

Protecting the “Most Vulnerable”? The Management of a Disaster and the Making/Unmaking of Victims after the 2008 Xenophobic Violence in South Africa

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Protecting the “Most Vulnerable”? The Management of a Disaster and the Making/Unmaking of Victims after the 2008 Xenophobic Violence in South Africa

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In 2008, South Africa witnessed a bout of xenophobic violence, requiring the state to declare a disaster to manage a massive displacement of migrants and foreigners. How did the South African state come to care for these populations, whereas it had previously sought to avoid providing protection to foreigners, and was seen as responsible for fostering xenophobia, if not violence? Analyzing the management of the disaster at the local level (in Cape Town), and the various discourses and mobilizations involved in it, this article shows how widespread violence and displacement rendered migrant vulnerabilities visible in the urban space and forced the state to temporarily recognize and protect those who became seen as “victims.” It also questions the idea that xenophobia and failure to comply with international norms were responsible for the lack of protection of migrants and foreigners. Rather, it is the kind of protection displayed, restricted to the “most vulnerable,” that failed to address the root causes of the violence and envision broader social integration issues. The article provides further theorization on what it means to treat violence as disaster and points out to the need to envisage critically humanitarian and social assistance by including them in broader welfare patterns.

In May 2008, violent attacks against foreigners and strangers broke out in South African townships and informal settlements. Groups threatened, attacked, and killed those who appeared to be outsiders, and looted houses and properties. The violence started on the outskirts of Johannesburg but rapidly spread to the rest of the country, and particularly the major cities. The following two weeks of what soon became known as xenophobic violence left sixty-two dead, hundreds wounded and between 80,000 and 200,000 displaced.¹ This probably constituted the worst episode of collective violence since the end of apartheid, and revealed a deep political crisis: the new democracy and South African society were plagued by failures and fractures produced by persistent racial divisions and social inequalities, blatant xenophobia and political dead ends.

A first set of interpretations, rooted in contemporary studies of migration and the post-colonial critique of race and identities, argues that the making of the new South African democracy went hand in hand with the construction of a national polity exclusive of migrants and foreigners, rooted in racism and exclusionary practices (Neocosmos 2008). The South African state is seen as responsible for the rise of this nationalism, as its discourse systematically favored the making of a political community based on national identity and legitimized practices of exclusion of foreign-born residents (Landau 2012). It was also criticized for its slow and limited reaction to this crisis and general reluctance to tackle xenophobia (Wa Kabwe-Segatti 2008). Indeed, it took more than a week for the government to send the army to pacify the townships and prevent further deaths and violence. The governments of

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¹ Although the phrase “xenophobic violence” suggests a divide between nationals and foreigners, in

fact one third of those killed were actually South African citizens from minority groups: Venda, Pedi, etc. (Misago et al. 2010).

the Gauteng and Western Cape provinces waited between three and four weeks before officially declaring a provincial state of disaster that would allow them to provide assistance to the displaced populations and set up shelters (“safety sites”).² The crisis thus revealed a broader failure of the state to protect the populations residing on its territory and to comply with its own democratic institutions (Hayem 2013) – an analysis largely consistent with the rise of a violent democracy in contemporary South Africa (Holdt 2013).

Other authors argue that the turn to violence and the exclusion of foreigners are embedded in a wider set of frustrations, social inequalities, and political relations. Cooper (2009) situates acts of looting in aspirations to social inclusion and “modern urban lifestyles” in a democracy that had failed its poor. Kerr and Durrheim (2013) suggest that xenophobic violence constitutes a response to broader economic transformations, the casualization of labour, and the increased competition created by the neo-liberal capitalist environment. Although these analyses fall short of explaining the specific conditions that lead to violence and why the exclusion of foreigners appears a legitimate answer (Landau 2012; Kirshner 2012), they do suggest the importance of connecting xenophobia to neo-liberalism, social inequalities, and economic relations in the new democracy (Pons-Vignon and Segatti 2013). James Ferguson (2013) provides further theoretical insights in this direction by suggesting how the rise of a neo-liberal capitalist system over the past decades has modified forms of social membership and welfare provision. Casualization of labor produces populations in surplus, which calls into question the inclusiveness of society, and threatens welfare and democratic rights. The more general question at stake here is on which basis welfare should be organized (national membership, democratic rights, vulnerabilities, etc.) and who should provide it (social networks, employers, or the state). This also relates to the question of state formation through inclusion and exclusion of groups of populations in Africa:

Who gets to be included and allowed to benefit from a society and its state (Fourchard and Segatti 2015)?

