody living here, or do only some groups qualify as proper community members?

- How did you deal with all of these tensions in your work in the area?

- What is your assessment of the current dynamics of xenophobia in this area? Attitudes, behaviour, victims and perpetrators, responses?

Overview of [name of programme/project]

- When did the project/programme start? Why did you feel the need to start it? When is it scheduled to end?

- What was the key issue/problem [name of programme/project] is/was trying to address?

- Do you think this is the most appropriate project/programme to address this issue?

- What led you to choose the particular approach you have taken to the problem?

- What were/are the target groups for [name of programme/project]?

- Why these groups/individuals over others?

- What were/are objectives this project/programme?

- What were/are the project planned activities?

- What was/is the implementation plan?

- Did you partner with/collaborate with any group or institution on this [*name of programme/project*]?

- If so, do you feel this partnership worked? Why? If not, why?

- Do you think there would have been a more appropriate partner?

- Whom did you identify to participate in [*name of programme/project*] in order to reach the target group?

- Why these people/institutions over others?

- In the end, who participated in [*name of programme/project*]?

- Did the people you would ideally like to reach actually participate?

- Did anyone refuse to participate?

- Did anyone fail to participate for other reasons (identify the reason)?

- What effect did this have on your ability to achieve the outcomes you want?

- For those people and groups that did participate, what do you think motivated them to participate (why did they choose to be involved)?

- How successful do you think your work with [*name of programme/project*] here has been – scale of 1 to 10?

- Were you able to implement activities as planned? If not, why?

- What has worked well?

- What didn't go as planned?

- How did you deal with these unexpected problems?

- What are the main challenges you face in doing your work in this area?

- Were/are any individuals or groups opposed to your work? Why?

- Did they do anything to obstruct your work?

- How did you deal with these challenges?

- Did the project achieve its intended objectives? What evidence do you have?

- Who do you feel has benefited the most from project activities? What makes you say this/how do you know?

- How does this relate to the people you originally set out to influence?

- Has your work led to specific changes in this area or in the lives of targeted populations?

- What used to happen and what happens now?

- How do you know those changes are due to your work and not to something else?

- Is it possible that any negative changes might have come about because of [*name of programme/project*]

- How did you assess the effectiveness of your work here?

- From the start, did you have a plan for monitoring and evaluating your work? [*Where applicable, ask for relevant M&E documents, plans, etc.*]

- [If not] What kinds of information do you use to see whether your work is having the effects you planned?

- Have you had any feedback on your work from outside your institution/outside this community? Has anybody made comments about your work?

- What was the feedback? Was there any negative feedback? What did/will you do in response to the feedback?

- Did you encounter challenges in relation to human resources as well as staff capacity? How can these challenges be addressed in the future?

- Realistically, what results do you think can be expected from your work?

- What are the limitations/obstacles to achieving more?

- How cost effective and sustainable are programme activities? How could we make them more cost-effective and sustainable?

Relationship with UNHCR

- Who was your primary contact person within UNHCR for this [*name of programme/project*]?

- How much funding did you receive for this? Do you feel that UNHCR has provided adequate funding for [*name of programme/project*]?

- Do you feel that UNHCR is a source of support for you in ways other than financial?

- Did you have any problems in your relationship with UNHCR?

- Do you feel that there are things that UNHCR could do to better help implementing partners or staff on the ground to carry out their work?

- Generally speaking, do you think UNHCR is providing PoC with effective protection against xenophobia in South Africa? If not, what do you think they can do to improve protection effectiveness?

- Are you aware of the UNHCR counter xenophobia strategy?

Interviews with external key informants (non UNHCR Staff or non-IP) local NGOs and authorities

General

- Position, role, organisation

- Mandate of the organisation in the area

Background on the area (conflict context)

- What population groups live in this area?

- What are the main tensions in the area that we should be aware of? [PROBE: national, ethnic, economic, business interest groups, recent (SA) migrants, generations, tensions]

- What are the symptoms of those tensions? [PROBE: taxi violence, 'xenophobic violence,' threats against certain groups]

- Are there any groups that support the idea of managing tensions peacefully, and why do you think they do?

- Are there any groups that are against the idea of managing tensions peacefully? Why do you think they are?

- How would you characterise the relationship between residents and local authorities (e.g. council, police, CPF, etc.)?

- When residents talk about 'the community' do you think they're talking about everybody living here, or do only some groups qualify as proper community members?

- How did you deal with all of these tensions in your work in the area? [*for local authorities*]

- What is your assessment of the current dynamics of xenophobia in this area? Attitudes, behaviour, victims and perpetrators, responses?

- If there are tensions relating to PoC, who responds?

Opinions about UNHCR/IP and programme

- What is UNHCR or IP doing in this area?

- Have you heard about [*name of programme*]? How did you come to know about it?

- What is the involvement of the local authority in this programme?

- How do residents of this area feel about the programme?

- *If yes:* How significant have the [*name of programme*] interventions been in protecting PoC against xenophobia in your area in your opinion?

- What, in your opinions, are the strengths and weaknesses of [*name of programme*]?

- Are there particular aspects of [*name of programme*] that you would consider more successful than others?

- Are there any significant changes in the lives of PoC with regard to the protection against xenophobia that you would attribute to [*name of programme*]?

- Are changes most likely due to the [*name of programme*], or are there other factors that may have caused or contributed to a particular outcome?

- Are there any unintended effects of the [*name of programme*], either positive or negative?

- Generally speaking, do you think UNHCR is providing PoC with effective protection against xenophobia in South Africa? If not, what do you think they can do to improve protection effectiveness?

- Are there other stakeholders doing similar work in this area? If yes, how would you compare their works with [*name of programme*]?

Interviews and focus group discussions with beneficiaries/residents

Background on the area (conflict context)

- Who lives in [*name of area*]?

- Do people divide themselves into groups?

- Are there people/groups here who do not get along with others? Why don't they get along?

- Are there some groups who are seen as outsiders here?

- What kinds of conflict have taken place in this area? What happened?

- Have there been any conflicts recently (for example, over crime, housing, services, politics, taxi routes, or business competition)?

- Who were the different groups/people involved?

- What are the kinds of issues they fight or disagree about?

- What actually happened to set off the conflict?

- Have the issues that caused the conflict been resolved?

- How were they resolved?

- Who were the actors involved in resolving the issue?

- After it was resolved, did any more incidents happen that were caused by the same issue?

- If the issue hasn't been resolved, then what is preventing it from being resolved?

- Do you think that the same type of conflict is likely to arise in the future? Why?

- The last time that violence took place here [*reference a specific incident*] what happened? Who intervened?

- What do you think should be done to bring people together/help different groups live side by side without problems?

- [*Referring to the list of actors who have intervened, ask*]: Which ones are only trusted by certain groups?

- Which groups?

- Why do you think [*group*] trusts this actor when others don't?

- If you were attacked or threatened, who would you go to for help?

- Why would you go to this person over other people? Who would you not ever go to? And if that person/ organisation couldn't help you, who would you go to next? Why?

- Do you know any people/organisation/events/ activities that are trying to bring different groups together/help different groups to live side by side without problems? Who?

- What have they been doing? Since when? Are they still doing it?

- Who did they work with? [PROBE: partnering organisation AND target group.]