In this article, I focus on the tensions and the links between exclusion, violence, and xenophobia as produced by the South African state, and broader forms of statecraft, welfare, and political relations between the state and its populations. Rather than opposing these sets of interpretations, I follow Nancy Fraser’s justice theory (2011), to combine issues of recognition (through the question of xenophobia and the integration of migrants into South African communities), and redistribution (here, forms of social protection practiced after the xenophobic violence). It is useful here to consider a puzzling shift: after the xenophobic violence, the state did somehow assist the migrants, whereas previously it had generally not done so (Palmary 2002). What can explain this shift? The tension between protection and exclusion of migrants is most explicit in the opening of camps that served as temporary shelters for the displaced: they embodied the incapacity of the state to protect migrants in the townships (Mosselson 2010), yet they also concealed victims in need of humanitarian assistance (Pillay 2013). In this sense, the crisis raised the question of the reach and the extent of the state: how much protection should it guarantee, to whom, and under which condition? More specifically, under which conditions can migrants in South Africa, who are usually invisible, denied rights, and facing xenophobia, come to be recognized and be “in care of the state” (de Swaan 1988)? I argue that such questions emerged with the situation of disaster (generated by the xenophobic violence), that rendered migrants’ vulnerabilities visible in the urban space, allowed claims for justice, and forced the state to respond somehow and offer some protection, even if minimal, for a short period of time.

To explore these issues, disaster management at the local level provides a fruitful ground to analyze the possibilities and the limits of the state in its relationship to violence. Examining the political relations implied by the tools and

2 Resorting to Disaster Management for a large-scale population displacement after a riot may seem surprising at first glance: although this type of intervention was common under apartheid, it was aban-

doned after the democratization. The article will elaborate on the reasons for this choice, but suffice to say for the moment that disaster management’s prime function is to coordinate responses to dis-

ruptions that exceed a community’s capacity to cope, whatever their causes may be (Republic of South Africa 2003).

practices of disaster management used to manage the xenophobic violence enables alternative interpretations distinct from analyses of state failures to implement international norms of humanitarian protection (that themselves respond to a political project) or the moral implications of disaster and violence (Fassin 2010). It provides an opportunity to go beyond the sole “xenophobia” argument, since the exclusionary visions and practices of the Department of Home Affairs or the police (Wa Kabwe-Segatti and Landau 2008) cannot automatically be extended to other departments. Although Disaster Management was not the only actor responsible for managing these events, it was the one tasked with dealing in the longer term with the internal contradictions of the state – how to care and protect those that the South African state and society are reluctant to accept? Disaster management is an organization whose role is to prevent and respond to disasters (Republic of South Africa 2003). It is composed of three levels, national, provincial, and municipal, charged with coordinating risks assessment and response to disasters. Since the end of apartheid, its missions have largely been desecuritized and reorientated towards development and environmental disasters.

Disaster management in South Africa is firstly a responsibility of local and regional government. Focusing on this level enables tracing the various interventions on the “disaster” scene, and capturing the different layers of the state. National political discourses have to be disentangled from local and provincial governments’ responses to the crisis, as the latter are the first respondents and responsible for social integration and the care of displaced populations (Republic of South Africa 2003). Such perspective enlightens the inner workings of the state, and how policies and bureaucrats shape political relations with populations (Chipkin and Meny-Gibert 2012). As Dubbeld (2013) noted, focusing on protests and discourses of state failure may illuminate the limits and malfunctions of the state, but does not suffice to understand the stalemates of South African democratization.

The article draws on interviews, observations, and discussions conducted in 2008 in Cape Town, focusing on the instruments, discourses, and interventions of actors and

organizations involved in assistance to the displaced migrants during the six months that followed the episode of violence. Restricting the fieldwork to this setting allows a full grasp of the local dynamics, assessing the political tensions and differences between the national level and the local. In addition, concentrating on the crisis makes it possible to observe the making and unmaking of victims’ identities and the first elaboration of modes of (elementary) protection for migrants. Clearly, this methodological choice implies a focus on a very specific moment, which may seem too extraordinary to reflect the everyday exclusion and state disinterest migrants face. Yet, the repetition of this kind of responses during subsequent episodes of xenophobic violence (in De Doorns in 2009 and in Kwa Zulu Natal in 2015) suggests that the case studied here is not unique. It constituted a seminal moment when a form of (precarious) protection was first elaborated, precisely because of the way issues of recognition, justice and forms of the welfare state came to be articulated.

In the rest of the article, I examine what it means for the state to see xenophobic violence as a disaster, how the disaster opened a space to claim assistance and rights, and how the protection set in place failed because of the way the disaster was conceived and managed by the state, eventually leaving migrants unprotected. The article is divided into three sections that follow the temporal dynamics of the crisis: the emergency response in the first days; the humanitarian assistance to the displaced; and finally, the closure of the camps and the reintegration process (Igglesden, Polzer, and Monson 2009).

1. “We Would Now Have to See It as a Disaster”: Xenophobia, Disaster and the State

The way xenophobic violence came to be seen as a disaster by the authorities was not an obvious process, given the known unwillingness of the South African state to tackle xenophobia and acknowledge its own responsibility in promoting a national polity based on exclusion and inequalities. What constituted the disaster was not any clearer. Was it the political crisis, the violence, the underlying social and political issues revealed by the crisis, the displacement, or the situation of the migrants? The government could have declared a state of emergency (though this was politically

difficult after apartheid), sent humanitarian assistance without necessarily declaring a state of disaster (using social relief), or done nothing. Declaring a state of disaster addressed the need to order and render legible a complex and problematic situation for the state (Scott 1998). Why then did the state eventually declare a disaster? What are the consequences in terms of framing of the situation?

Violence started in Gauteng on May 11, 2008. The national government soon appeared incapable of exercising political leadership, while local authorities seemed overwhelmed by the situation and were experiencing difficulties controlling their territory and restoring order (Boshoff 2008). Even before violence broke out in Cape Town on May 22, it was already clear that the country was facing a major crisis and local actors were expecting the same to happen in their city. On May 19, the South African Police Service and the Cape Town Metropolitan Police set up a risk management plan, establishing an early warning system (a twenty-four-hour call line) and emergency plans. The Provincial police commissioner, local and provincial government, civil society as well as the Disaster Management Centre established a safety forum on May 21 to ensure security and contain the violence.

Ironically, a meeting intended to prevent protests in an informal settlement (Du Noon) sparked violence when local leaders failed to engage with the population (Cooper 2009). In only two days of violence and protests, about 20,000 persons were displaced from the peripheral townships and informal settlements (Masiphumelele, Kayelitsha, Imazemo Yethu, etc.) throughout the city, taking refuge in community halls, churches, and police stations. The population movement was large in comparison with the violence itself (sixty-five houses and spaza shops were looted or burned, and between one and three persons were killed), reflecting the widespread fear generated by daily xenophobia (Dodson 2010). A rapid evacuation initiated by the authorities contributed to rapidly bringing the situation under control (Igglesden, Polzer, and Monson 2009). However, the expected disaster (the violence) soon revealed what would

become a disaster in itself: the displacement of migrants. It is not self-evident that a large movement of population should constitute a crisis. Indeed, large-scale population movements following a disaster regularly occur in South African cities. During South African winters, floods often displace thousands of people from frail dwellings in the informal settlements. In early July the same year, about 39,000 persons were displaced across Cape Town due to torrential rains (Cape Times, 2008). These movements are routine events that Disaster Management and other emergency services are used to dealing with. Even if their responses are far from perfect and generally fail to tackle the root causes of these disasters (Murray 2009), civil servants know how to supply assistance within hours and deal with thousands of homeless. Violent protests (such as service delivery protests) are also common in Cape Town and routinely dealt with by the police (Alexander 2010; Thomas 2010).

In the case of the 2008 xenophobic riots, several aspects challenged the authorities' ability to assess and manage the situation. First, the displaced population was scattered across ninety shelters set up overnight, rather than gathered in a few community centers (see Figure 1). In addition, despite recurrent acts of xenophobic violence (Palmary 2002), the authorities had previously not recognized this kind of social conflict as a potential disaster, which meant that there was no specific plan to deal with the situation.³ It was therefore two days before the authorities realized that they would actually have to deal with a disaster – meaning that the disaster management centers would become the coordinating machinery of an official humanitarian response, as the Head of the Provincial Disaster Management Centre explained:

What happened had never happened before, so to predict that 22,000 people would actually flee their houses, even though there isn't a lot of violence against people, it's not something that could have been predicted. [...] Initially, it didn't seem like there were 22,000 people, so once it became clear by Saturday, Sunday that the humanitarian displacement was quite significant, the Disaster Management Centre *would now have to see it as a disaster*. (interview, November 2008)

3 One explanation for this lack of planning is that political and social disasters were taken out of the new legislation in the mid-1990s because of their

highly political connotation, which led to a focus on reducing risks related to the environment at the expense of large-scale emergency planning and cen-

tralized emergency control. Another reason was clearly a general lack of concern for migrants and xenophobia amongst state bureaucrats.

This quote shows the difficulty of making sense of the situation during a disaster (Weick 1988): assessing the situation is both crucial and difficult given the general uncertainty and the blurring of boundaries (Dobry 2009). As outlined above, producing information about the displacement was made even more complicated because the disaster did not fall easily in any of the usual categories. Yet, these technical impediments interacted with the political question of who was responsible for the migrants and for tackling xenophobia.