- Are they still doing it?

- How did you come to know about it?

- Did you participate in any way? How did you hear about it? How did you come to participate? What was your part?

- [*If some did not know about or participate in the activity*] Why do you think you didn't get to hear about it while others did? Why didn't you take part?

- What did this 'intervention' (activity/committee) accomplish?

- What have you seen that makes you say they accomplished that?

- Why do you think they were able to accomplish this? Or why did they fail?

- Has anyone else tried to tackle this issue here? [Go through probe questions again.]

Opinions about UNHCR/IP and programme

- Have you heard about name of programme?

- How did you come to know about it?

- Did you participate in any way? How did you hear about it?

- How did you come to participate?

- [*If some did not know about or participate in the activity*]: Why do you think you didn't get to hear about it while others did? Why didn't you take part?

- What did this 'intervention' (activity/committee) accomplish?

- What have you seen that makes you say they accomplished that?

- Why do you think they were able to accomplish this? Or why did they fail?

- What changes has the programme made in your life with regard to the protection against xenophobic attitudes and behaviour? Has the programme made any difference? If not, what do you think should be done and by whom? [*ask PoC*]

- Are there any other anti-xenophobia programmes/ activities in this area? If yes, what are the programmes, by whom and what do you think about them with regard to their effectiveness?

APPENDIX III: CHAIN OF EVIDENCE SUPPORTING RECOMMENDATIONS

Conclusions/Finding	
Data / Supporting Evidence	**Recommendations**
1. Need for a coherent, local strategy for addressing the negative consequences of xenophobia on refugee and asylum seeking populations.	
– Multiple, often contradictory, documents outlining varied objectives and priorities – Little cross reference to overarching objectives or reference to potential complementarities – Absence of a stated country level plan with long-term objectives with measurable and operationalisable principles – Interviewed UNHCR staff admitted they lacked a strategic document / policy and indicated that a strategic approach and document would be beneficial – Project documents include few measurable objectives; objectives are not harmonised – No clear benchmark for evaluating suitability of projects implementation activities – Project documents demonstrate a limited understanding of population dynamics and characteristics including the location and particular needs of POC – Stakeholders observe that UNHCR seemed to lack a clear and consistent strategy and often pursued multiple objectives or approaches	– Conduct thorough assessment of operational context at programme initiation and then every two to five years. Focus on causal path for xenophobic violence and exclusion. Wherever possible disaggregate based on space, gender, age, nationality, and economic sector – Define the overarching concern and specify problems to be addressed – Orient the new strategy to address root causes, including attitudes, and multiple triggers in places where the violence takes place, e.g. local politics combined with poverty. This should involve a holistic approach that incorporates multiple factors/sectors including, for example, education/awareness, law enforcement, service delivery, housing and labour markets, etc. – Work with national government (DOJ, DAC, DERCAW) to develop strategy that is in line with the government's own where possible. Where government lacks clear guidelines, work with officials and other stakeholders to develop a common vision – Develop approach that delineates respective realms of responsibility and pushes towards long-term change. Such an approach should be oriented to maximising UNHCR's comparative advantage within the operational field, i.e. UNHCR's access to refugee communities and data sets as well as UNHCR's unique mandate and position to advocate for PoC.
2. Need to define and embrace the role of UNHCR in addressing xenophobia.	
– Interviews with UNHCR ROSA staff indicate divergent opinions about role. Some accept a role; some do not – Even among those accepting a role, nobody saw it as core to the protection mandate – Staff unclear about the role UNHCR should or could play – Lack of a local strategy based on the corporate strategy with implementation plan – Limited budgetary support targeted for xenophobia	– Recognise that xenophobia is an issue that influences all protection activities – Use UNHCR's comparative advantage to work with the government and partners to create advocacy networks – Develop a careful strategy for confronting denialism – There should be enhanced facilitated dissemination of 2009 policy within UNHCR. This should be done across regions and be HQ led – At a global level there is a need to revisit the 2009 policy to make it more relevant and practicable in operational contexts – Conceptually link xenophobia to questions of urban protection and integration at global and field levels – Highlight requests for xenophobia related programming in the annual programme review at the UNHCR HQ level and in all offices, to ensure field and regional offices have a coherent local-level operationally relevant strategy – Advocate for training from DIP and GLC on operationalising an agency wide strategy – Review xenophobia objectives and indicators in results based management system – Explore earmarked funding for anti-xenophobia funding – Look for complementarities among sectoral approach – Identify and work to identify financial and human resource needs to implement strategic vision – Clearly identify at the office level within human resources and programming structures how to ensure vision is coordinated among community services, programming and protection

Conclusions/Finding	
Data / Supporting Evidence	**Recommendations**
3. Theory of change (i.e., how to meaningfully counter xenophobia) needs to broadened beyond public opinion and attitudes	
– Almost all programmes, apart from DMPSP, are oriented at public attitudes not politics and policy – Presumptions of change not supported by global evidence and not evaluated in the local context with the noteworthy exception of ARESTA who identified poor service delivery, poverty and unemployment and political infighting as sources of violence but nevertheless implemented a public awareness programme – Parallel systems were created in some areas in lieu of attaching programming to indigenous, mainstream programmes – Have not adequately considered negative impacts of policy interventions (most evident with the DMPSP)	– Perform efficient tracking and data management in order to prioritize programme areas. – Effectiveness, data sets, access to refugee communities and advocacy are the comparative advantages – Having identified key intersections of xenophobia and protection in specific contexts (see above), UNHCR should collect and analyse evidence of strategies for addressing specific challenges – When working on attitudinal change, link interventions to socio-economic factors and actual behavioural patterns and use clear causal pathways with integrated elements – Conduct a 'triage' of potential interventions to determine which are likely to be (a) most effective; (b) best value for money; (c) most likely to catalyse long-term change and ongoing responses; and (d) least likely to have negative protection or political by-products. Consider using a pilot activity in one particular place. – Consider multiple modalities and including partners and operations in non-humanitarian fields to engage in the activity – Continue to emphasize the importance of attitudes but tie them to other factors in promoting behavioural change.
4. Partnerships have not catalysed a sustainable, broad based response	
– A national policy from the Government of South Africa would help UNHCR to draft a complementary strategy. The absence of a national strategy has forced UNHCR to rely on governmental entities in an ad hoc manner – Different government departments may have programmes but top level coordination or common objectives would help overcome limited support for the anti-xenophobia agenda – Local authorities often have little awareness of these issues and are not engaged in national discussions – The tendency to create parallel, refugee centred initiatives, e.g. militia, youth groups, run the threat of attracting little public sympathy and support – To date there is little pressure for systemic government reform. There is a need to build coalitions with donors and civil society organisations – Partners expect more or different action from UNHCR – Partner selection has been overly narrow sectorally and bureaucratically overly-influenced and as a result UNHCR has not been able to address many relevant issues and not able to reach senior policy makers	– Humanitarian diplomacy and consensus building among stakeholders `including governments and regional bodies – Work with the Government of South Africa to ensure a comprehensive, multi-sectoral approach – Map stakeholders across the Government and civil society and international organizations to (a) build solidarity, e.g. township safety; (b) broaden reach; (c) reach policy makers in line with their mandates and (d) identify the most credible, effective partners – Look for complementarities with organisations and actors beyond the humanitarian space, e.g. housing/Habitat, labour/ILO, OHCHR, UNICEF, UNDP's Peace through Diversity programme, and IOM – Identify key agents of change (officials, departments, organizations) and develop approaches that further mutual interests – Redesign the PWG to maintain it as a general convening space but create separate forum for or task team for discussing xenophobia and coordinating anti-xenophobia programmes – Engage in other forums beyond the PWG that address xenophobia, e.g. housing meetings, townhalls, labour meetings, etc. – Preserve a space outside the PWG where the government can engage – Help to support existing bodies to work on behalf of non-nationals. This might include trade unions, professional association, migrant associations, urban residents associations, neighbourhood watches, etc. Collaboration might take multiple forms: knowledge production, joint advocacy, developing guidelines – Wherever possible integrate refugees into existing programming and initiatives to avoid building parallel structures – Engage more explicitly with actors outside the migration field such as the Hate Crime Working Group – Look at opportunities for providing the bridge between refugee-led or refugee-oriented organisations with locally legitimate bodies at the township or municipal level as well as persuading South African entities to include refugees in their organisations and activities – Explore possibility of tripartite agreements with a line ministries and a NGO – Clearly communicate UNHCR's role and mandate to partners