Figure 1: Map of the 2008 xenophobic violence in Cape Town



The realization that there was a disaster was also a response to the work of civil society groups that supplied the bulk of assistance during the very first days. Because they were close to migrants, churches were able to assess the situation early on, and were thus amongst the first to provide shelters and organize the distribution of food, blankets, and other necessities (interview, programme officer, Shade, September 2008). Various NGOs (Sonke, Passop, South Africa Human Rights Commission, Black Sash, Cape Town Refugee Centre, COSATU) led by the Treatment Action Campaign (TAC),⁴ set up a database to dispatch assistance to the displaced and information to government, while calling for a political solution. This work was critical in shaping the terrain of the disaster, as NGOs sought to assert the values of South African democracy (Peberdy and Jara 2011) and to force the state to do “its job”: count, assess, provide:

For three days we almost entirely replaced the role of our incapable state. We built a database of all the refugee sites and shared it with City Disaster Management or anyone else willing to help. And we organised clothes, warmth and food for thousands of people. (Geffen 2008)

Thanks to their more flexible modes of action and extended networks in the communities, civil society groups and volunteers were able to produce (more easily than the state) information crucial to the provision of first hand humanitarian assistance rapidly. In so doing, they greatly contributed to framing the events as a humanitarian problem (Everatt 2011), and the displaced as vulnerable victims, contrasted to the “unruly mobs” of the townships (Peberdy and Jara, 2011). This vision was itself embedded in the social divisions of Cape Town society, torn between the White middle-classes residing in the urban center, and the African poor relegated to the peripheral townships and informal settlements (Hassim et al., 2008). When migrants were displaced right at the heart of White middle-class suburbs and the city center (see Figure 1), state responses were considerably swifter and more significant than when violence and displacement occurred in the townships and informal settlements (Hassim, Kupe, and Worby 2008).

⁴ One of the most prominent South African NGOs advocating access to HIV treatment.

The state's responses were slow and not all in the same direction, revealing conflicts between the different levels of the state and political parties. The Office of the Premier of the Western Cape soon promoted reintegration at any price to assert the ANC's leadership. The Western Cape is the only South African province where the main opposition party, the Democratic Alliance, is seriously challenging the power of the leading party.⁵ To prove the ANC's commitment to the integration of foreigners, fifteen facilitators were sent to the communities as early as 23 May (Provincial Government of the Western Cape 2008a and 2008b), helped by five hundred anti-crime volunteers and two hundred community development workers.⁶ Yet, this discourse remained largely ignorant of both local realities and xenophobic discourses at national level, as it tried to force reintegration rather than modify the social structures and tackle the root causes of the problem.

In the meanwhile, field officers from the City of Cape Town Disaster Management Centre were working round the clock to assess the extent of the disaster, gather information, and provide assistance. They were rapidly overwhelmed, given their small number, and had to rely on the help of civil society to get a sense of the situation. Without clear directions from the authorities, disaster managers pursued their routine modes of action: emergency protection. Therefore, when sheltering people in community halls or returning the displaced to the communities proved impossible because of local opposition, local authorities opened emergency camps to protect the displaced and ease the management of the situation by reducing the number of sites, as two disaster management officers explained:

But what do you do in a situation like this? You've got to make a decision. Wrong or right, it doesn't make a difference; you've got to make a decision. I said it's the furthest point from the informal settlements.⁷ Plus the people from the informal settlements don't have cars, they may come in taxis, but at least, *you can protect them*. Because there's only one road, and it's the top road. So you could cut both sides off.

There's a mountain, so they can't get there. And there's only one road going down, *so you could protect the people*. That's why. And that is how all these camps all started in our area. (interview, October 2008)

This quote reveals the kind of protection deployed during the disaster. Indeed, like many of their colleagues, the quoted officers were street-level bureaucrats from the Cape's urban middleclass, far from being liberal and fervent supporters of the ANC. One White, one Coloured, they both saw African migrants and Black South Africans as “Others,” populations different from them; as disaster management officers their concern was to apply their professional skills to ensure protection of the displaced.⁸ However, what this protection meant for them was largely restricted to security and technical concerns related to their ability to control the situation and assist the populations.

The City Mayor, for quite different reasons, supported the emergency protection hastily set in place. Helen Zille, leader of the Democratic Alliance (the main opposition party) thought that the camps would allow her to call in international humanitarian organizations to manage a situation that the ANC was not controlling, hoping to embarrass an ANC-ruled state (Mail and Guardian 2008). In addition, she did not want to further stretch the city's resources or use its community halls that were needed for all Capetonians, her electors. Her opposition to the Premier of the Western Cape also reflected competing mandates between the city, in charge of response to populations affected by disasters, and the province, tasked with long-term social cohesion. Although the province initially litigated to force the city to open its community halls, it finally agreed to declare a provincial state of disaster on June 3 and to take responsibility for the management of the camps. This also enabled the province to take the lead on its political rival, clarify leadership and responsibilities, make disaster funding available, and respond to the pressure from NGOs. In the end, the declaration of disaster was the result

5 The Western Cape is the only South African province where the majority of the population is not Black, but is composed mostly of Whites and Coloured. The Democratic Alliance, the leading party in

this province, finds its support amongst these groups.