Conclusions/Finding	
Data / Supporting Evidence	**Recommendations**
5. Need for improved results based management logic and monitoring	
– Strategic docs rarely included concrete or measurable objectives, indicators, or implementation modalities – Inconsistent outcomes and outputs – Monitoring was not adequately documented in many cases and thus precluded opportunities for institutional learning, creating baselines, and improving practice – Limited feedback to partners and little training on appropriate reporting technologies – Inconsistent training of partners on the Code of Conduct – Inadequate training of implementing partners on the results chain	– Explore remote monitoring possibilities for areas where access is limited or where programme responses are to incidents that are unpredictable – Regular consultations with stakeholders and each activity's targeted population as well as the surrounding community. Possibly commission stakeholders to provide regular feedback – Ensure UNHCR staff responsible for program activities receive adequate programme management training – Continue to train partners on results based management – Continue to train partners on the UNHCR programme cycle – Use statistics and concrete data to develop measures for assessing impact and continued need – Develop protocols for verification exercises with partners and target populations

APPENDIX IV: COMBATING RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE THROUGH A STRATEGIC APPROACH (DECEMBER 2009)

Background

Racial discrimination and related intolerance are common causes of flight and can threaten the protection of asylum-seekers and refugees at subsequent stages of the displacement cycle. They can be manifested through restricted access to asylum or negatively affect the quality of asylum. Asylum-seekers and refugees may be denied equal access to public services and become targets of racially motivated acts. What often begins as subtle expressions of dislike and intolerance can develop into institutionalised discrimination, incitement to hatred, verbal and physical abuse and, ultimately, hate crimes.[80] Ideas based on the superiority of one group over another can also hamper the search for durable solutions. They can hinder integration into the host society or that of resettlement and make return less viable, especially if this takes place in conditions where peace is fragile and racial or ethnic tensions remain high. Discrimination on the basis of race, colour, descent, or national or ethnic origin, sometimes in combination with discrimination on other grounds, is also a recurring reason for the denial or deprivation of nationality and is therefore a cause of statelessness. Statelessness itself often leads to discrimination and where stateless populations belong to racial, ethnic or other minorities, their lack of nationality may reinforce existing patterns of discrimination.

Fear of the 'other' typically underlies racist and intolerant sentiments. This fear has been compounded by the current global economic crisis and the deteriorating political and social environment in some countries. It poses additional challenges to the protection of people of concern to UNHCR.

The particular vulnerability of asylum-seekers and refugees to racist and xenophobic attitudes and acts is an ongoing issue that needs to be addressed, particularly in the context of increased international focus on urban refugees. The necessary public support for the reception of asylum-seekers and refugees continues to be hindered by the tendency of certain media and politicians to confound concerns over irregular migration with those of refugee movements. The problem is not confined to industrialised states but extends to developing countries, which host the majority of the world's refugees. At times, asylum-seekers and refugees have been demonised, especially during election campaigns when rhetoric, antagonism and verbal or even physical attacks against them became particularly pronounced.

Efforts to prevent asylum issues from becoming politicised and anti-refugee and immigrant attitudes from taking root are underway in several countries. UNHCR shares the view of those non-governmental organizations and community leaders who respond to acts of racial discrimination against asylum-seekers and refugees with measures designed to show that these groups should not be made scapegoats for failed policies and that racism, xenophobia and related intolerance should not figure in election campaigns.

It is clear that concerted efforts are required from all concerned parties – states, the United Nations and other international and regional organizations, as well as NGOs and community groups to address these issues. The success of any such effort will be directly proportional to the political will of states to put in place systems for the protection of basic rights and mechanisms for ensuring their effective implementation. This needs to be complemented by activities aimed at preventing racist and intolerant attitudes from developing, such as human rights education and public information campaigns to promote respect and tolerance. Several countries have launched creative awareness-

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[80] There is no legal definition of 'hate crime' in international law. However, Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) obliges States Parties to declare all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin an offence punishable by law. Also, Article 20 of the International Covenant on Civil and Political Rights (ICCPR) obliges States Parties to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Hate crimes – or bias-motivated crimes – are generally defined as any criminal offence directed at a person(s) or property due to the real or perceived connection, attachment, affiliation, support, or membership of a group associated with that person or property. The group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, or other similar factors. Criminal offenses motivated by the offender's bias against an individual based on his/her race, religion, disability, sexual orientation, ethnic or national origin are generally recognized as falling within the category of hate crimes.

raising campaigns in cooperation with UNHCR to "roll back xenophobia", and a number of regional organisations are implementing programmes that promote tolerance towards, and respect for, foreigners, including refugees. NGOs and civil society have played a vital role in raising awareness about this issue, highlighting abuses as they occur, lobbying for change, and providing training and advice. UNHCR has an integral role to play in this regard and seeks to address public attitudes towards persons of concern in a more strategic manner.

The purpose of this appendix is to outline seven elements for a strategic approach to combat racism, racial discrimination, xenophobia and related intolerance. This appendix not only serves as guidance for UNHCR offices around the world but can also be used as a background paper in strategic discussions on this issue with relevant stakeholders – authorities, persons of concern, local community groups and civil society actors, including municipal actors in large urban contexts.

Elements for a strategic approach

Addressing racial discrimination and related intolerance can seem like a daunting task, beyond UNHCR's sphere of influence. But UNHCR and its partners can make a difference if the psychological elements behind these protection issues are understood and if it is recognised that the responsibility for combating them rests with all of society. A strategic approach to tackle these issues will normally include the following elements: (i) monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes; (ii) analysing the underlying reasons; (iii) assessing the manifestations of these phenomena and their impact on protection; (iv) understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination; (v) engaging a network of diverse organisations and actors that implement complementary activities targeting different groups in society; (vi) including affected communities in the strategic approach; and (vii) providing individual support to victims.

Monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes

Signs of rising xenophobia and intolerance need to be detected as early as possible in order to counter any misinformation or dispel myths before they take root. Failure to correct or respond to misinformation in the media or political arena may be interpreted as complacency and negatively affect public opinion and the protection environment.[81] The media and political dialogue, therefore, need to be closely monitored. Similarly, incidents of hate crimes that come to the attention of UNHCR and its network of partners need to be recorded and reported to the authorities to promote comprehensive, timely and impartial investigations of crimes that seem motivated by bias.

Analysing the underlying reasons for racial discrimination, xenophobia and related intolerance

Effective strategies need to be informed by an analysis of the underlying reasons for racist and xenophobic tendencies and intolerance, including fears of the unknown, concerns related to the preservation of national cohesion and identities, and other factors such as increased migratory flows, economic downturn, rising unemployment and urbanisation which may fuel such sentiments. The analysis will often be based on information obtained through consultations with populations of concern and partners, monitoring of the media and political dialogue. Information can also be drawn from studies and reports produced by local and international NGOs, research institutions, National Human Rights Institutions (NHRIs), international and regional human rights organisations, and mechanisms with a mandate to monitor these particular issues. For example, reports from country visits undertaken by the Special

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[81]   High Commissioner for Human Rights, Ms. Navi Pillay, also noted this point at a press conference for Human Rights Day, 10 December 2009, in which she stated: "You cannot defeat discrimination by shutting your eyes to it and hoping that it will go away. Complacency is discrimination's best friend." For more information, please see: http://www.ohchr.org/EN/NewsEvents/Pages/ComplacencyiIsDiscriminationBestFriend.aspx.

Rapporteur on Racism[82] and *Concluding Observations* issued by the Committee on the Elimination of Racial Discrimination can provide valuable insight for the analysis. Many human rights NGOs also monitor and report on patterns of discrimination and intolerance in countries and regions. For example, the NGO Human Rights First produces an annual 'Hate Crime Survey'[83] containing an analysis of the situation in the 56 participating states of the Organization for Security and Cooperation in Europe (OSCE).

Assessing the manifestations of these phenomena and their impact on protection

Negative public attitudes towards persons of concern threaten the protection environment and may contribute to: (i) restrictive asylum policies, including the creation of barriers to territories and procedures, increased use of detention, extended applications of the exclusion clauses and exceptions to the principle of *non-refoulement;* (ii) denial of citizenship and/or arbitrary deprivation of nationality; (iii) heightened risk of exploitation and abuse, including in formal and informal labour markets; (iv) segregation, marginalisation and exclusion of persons of concern from their surrounding community; (v) difficulties for persons of concern to access their rights and services, including judicial institutions, schools, health-care facilities and the labour market, and a perception of persons of concern as competitors rather than contributors; (vi) bans on religious symbols and places of worship; (vii) fewer possibilities of finding durable solutions due to a reluctance by countries to facilitate long-term stay and local integration, and difficulties for UNHCR to secure resettlement places for refugees from certain regions; and (viii) a rise in hate crimes directed at persons of concern, sometimes leading to deaths. It is important to analyse how negative public attitudes and behaviour relate to protection issues and impact the social and political environment.

Understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination

States are ultimately responsible for creating an environment in which all human beings can equally exercise their rights. The prohibition against discrimination based on race, colour, sex (including sexual orientation), language, religion, political or other opinion, national or social origin, property, birth or other status is contained in all UN human rights treaties. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is the main international instrument for combating racial discrimination, which is defined in its Article 1 as discrimination on the basis of race, colour, descent, or national or ethnic origin. The Committee on the Elimination of Racial Discrimination (CERD), which monitors States Parties' compliance with the ICERD, has clarified that these grounds of discrimination are extended in practice by the notion of 'intersectionality'.[84] In other words, the CERD is competent to addresses situations of double or multiple discrimination – such as discrimination on grounds of gender or religion – when discrimination on such grounds appears to exist in combination with race, colour, descent, or national or ethnic origin. The CERD has elaborated on the particular relevance of the ICERD for non-citizens in its General Recommendation No. 30.[85] Specifically, this General Recommendation provides guidance on recommended measures that states are advised to implement to prevent discrimination based on citizenship or immigration status.

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82   The full title is: *Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance.* Mandate currently held by Mr. Githu Muigai. For more information, please see: http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm.

83   Available online at: http://www.humanrightsfirst.org/discrimination/pages.aspx?id=78.

84   See Committee on the Elimination of Racial Discrimination (CERD), *General Recommendation No. 32 The meaning and scope of special measures in the International Convention on the Elimination ofAll Forms of Racial Discrimination*, 24 September 2009, para. 7. Available online at: http://www.unhcr.org/refworld/docid/4adc30382.html.

85   Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 30 *Discrimination against Non Citizens*, 1 October 2002. Available online at: http://www.unhcr.org/refworld/docid/45139e084.html. Also available on the UNHCR-net at: https://goo.gl/426O7F

The **Durban Declaration and Programme of Action (DDPA)[86] and the Outcome Document of the Durban Review Conference**[87] are recognized for providing the most comprehensive, action-oriented framework to combat racism, racial discrimination, xenophobia and related intolerance. Unlike 'racial discrimination', the terms 'racism', 'xenophobia' and 'intolerance' are not defined in international law. However, they could include discrimination, incitement to discrimination, as well as all acts of violence or incitement to violent acts on the grounds of race, colour, descent, or national or ethnic origin, including in combination with other grounds, such as religion, gender or disability.[88] The DDPA highlights the responsibility of the United Nations to support the continuing struggle against these attitudes and practices, and incorporates 17 paragraphs related to displacement and the prevention of statelessness, listed in Annex 1 to this appendix. The Outcome Document of the Durban Review Conference contains six paragraphs, listed in Annex 2, which refer explicitly to asylum-seekers, refugees and internally displaced persons (IDPs) as well as to arbitrary deprivation of nationality. In addition, the DDPA and the Outcome Document urge States to develop *National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance,* to monitor their implementation in consultation with relevant stakeholders and to establish national programmes that facilitate the access of all, without discrimination, to basic social services. The Outcome Document also recommends that States establish mechanisms to collect, analyse and disseminate reliable and disaggregated statistical data and that they set up independent bodies to receive complaints from victims.

Engaging a network of diverse organizations and actors that implement complementary activities targeting different groups in society

UNHCR alone cannot change racist or xenophobic sentiments. A strategic broad-based alliance of partners from different sectors needs to be engaged and their actions must reach out to different groups according to their respective roles and responsibilities in society. Key partners in this area include government institutions, donor governments, the corporate sector, the Office of the High Commissioner for Human Rights (OHCHR), UN Country Teams and Resident Coordinators in individual countries, the International Organization for Migration (IOM), regional organisations, NHRIs, civil society and academic institutions, trade unions, networks of journalists, teachers' associations, faith-based groups and, most importantly, UNHCR's persons of concern. Some of these actors will be both partners and recipients of awareness-raising activities and advocacy.