6 These volunteers are regularly active in the townships (Fourchard 2011).

7 In this case, the local community had threatened to set fire to the hall where the migrants were sheltered.

8 The apartheid-era categories of “Black,” “White,” and “Coloured” remain significant in questions of identity and politics.

of social mobilization, a technical emergency management led by disaster specialists, and a political fight for power and leadership between different layers of the state.

Despite the declaration of disaster, the situation remained chaotic, as there was general reluctance to take responsibility amongst the various departments. When a state of disaster is declared, leadership normally falls to the department responsible for the cause of disaster. In this case, as it had not been anticipated, there was no obvious candidate, and no-one was showing any will to step up. Accepting leadership means bearing the financial costs of the disaster, and because the law makes it impossible to save unused funds, (Republic of South Africa 2003), disasters always place a strain on current budgets, which departments always seek to avoid at all times, regardless of the nature of the disaster.⁹ In addition, nobody wanted to own the xenophobia problem. Just like the rest of the population whose high levels of anti-immigrant sentiment have been regularly surveyed (Crush et al. 2008), civil servants and policy-makers were also prejudiced against foreigners and questioned the legitimacy of their benefiting from state benevolence (Misago et al. 2010). Also, the nature of the problem was not self-evident: the displaced populations comprised refugees, asylum-seekers, migrants, and documented and undocumented foreign nationals, all of whom fell under the responsibility of different departments at national level (Social Development, Home Affairs, Police, etc.) and different local and provincial authorities (responsible for social integration). Finally, politicians did not want to be seen distributing money to foreigners when general elections were planned for the following year (Pugh 2014).

In the end, as “nobody else around was here to do it” (interview, head of the Provincial Disaster Management Centre, Cape Town, November 2008), and because they are a weak body within the South African state, located at the bottom of the hierarchy, without power to negotiate their role (Van Niekerk 2014), Disaster Management centers continued to

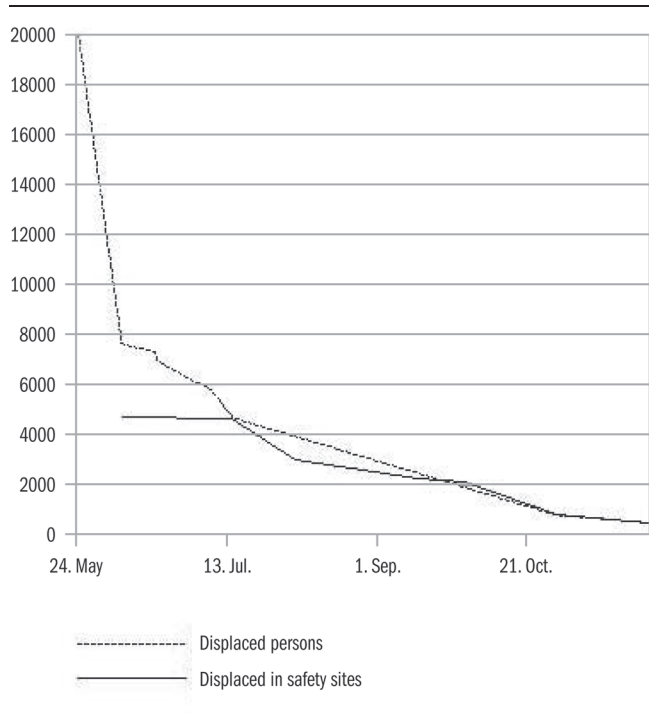
coordinate the crisis. Despite the appearance of a “depoliticization” of the problem due to this technical framing, it was in fact a convenient and political choice that framed the disaster in such way that it captured only the vulnerabilities made visible by population displacement in the urban space and limited state responsibilities to minimal protection during a fixed period of time. In other words, it offered a response that tackled the crisis without engaging too much with the issue of xenophobia, which was convenient for both bureaucrats and politicians.

2. On Being “Vulnerable”: Claiming Rights for Migrants, Reaching Out to the State

After the declaration of a state of disaster, much of the attention focused on the displaced inside the safety sites. In the meantime, most people had reintegrated rapidly: by the first week of June, only eight thousand displaced migrants remained in a small number of shelters and in camps (see Figure 2). Government, international organizations, and NGOs embarked on a six-month program of assistance. The presence of United Nations organizations, most notably the UN High Commission for Refugees (UNHCR) and the UN Organization for the Coordination of Humanitarian Affairs (OCHA), was a sign of the focus on the camps and the protection of the vulnerable, as the former do not normally intervene in South Africa, as one of the better-off countries in Southern Africa. Their concern was the level of assistance and protection the state should guarantee to these vulnerable populations. The question of which category formed the legitimate basis for such intervention was again decisive, since each of the possible answer would allow different actors to step in: being a victim of xenophobic violence, being vulnerable in a camp, being displaced, being a migrant, or being a refugee? The question of protection and justice for the “victims” is tightly linked to the issue of recognition and visibility. The organization of assistance and its politics reveals how the disaster transformed the displaced migrants into vulnerable populations in need of care (Revet 2008).

⁹ Disaster management centers are permanently in deficit because of this budget avoidance. On budgetary rituals, see Von Holdt (2010).

Figure 2: Number of displaced persons following the May 2008 xenophobic violence (source: UN-OCHA and Disaster reports from the Provincial Disaster Management Centre)



What does it mean for disaster managers to take care of victims in a camp? As suggested above, the camps were the theatre of emergency protection, in other words a technical fix. It was first and foremost a practical way of addressing a short-term protection need: camps had showers, and were far away and easier to manage. The control asserted by the state was a consequence of the type of protection deployed rather than an initial objective: controlling populations was a technical necessity for disaster manager to process humanitarian assistance. Still, it had two major consequences. First, it is precisely the organization of the protection that made it difficult to go beyond first-hand assistance and ensure that victims would receive proper care. Divided responsibilities between the city and the province, political disagreements between them, and the unsuitability of normal bureaucratic procedures for emergencies meant that disaster managers had a hard time getting all their requests responded to, and thus delivering effective care and protection.

However, far from being only “life technologies” for those living “bare lives” (Redfield 2012), the mundane elements of the safety sites, the blankets, the baby food, and the showers were also the object of intense activism and conflict. Humanitarian assistance was not just a bureaucratic machine. Camps also constituted a very political site where claims of biopolitical citizenship, legal rights, and inclusion could be formulated (Robins 2009). In South Africa, “the state is recognized as the central biopolitical actor, and NGOs and social movements merely seek to nudge this juggernaut into taking specific actions such as providing policies and resources for anti-retroviral therapy, recognizing refugee rights, and providing improved sanitation and so on” (2). Although these mobilizations resemble those in the early 2000s by human rights lawyers for migrants’ rights who took government to court to ensure refugees and asylum seekers’ access to social relief (Handmaker, la Hunt, and Klaaren 2008, 260), TAC extended this right-based agenda through mobilization on the identification of vulnerabilities produced by the violence.

From June onward, TAC turned its actions towards the promotion of tolerance and social justice. A new organization was launched, the Social Justice Coalition, whose goal was to promote social rights and access to equality and safety (broadly conceived as protection from threats of whatever kind). The safety sites provided an opportunity to advocate a broad-based citizenship based on the protection from risks, in continuation of its mobilization on AIDS and the promotion of a biological citizenship based on access to treatment for all (Robins 2008). TAC used a technical management model borrowed from international organizations to develop a political mobilization around the rights of individuals. To this end, it relied on the *UN Guiding Principles on Internal Displacement* to identify international norms with which the authorities would be obliged to comply. Rather than focusing on the issue of legal status, it sought to protect “vulnerable” persons from health risks (infectious diseases caused by poor living conditions and overcrowding in the camps; remoteness from health facilities), environmental risks (tents were highly vulnerable to winter storms and floods), and social exclusion due to the isolated locations of the camps (TAC, letter of June 4; 2008).

To strengthen its position and to address the lack of official response, TAC developed its own monitoring methods to assess the situation, using universal norms to gain more legitimacy vis-à-vis the state (Human and Robins 2012). It monitored the camps with rapid assessments undertaken by volunteers. For example, by June 5, twenty-eight civil society monitors had evaluated no less than 13,041 persons. In early August, TAC and the refugees took the government to court, after a deterioration of health conditions in the camps, demanding the adoption of international camp management standards from the *Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response* and other UN guidelines. It is particularly striking that the mobilization adopted the language of risk assessment, rather than addressing xenophobia. In other words, it used the same tools as the state, not just to pressure the latter to act, but to advocate for an alternative, enlarged, and all-inclusive type of protection. These mobilizations led the Provincial Disaster Management Centre to adopt *Guidelines for Humanitarian Situations* on 15 August. Yet, this did not really bring any solutions to the situation of migrants, as the camps were progressively being shut down while remaining populations were gathered at one site, the Blue Water Camp, at the far end of the Cape Flats, separated from the city by an empty piece of land and facing the ocean (see Figure 3).