By way of good practices, the Diversity Initiative in Ukraine is one example of the beneficial impact of partnership and complementary action to combat xenophobia and intolerance. Launched by UNHCR, IOM, Amnesty International and a number of other civil society organisations in 2007 in response to a rise in hate crimes in Ukraine, it is a network composed of approximately 50 organisations[89] from the international, civil, corporate, and government sectors, diplomatic missions and interested individuals. The Diversity Initiative has several components: i) liaison with the government and support of government activities to prevent, reduce and respond to hate crimes; ii) a standardised system for collecting reports of suspected bias motivated incidents; iii) analysis of existing legislation in the area of discrimination and hate crimes, as well as compilation of good legal practices in other countries; iv) advocacy, which seeks to engage civil society and the broader population through surveys, roundtables, cultural events, monthly bulletins, fliers and debates; v) provision of medical and legal advice to victims of hate crimes; and vi) collaboration with journalists and editors to prevent hate speech and combat stereotyping and distortions in the coverage of asylum and refugee issues.[90]

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[86]   United Nations, *Durban Declaration and Programme of Action*, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Violence, 8 September 2001, and endorsed through GA resolution A/RES/56/266 of 15 May 2002. Available online at: http://www.unhcr.org/refworld/docid/3db573314.html.

[87]   *Outcome Document of the Durban Review Conference*, 24 April 2009. Available online at: http://www.unhcr.org/refworld/docid/49f584682.html. For the Latin American context, see also the *Outcome document of the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference*, A/CONF.211/PC.3/3, 18 June 2008. Available online at: http://www.unhcr.org/refworld/docid/4a54bc320.html.

[88]   Article 2 of the DDPA reads: "We recognize that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status."

[89]   Key members of the network include the OSCE's Office for Democratic Institutions and Human Rights (ODIHR, Department for Tolerance and Non-Discrimination), the Council of Europe's European Commission against Racism and Intolerance (ECRI), and the European Union's Fundamental Rights Agency (FRA).

[90]   For more information, please see: http://www.diversipedia.org.ua/.

OHCHR is an important global partner in the fight against racial discrimination and related intolerance. OHCHR's Anti-Discrimination Unit at its headquarters in Geneva builds national capacity to eliminate these attitudes and practices through advisory services, research, analysis and awareness raising. Specifically, the unit is responsible for supporting governments and other stakeholders in implementing the DDPA and the Outcome Document of the Durban Review Conference by providing guidance on the development of national action plans, anti-discrimination legislation and educational materials.

Government institutions and officials are both key partners in the fight against discrimination and a target group for awareness-raising activities and advocacy. They bear the responsibility for protecting all individuals under their jurisdiction from racial and other forms of discrimination and will recognise the advantages of a respectful, diverse and tolerant society for security, social cohesion, democracy and development. Networks, such as the Inter-Parliamentary Union (IPU), can provide an entry point for dialogue with parliamentarians on this issue. The joint IPU-UNHCR handbooks for parliamentarians on "Refugee Protection: A Guide to International Refugee Law"[91] and "Nationality and Statelessness",[92] as well as the IPU Resolution on "Migrant Workers, People Trafficking, Xenophobia and Human Rights"[93] from 2008, are useful tools for establishing common ground and raising awareness. The NGO Human Rights First has developed a Ten-Point Plan for Combating Hate Crimes that recommends specific steps governments can take to prevent such crimes.[94] These steps include acknowledging and condemning hate crimes whenever they occur, strengthening law enforcement and prosecuting offenders, monitoring and reporting on hate crimes, and conducting community outreach.

Collaboration with **UN human rights mechanisms** is equally important. Recommendations to States on measures needed to eradicate discrimination, including against persons of concern, are regularly adopted by the Human Rights Council through its Universal Periodic Review (UPR) mechanism, the CERD through its supervision of States Parties' compliance with the ICERD, the Special Rapporteur on Racism and the Special Rapporteur on freedom of religion or belief[95] following country visits. For example, the Outcome Document from the UPR of one country[96] contains a recommendation stating that the government should take more resolute action to prevent and punish perpetrators of racially motivated acts of violence against asylum-seekers. Similarly, the CERD, in its Concluding Observations on another country,[97] recommended that the government continue its efforts to improve the protection of refugees and IDPs. It recommended doing so by, *inter alia*, prosecuting and punishing those who commit acts of violence against refugees and IDPs and fostering harmonious relations between them and the local population, particularly through campaigns to increase awareness about tolerance and inter-ethnic understanding. The report from the joint visit by the Special Rapporteur on racism and the Independent Expert on minority issues to one country[98] contained several recommendations regarding the prevention of statelessness and the right of all persons to citizenship without discrimination on the grounds of the nationality or status of the parents. Other treaty-monitoring bodies, such as the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child (CRC), as well as other Special Procedures, including the Special Rapporteur on torture,[99] also adopt recommendations on measures States are advised to take to ensure that all persons, regardless of their race, ethnicity or other protected characteristic, are equally able to enjoy their human rights. UNHCR's Executive Committee has also encouraged States to address the situation of the forcibly displaced in their periodic reports to the treaty-monitoring bodies.[100]

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[91]   Available online at: http://www.unhcr.org/3d4aba564.pdf. Hard copies can be ordered through the human rights liaison team in DIPS at HumanRights@unhcr.org.

[92]   Available online at: http://www.unhcr.org/436774c62.pdf. Hard copies can be ordered through the human rights liaison team in DIPS at HumanRights@unhcr.org.

[93]   Resolution adopted by the 118th IPU Assembly that met in Cape Town, 18 April 2008. Available online at: http://goo.gl/4Q5SDU.

[94]   Available online at: http://goo.gl/npi0h6.

[95]   Mandate currently held by Ms. Asma Jahangir. For more information, please see http://www2.ohchr.org/english/issues/religion/index.htm.

[96]   Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Germany*, 4 March 2009, A/HRC/11/15. Available online at: http://www.unhcr.org/refworld/docid/49f964efa.html.

[97]   Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations of theCommittee on the Elimination of Racial Discrimination: Chad*, 21 September 2009, CERD/C/TCD/CO/15. Available online at: http://www.unhcr.org/refworld/docid/4ae01ec52.html.

[98]   Human Rights Council, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, and the independent expert on minority issues, Gay McDougall: Addendum: Mission to Dominican Republic*, 18 March 2008, A/HRC/7/19/Add.5; A/HRC/7/23/Add.3. Available online at: http://www.unhcr.org/refworld/docid/47e23b252.html.

[99]   The full title is: *Special Rapporteur on torture, inhuman or degrading treatment or punishment.* Mandate currently held by Mr. Manfred Nowak. For more information, please see: http://www2.ohchr.org/english/issues/torture/rapporteur/index.htm.

[100] ExCom Conclusion No. 95 (LIV) – 2003, para. (l).

Law enforcement officers are key actors in preventing and responding to bias motivated crimes. Police officers are the primary and initial point of contact for many victims of hate crime. It is, therefore, important that police officers understand how the police-victim interaction can influence whether victims report hate crimes or not. Often, they do not report such crimes because of fear of police, embarrassment, or concern that the incident will not be taken seriously. Understanding how bias motivated crimes differ from similar crimes that are not motivated by bias is also important to ensure that crimes that seem motivated by prejudice and intolerance are investigated thoroughly and perpetrators are prosecuted. Training for law enforcement officials and clear guidelines regarding the most effective and appropriate ways to respond to bias-motivated crime can greatly improve interaction between police and victims, and encourage reporting of hate crimes by victims.[101] As suggested in Human Rights First's Ten-Point Plan, prosecutors need to be trained to present evidence of bias motivations and to apply the legal measures required to prosecute perpetrators of hate crimes. UNHCR and its partners can conduct awareness-raising activities for the police, prosecutors and judges and provide guidance on international and regional human rights standards in this area.

Journalists are critical protection partners in addressing racism, xenophobia and intolerance. The media will usually be both a channel of communication and a target of awareness raising and education. Media coverage, public opinion and political rhetoric can play an important role in advancing – or impeding – a favourable protection environment. UNHCR and its partners are encouraged to develop and enhance strategic, broad-based alliances with the media by creating friendly media networks, on national and international levels, to ensure that the media address these issues rather than foster them. Members of these networks can assist in monitoring the media for signs of intolerance, co-organise national competitions for 'good journalism', and conduct training sessions to sensitise journalists to the plight of refugees, IDPs and stateless people. For example, journalists and editors who are members of the Diversity Initiative in Ukraine have helped monitor media reports and the political dialogue. They also held educational sessions for their colleagues, which have proved to be very effective. Another good practice in this area is the Charter of Rome, a code of conduct for journalists jointly developed by UNHCR, the Italian National Council of Journalists and the Italian National Press Federation.[102]

Public advocacy and awareness raising is a central feature of strategies aimed at combating racism and xenophobia and promoting tolerance and diversity. Several UNHCR offices have identified the general public's lack of understanding about the difference between an 'economic migrant' and a refugee as a factor contributing to the rise in negative public attitudes and xenophobia. Public-awareness activities in the form of cultural festivals, sports events and public service announcements can help sensitize host communities to the plight of refugees, while ensuring that the message conveyed does not indirectly undermine the ability of other groups, such as migrants, to access and enjoy their human rights. World Refugee Day (20 June), the International Day for the Elimination of Racial Discrimination (21 March), and Human Rights Day (10 December) can be used to highlight these issues.

Public-awareness activities need to be designed according to the specific circumstances of, and challenges in, the country concerned. In general, however, messages are best communicated through popular media reaching broad audiences to avoid 'preaching to the converted'. The choice of media – internet, the arts, television and public service announcements, radio, billboards, newspapers and magazines – needs to be carefully selected based on the target groups. Those holding and expressing intolerant views need to be reached. It is also key to actively engage opinion leaders and groups that have the leverage to influence the public debate in a positive manner. Youth, as both the voters and the parents of tomorrow, are a particularly important group. UNHCR and its partners may consider disseminating information material to schools, universities, youth centres, scout associations, music festivals and sports events.

Core universal values such as pluralism, tolerance and open-mindedness as well as the negative consequences of racism, xenophobia and intolerance, are best conveyed clearly and simply, using metaphors, analogies and anecdotes where possible. 'Real stories with real people' to which the audience can relate are usually effective. If possible and appropriate, these could be linked to refugee experiences within the host community. To deepen the public's appreciation for the institution of asylum, messages such as 'refugee rights are our rights and ones that we too may need to use one day' may prove helpful.

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[101]   ODIHR, *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, 15 September 2005. Available online at: http://www.osce.org/odihr/item_11_16251.html. The OSCE/ODIHR also developed a Law Enforcement Officers Programme on Combating Hate Crime. For more information, please see: http://www.osce.org/odihr/item_11_20673.html.

[102]   For more information, please see: http://www.unhcr.org/4852a0c92.html.

Communicators can include a wide range of actors, including UNHCR Goodwill Ambassadors, sports personalities, actors, singers, artists and writers, in addition to members of civil society and other core partners with whom UNHCR collaborates in this area. The corporate sector is another potential partner. Since the UN Global Compact was launched in 2000, a large number of businesses have adopted human rights policies to signal their social responsibility. Some companies in industrialised countries have also expressed concerns over restrictive immigration policies in view of projected demographic imbalances.

A good example of an awareness-raising campaign is the "Don't Be Afraid, Be Open To Others, Be Open To Rights"[103] campaign, launched in March 2009 by UNHCR in Italy and 27 partners, including Amnesty International and Save the Children, religious charities, Italian NGOs and trade unions. One of the innovative aspects of this campaign is that it invites individuals to sign a petition reaffirming their commitment to the principles of the Italian Constitution and the Universal Declaration of Human Rights.[104]

Human rights education is another vehicle for fostering understanding, empathy and respect. The DDPA encourages the United Nations to cooperate with States in initiating and developing cultural and educational programmes aimed at combating racism. Several useful educational tools have been developed in the context of the World Programme for Human Rights Education,[105] including a compilation of 101 exemplary practices from Central Asia, Europe and North America entitled "Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice".[106] Among the practices featured in the compilation is "Build Bridges, Not Walls", a Norwegian publication with 97 exercises on human rights, multicultural understanding and peaceful conflict resolution designed for informal learning settings. Another excellent educational tool is the interactive web-based game, "Against All Odds",[107] which was developed by UNHCR's office for the Nordic and Baltic States. The game gives young people insight into what it is like to be a refugee.

Including affected communities in the strategic approach

Persons of concern and their communities are essential partners in addressing racism, xenophobia and intolerance. They need to be engaged in all stages, from development of the strategic approach through its implementation. The most effective way to eradicate fear of 'the other' is typically through personal encounters and interaction. Cultural, sports and other events, as well as family support or 'buddy programmes', in which newly-arrived refugees are linked with individuals or families in the host community who help introduce them to their new societies, should be encouraged and supported. Inter-ethnic dialogue and coexistence initiatives are also effective ways of raising awareness and forging understanding. In South Africa, the Nelson Mandela Foundation, in collaboration with UNHCR and other partners, has arranged meetings in safe places where people living in mixed nationality communities can come together to discuss the challenges they face and possible solutions. Thirty such dialogues are being facilitated by the Nelson Mandela Foundation in areas most affected by xenophobia.[108]

Another key component of successful strategies is empowering persons of concern by informing them of their rights and how to access them as well as of their duties and responsibilities, through training, counselling, information leaflets, consultation and participation. Training sessions could include information on whom to contact in emergencies, how to approach the police, and assistance available to victims and how to access it. These sessions can also include a security briefing with information about areas to avoid and how to behave if attacked. Increased awareness on the part of persons of concern coupled with improved response from law enforcement officials have resulted in a significant decline in the number of attacks against and murders of persons of concern in Ukraine.

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[103]   Original title in Italian: "NON AVER PAURA, APRITI AGLI ALTRI, APRI AI DIRITTI".

[104]   For more information, including with regard to public service announcements starring famous Italian actors, please see: www.nonaverpaura.org.

[105]   On 10 December 2004, the UN General Assembly proclaimed the World Programme for Human Rights Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors. For more information, please see: http://www2.ohchr.org/english/issues/education/training/programme.htm.

[106]   Joint publication by OHCHR, OSCE/ODIHR, the Council of Europe (CoE), and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Available online at: http://www.ohchr.org/Documents/Publications/CompendiumHRE.pdf.

[107]   Available online at: http://www.unhcr.se/en/Events/motallaodds_en.html.

[108]   For more information, please see the following UNHCR news stories: http://www.unhcr.org/4a64874f6.html and http://www.unhcr.org/49fab2466.html.