For the displaced in the camps, being labeled vulnerable created a tension between their bodies, reified by risk assessments and politics beyond them to vulnerable objects, and their own strategies, that used multiple identi-

fications (Fassin 2010) and political subjectivities through mobilizations (Segatti and Polzer 2012). The displaced were a relatively heterogeneous group, consisting of populations with different statuses (documented and undocumented migrants, refugees, asylum seekers). For many, their uncertain (il)legal situation was the main problem, as it deprived them of an official existence, and thus of the possibility to integrate fully into South African society. Many would have preferred resettlement to a third country through the intervention of UNHCR, as they wished neither to return to their own (Zimbabwe, Somalia, Democratic Republic of Congo, etc.) nor to stay in a country that did not welcome them. This aspiration created incentives to remain in the camps, in the hope that the visibility of their vulnerability would lead international organizations to intervene: “For them, the rudimentary shelter was not an act of desperation and fortitude but a place of opportunism and conspiracy” (Desai 2010, 101). This solution was highly improbable given that in South Africa the state is the sole authority to recognize refugees (unlike many African countries where UNHCR manages refugees camps), and UN organizations consider South Africa a safe country. Yet, many of the displaced remaining in the camps were in a situation of financial or social fragility. The increased presence of vulnerable migrants relates to shifts in South African migration policy that had recently tightened prescreening at the border, meaning that the most destitute were most likely to enter the country (Hammerstad 2012; Klotz 2012). For lack of a better solution, the remaining displaced hoped to live in the camps, apart from the rest of the population.

Figure 3: The Blue Water safety site (author's photo)



3. “Protecting the Most Vulnerable”: The Limits of Statecraft and Citizenship

A few days before the official closure of the Blue Water safety site at the end of November 2008, a strategic planner from the reintegration team of the Department of the Premier visited it. He insisted that the site had to close, and that in any case foreigners were not to live separately from South Africans, as this was the official line of the provincial government. The planner, a long-time comrade (former ANC activist), well versed in conflict resolution and security issues, felt sorry and upset at the same time. He appeared to understand the plight of the displaced, but considered that the state had done its job by offering six months of social relief, and that from now on, the nearly five hundred remaining displaced persons would have to reintegrate into communities by themselves, before the police evicted them for unlawful use of public space. In a last gesture of compassion, he asked the volunteers, who were still distributing food on a daily basis, to compile a list of the twenty or so “most vulnerable” persons (pregnant women, sick and old persons, etc.) whom the government would take responsibility for, while the others would be required to vacate the site before an official evacuation order would be given. The volunteers refused and said they

would not choose some displaced over others. In the end, the government did nothing more, and relied mostly on the funds provided by UNHCR to help migrants reintegrate and the reintegration work undertaken by various NGOs. As the planner explained later:

Well, that’s the real challenge because we also knew that the significantly small percentage of people who were left – a thousand, maybe two thousand of them – were before, during, and will remain after this, acutely desperate and in need. And desperate in a number of senses, not financially maybe, but lacking what you and I may take for granted, which is a social support structure. They’re not tied into any broad network of people who care for them. And again, *it’s not a government job. If you look for government to do that, it’s going to fail ... you know. Government cannot provide people with social networks.* (interview, October 2008).

His position was ambiguous, as he assumed that the responsibility to integrate fell on individuals while partially acknowledging that some migrants were not really in a position to integrate. In his view, care and protection should come first through the community and the family (“social networks”) while the state was not there to provide universal and permanent protection; its role was to offer

care when no other alternatives were available. In practice, it could not be said that the state had done its “job” in protecting the displaced as, at every level of government, it had not worked out the deep issues that had given rise to the crisis in the communities (Sinwell 2011). Most prominently, the question of legal status and the difficulty for asylum seekers and migrants to get documentation for more than a few months had not been addressed. In addition, he was asking the displaced to return to face the very danger that had made them leave their communities in the first place, regardless of their status and relations with the communities. He neglected the fact that integration is not only an individual responsibility but also requires a political acknowledgement (through legal status) and cohesive communities – none of which existed in the fragmented nationalist South Africa. Thus, there could not be any promises of safety.

These conceptions were highly consistent with the post-apartheid justifications of the provision of welfare by the state (Seekings 2009; Ally 2009). They revealed more broadly why the state appeared to fail to protect the migrants, despite providing six months of assistance and promoted reintegration (at least in Cape Town). The problem was not only (or not really) the level of assistance, but rather, forms it took, which focused mostly on protecting a few of the “most vulnerable” to the detriment of broader forms of social integration.¹⁰ As Firoz Khan suggested, the South African “government’s exclusive social assistance focus on the relative neglect of social insurance and/or the evacuation of the latter from the policy agenda figure prominently in fueling and deepening both poverty and inequality” (2013, 575). This point is equally present in the political imagination and justification of welfare in disaster management. Indeed, the South African disaster management law reveals a limited conception of the vulnerable populations in need of protection that finds its roots in the political values of the elite as well as bureaucratic complexities. Tellingly, when the legislation was being discussed