Providing individual support to victims

Persons of concern who have become victims of hate crimes usually require medical care, psychological support and legal assistance. While national authorities are responsible for providing asylum-seekers, refugees and stateless persons equal access to such services, UNHCR, as part of its routine protection work, needs to monitor the situation and support alternative service providers, such as NGOs, if necessary.

In cases where a victim of discrimination or a hate crime is unable to obtain justice through the national system, international mechanisms, such as the individual complaints mechanism of the CERD or the Special Rapporteur on racism are available.[109] As necessary, UNHCR could provide victims, lawyers and affected communities with information on the competence and procedures of the various mechanisms available and appropriate in the particular circumstances.

Conclusion

Racism, racial discrimination, xenophobia and related intolerance constitute a serious threat to the overall protection environment for persons of concern. UNHCR and its partners at local, national, regional and global levels are working hard to tackle this protection challenge, but more needs to be done. The Office hopes that this appendix will inspire further action.[110]

Annex 1: World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Displacement- and statelessness-related paragraphs in the Durban Declaration and Programme of Action

Declaration

We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.

We recall that persecution against any identifiable group, collectivity or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, as well as the crime of apartheid constitute serious violations of human rights, and in some cases, qualify as crimes against humanity;

We note with concern that, among other factors, racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from the countries of origin as refugees and asylum-seekers;

We also recognize with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers, and internally displaced persons, among others, continue;

We underline the urgency of addressing the root causes of displacement and of finding durable solutions for refugees and displaced persons, in particular voluntary return in safety and dignity to the countries of origin, as well as resettlement in third countries and local integration, when and where appropriate and feasible;

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[109]   Other individual complaint/communication mechanisms, such as those available with the Special Rapporteur on freedom of religion or belief, the Independent Expert on minority issues, the Human Rights Committee (CCPR), NHRIs with competence to receive individual complaints, or regional human rights courts and commissions, could also be considered.

[110]   The Office intends to update this Note on a regular basis and, thus, encourages partners to exchange information and share good practices. Please direct your ideas, feedback and contributions to HumanRights@unhcr.org.

We affirm our commitment to respect and implement our humanitarian obligations relating to the protection of refugees, asylum seekers, returnees and internally displaced persons, and note in this regard the importance of international solidarity, burden-sharing and international cooperation to share responsibility for the protection of refugees, reaffirming that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol remain the foundation of the international refugee regime and recognizing the importance of their full application by States parties;

We recognize the right of refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return;

We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable groups and individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among the public and in some cases have encouraged violence by racist individuals and groups;

We reiterate that the international response and policy, including financial assistance, towards refugees and displaced persons in different parts of the world should not be based on discrimination on the grounds of race, colour, descent, or national or ethnic origin of the refugees and displaced persons concerned and, in this context, urge the international community to increase the provision of adequate assistance on an equitable basis to host countries, in particular to host developing countries and countries in transition;

Programme of Action

Urges States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world in keeping with principles of international solidarity, burden sharing and international cooperation to share responsibilities;

Calls upon States to recognize that racism, racial discrimination, xenophobia and related intolerance that refugees may face as they endeavour to engage in the life of the societies of their host countries and encourages States to develop strategies to address this discrimination and to facilitate the full enjoyment of the human rights of refugees, in accordance with their international obligations and commitments. States parties should ensure that all measures relating to refugees must be in full accordance with the 1951 Convention and its 1967 Protocol;

Urges States to take effective steps to protect refugee and internally displaced women and girls from violence and to investigate any such violations and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent organizations;

Urges States, in accordance with their national law and their obligations under the relevant international instruments, to take all measures to the maximum extent of their available resources to guarantee, without any discrimination, the equal right of all children to the immediate registration of birth, in order to enable them to exercise their human rights and fundamental freedoms. States shall grant women equal rights with men with respect to nationality;

Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments: (d) Convention relating to the Status of Refugees of 1951, and its 1967 Protocol;

Urges States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centres and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and xenophobia avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance;

Urges States and encourages the private sector to promote the development by the media, including the print and electronic media, including Internet and advertising, taking into account their independence, through their relevant associations and organizations at national, regional and international levels, of a voluntary ethical code of conduct and self-regulatory measures, in order: (e) Avoiding stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history.

Expresses its deep concern over the severity of humanitarian sufferings of affected civilian populations and the burden carried by many receiving countries, particularly developing countries and countries in transition, and request the relevant international institutions to ensure that urgent adequate financial and humanitarian assistance is maintained for the host countries to enable them to help the victims, to address on an equitable basis, difficulties of populations expelled from their homes and calls for sufficient safeguards to enable internally displaced persons to return to their homes and urges States to take all necessary measures to enable refugees to exercise freely their right of return to their countries of origin voluntarily, in safety and dignity;

Annex 2: Outcome Document of the Durban Review Conference

Paragraphs explicitly referring to persons or issues of concern to UNHCR

Urges States to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular vis-à-vis immigrants, refugees and asylum seekers, and in this context encourages States to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;

Urges States to take measures to combat the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and the targeting of migrants, refugees and asylum-seekers;

Reiterates that the national, regional and international response and policies, including financial assistance, towards refugee and internal displacement situations in different parts of the world, should not be guided by any form of discrimination prohibited by international law and urges the international community to take concrete action to meet the protection and assistance needs of refugees, and to contribute generously to projects and programmes aimed at alleviating their plight and finding durable solutions;

Urges States to step up their efforts to combat racism, racial discrimination, xenophobia and related intolerance and to protect the human rights of internally displaced persons, to use comprehensive and rights-based strategies to discharge their obligations, and to provide internally displaced persons with protection, assistance and specialized public care; and further urges States to seek lasting solutions for the internally displaced, which may include their safe return, resettlement or reintegration in dignified conditions and in accordance with their own will;

Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless;

Acknowledges that although all children are vulnerable to violence, some children, because of, *inter alia*, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in this context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;

APPENDIX V: A CRITICAL REVIEW: UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES' 'COMBATING RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE THROUGH A STRATEGIC APPROACH'

(By Jean Pierre Misago, Iriann Freemantle & Loren B. Landau, May 2014)

This document is part of a broader assessment of UNHCR's anti-xenophobia efforts in South Africa. It serves two primary purposes. The first is to provide a general critique of how UNHCR has conceptualised xenophobia and the potential programmatic implications of this approach. In this regard, this review is relevant to those working worldwide seeking to combat violent and non-violent forms of discrimination against persons of concern to UNHCR. The second objective is to ground our subsequent analysis of programming by UNHCR to combat xenophobia. In this regard, we intended to assess the degree to which the implemented approach (a) concords with the agency's global approach; and (b) how the strengths or shortcomings of that approach speak to the principles and presumptions outlined in the policy document.

UNHCR's document begins by justifying multiple reasons for UNHCR concern with regard to racial discrimination, xenophobia and related intolerance: as causes of displacement and as barriers to protection. It highlights the importance of addressing these issues particularly in the context of growing attention to 'urban refugees' (referring to all persons of concern residing outside of camps). It links xenophobia and other forms of racism and discrimination and traces their roots in 'fear' of the 'other'.

The UNHCR document offers a promising start with an important recognition that combating discrimination, persecution and violence of persons of concern will require wide ranging, multi-partner efforts. This is vital as coordination and collaboration between institutions, whether spanning national and local divides or across local political and social divides, are often the most effective and the most challenging characteristic of anti-xenophobia and social cohesion interventions.

Like many others working on this issue, the document's authors work from a position that the first step towards building tolerant and open spaces for persons of concern is through human rights education and public awareness campaigns. By framing this as an issue largely of perception and fear, the document premises the achievement of protection on a cognitive and attitudinal shift among policy makers and the public. This is often a desirable goal and one that should be supported. However, it is also something well beyond what UNHCR can accomplish given its resources, time and the political incentives for maintaining the status quo. Given the imperative pressure to achieve immediate results in contexts where specific social and political dynamics are typically difficult to navigate for outsiders, such strategies may often be quixotic, impractical and ineffective.

While the limits of an attitudinal campaign are recognised more or less explicitly on page 4 and complementary actions are outlined elsewhere, it nonetheless frames the general approach. By recommending that interventions dedicate their energies in this way, they risk shifting attention away from strategies which can more immediately combat the effects of xenophobia (law enforcement, accountability, and the like) to ones that are only likely to have diffuse and long-term effects, if any. To be fair, law enforcement and prosecution of perpetrators are mentioned in sections 16 and 17, on page 16 and 17 respectively, but these more political and controversial actions are not as central to the strategy as perhaps they should be. With a focus on popular attitudes and awareness, strategies also risk overlooking the broader institutional structures that may help enforce perceptions and practices that disadvantage persons of concern. Indeed in many instances, the root causes of intolerance and discrimination are located in mutually reinforcing social and institutional configurations. Political entrepreneurs and local leaders often deliberately capitalise on distrustful climates and make political or economic gains from discrimination against and violent exclusion of those deemed to be 'outsiders' – for example by instigating others to evict foreigners from houses in order to be able to then re-allocate them to their own support base. By overlooking these instigators, we are left dealing only with macro-level root causes (which are relatively beyond reach) or the consequences.

The strategic approach outlined on page 4 (section 7) is comprehensive, adding an important complement to the problems outlined earlier. Here we see a greater effort to grapple with root causes along with its manifestations in terms of violence and other forms of discrimination. It also indicates the need to provide support for those affected. The heart of the approach is in section ii where the authors analyse the underlying reasons behind xenophobia. To be sure, only when these are accurately assessed is an effective and sustainable violence/discrimination prevention strategy possible. However, when translated into a more concrete direction in the somewhat more detailed paragraph 9 (page 5), we again see a strong emphasis on fear and perception complemented by macro-structural factors.

While these may be linked to economic factors, there is little mention of the importance of political mobilization of xenophobic discourses or institutional configurations – formal or informal – that help to differentiate and divide populations based on race, ethnicity, nationality, legal status or any other of the factors that might become fulcra for xenophobic discrimination.

Building on the points raised above, the current strategic framework effectively allows solutions that are only about addressing macro-structural factors or shifting public attitudes. These are admirable ambitions, but are possibly misdirected and unlikely to be achieved by UNHCR interventions, even with partners (although the document should be credited for encouraging UNHCR to work as an advocate with government and international agencies to leverage their efforts). It is especially important to note that that existing psychological research is inconclusive with regard to the relationship between attitudes and behaviour: attitudes are not necessarily a good predictor of behaviour[111]. In South Africa, for example, there is evidence that negative attitudes towards foreign nationals are consistently high across different sections of the country's population, but manifestations of violence and acts of discrimination differ significantly across locations. Hence, attitudes alone cannot explain why certain forms of violence tend to happen in certain types of communities and not in others. Violent and discriminatory actions against 'outsiders', while probably linked, to varying degrees, to existing negative attitudes, can have various and more direct motivations or triggers (including self-interest and perceptions of impunity), which, if clearly understood, can be specifically targeted and addressed. This does not mean that attitudes are not important, but an exclusive focus on attitudes is insufficient for explaining, and therefore impacting, discriminatory practices. Interventions to address negative attitudes should not be expected (as is unfortunately often the case) to necessarily have an impact on related discriminatory practices or behaviour.

At present, the strategy generally does not include a discussion of the importance of clear, measurable definitions and indicators, establishing baselines and designing tools for evaluation. This constitutes an important gap since the absence of the above makes it hard, and often even impossible, to assess the impact of interventions and programmes. There is, perhaps, a subtle and dangerous irony in the general approach to speaking about minority rights, focusing on hate crimes, and building mechanisms or campaigns aimed at specific groups. In so doing, the strategic approach risks reinforcing the categories by drawing attention to them and requiring people to seek remedy through membership in said groups. If foreign nationals or other minorities are seen as having international allies (UNHCR, Amnesty International, etc.), this may unwittingly build resentment among the disadvantaged majority who feel forgotten and angry. Some of this may be unavoidable, but campaigns organised around more transversal or universal themes like law enforcement, rule of law, administrative restructuring or the like may do less to reinforce difference and create points of mutual agreement. This may require a different set of partners and expertise beyond the normal human rights and refugee protection collaborators. Such a 'stealth' approach may be more politically palatable and sustainable and less visibly pro-migrant/minority (which, of course, could be a disadvantage to some partners or UNHCR itself who need to demonstrate engagement to donors and seek visible accountability).

Pages 10 and 11 of the strategy address public advocacy and awareness raising and highlight the role of cultural festivals, sports events and public service announcements in raising awareness about refugee rights. While there is certainly value in bringing people together who would otherwise not directly interact, even supposedly 'non-political' events such as soccer tournaments, intercultural dialogues or cultural events can be highly politically charged. Such events require careful management and a clearly structured framework for establishing dialogue around issues of mutual concern to avoid the worsening of existing tensions. Some forms of interactions with the 'other' make us realise 'what we are' and 'what we are not' and can lead to the creation of new or the reification of existing social boundaries. Importantly, once-off events without follow-up activities are unlikely to make a significant and sustainable impact.

The strategy also states that 'activities need to be designed according to the specific circumstances of, and challenges in, the country concerned' (page 10). This is certainly correct. However, even within a country there are important variations across different localities regarding the triggers, targets, and nature of discriminatory practices against foreign nationals. Interventions seeking to address these practices need to understand these variations not only to respond appropriately to the current manifestations but also to address the root causes of area-specific social tensions in a more sustainable manner.

Recommendation: The discussion above suggests that the strategy needs to be revised to provide more effective guidelines on how to address racial discrimination, xenophobia and related intolerance. Critically, the revised strategy should go beyond attitude change and focus more on what really matters, .i.e. root causes and triggers of discriminatory behaviour including violent exclusion of persons of concern.

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[111]   See for example Icek Ajzen & Martin Fishbein (1977). 'Attitude-Behavior Relations: A Theoretical Analysis and Review of Empirical Research'. *Psychological Bulletin* 1977, Vol. 84, No. 5, 8-918. See also Stephen J. Kraus (1995). 'Attitudes and the Prediction of Behavior: A Meta-Analysis of the Empirical Literature'. Personality and Social Psychology Bulletin 1995, Vol. 21: 58–75.

XENOPHOBIA

UNHCR
The UN Refugee Agency