in parliament in 2003, a deputy from the ANC stressed that the Act “is aimed at enabling our communities to mitigate the severity or consequences of disasters” (Republic of South Africa 2002). The state did not set out to take the lead on protecting individuals, but instead to “enable” communities, social networks, and individuals to do so by themselves. This limiting conception of state intervention stemmed from a belief in individual responsibility ambiguously rooted in empowerment thinking and neo-liberal influence (Pons-Vignon and Segatti 2013; Van den Heever 2011). Financial constraints and the incapacitation of bureaucracies resulting from new public management policies (Chipkin 2011) led to limits on the extent of disaster management, so that it would not have to take responsibility for all the causes of disasters that generally lie in combinations of poverty, inequality, social disintegration, poor housing, low income, etc. Despite its progressive and developmental intentions, the state would provide *a posteriori* protection and mitigate the possible outcomes, but would not be responsible for transforming the distribution of vulnerabilities and risks in society. What is at stake is the reach of the state: it prefers to empower local actors to reduce their own vulnerabilities rather than require government actors to take responsibility for fighting social inequalities. The state would nonetheless provide assistance, but only to the most vulnerable and deserving – the elderly, the sick, and children (Seekings 2009), and in exchange for the wielding of control over individuals (Ally 2009). Consequently, responding to xenophobia as a disaster may never bring the state to tackle the root causes of the problem, only its visible surface.

The reintegration plan developed by the Premier’s office stated that the objective was “a community that respects and protects all its inhabitants” (Provincial Government of the Western Cape 2008b), rather than have the state ensure protection. State and international organizations considered reintegration as a problem of (dis)incentives (access to state benefits, social disintegration, financial

¹⁰ An observer from OCHA pointed out that the level of assistance was much higher in South Africa than in many refugee camps elsewhere in Africa (interview, December 2008).

resources etc.): they hoped that financial help would suffice to encourage migrants to return to the communities – the supposed locus of protection. Still, some migrants refused to accept the money distributed by UNHCR, as it would not have solved their problem (acceptance and recognition within the community), and might even have put them in a situation of increased danger by identifying them as recipients of public benevolence – which is precisely what South Africans also desperately seek from their state. As one migrant woman said to me, one day after being given these choices and not being ready to leave the Blue Water site: “they don’t understand, it’s not a matter of money.” What she hoped for was political recognition through legal identification by the state and recognition of her right to be protected from the risk of violence in the communities where she was supposed to live. In the end, the only option for the remaining migrants was to find a solution on their own; in other words, to disappear from the camps and become invisible again or resist the order to vacate. After six months, when the disaster was officially declared over,¹¹ four hundred still remained at the Blue Water site, but were now treated as illegal occupiers of a public facility. The tents were finally destroyed by the police in 2010.

Conclusion

To sum up, being labeled as vulnerable provided displaced migrants with a possibility to reach out to the state and access its protection. However, it also meant reaching the limits of a state protection restricted in space, time, and situation. All those who reintegrated once again became invisible to state benevolence, while subjected to continuous violence and xenophobia in communities that often rejected attempts at reintegration (Desai 2010). Despite the slowness and reluctance of the state to tackle these issues, the disaster situation enabled vulnerable persons displaced to access social relief – a benefit otherwise unattainable for migrants. Yet, the kind of protection provided by the state (and international organizations) was not only limited, but also very ambivalent. It signaled a form of recognition through the temporary victim status that gave access to forms of protection, but restricted it to vulnerabilities made visible by the disaster. Humanitarian assistance sought by no means to engage with larger issues of distribution of inequalities, risks, and vulnerabilities, as well as

recognition of difference and long-term inclusion of foreigners in the communities.

The making of victims as vulnerable displaced persons explains how the limited engagement of the state – typically seen as a failure – paradoxically resulted in creating exclusion and necessity to care for at the same time. The bureaucratic and political constraints of disaster management prevented migrants from fully accessing recognition and produced more inequalities, while at the same time opening a terrain for contestation. The power of the state was thus ambivalent, functioning as a source of both control and protection. It added to the tension between protection, defined by the state as assistance to the most vulnerable, and the biopolitical citizenship promoted by NGOs, using vulnerability as a pillar for substantive care to be offered to all individuals, whatever their legal status. Thus, the way the disaster was managed prevented the root causes of the violence being addressed by focusing on the “most vulnerable” rather than on widespread xenophobia and violence.

This mode of response to xenophobic violence was later institutionalized and became a routine mode of action. After the 2008 crisis, the Western Cape Provincial Disaster Management Center recognized a new risk (“social conflict”), and developed a Social Conflict Emergency Plan and a Social Conflict Emergency Committee responsible for this kind of disaster. Although it acknowledged the possibility of violent conflict because of xenophobia, it restricted it to visible and major violence susceptible to disrupt the urban order, leaving invisible violence and daily xenophobia untackled. Therefore, when xenophobic violence happened again a year later in the rural town of De Doorns, the same kind of responses were put in place. Protests in the community led to the displacement of the Zimbabweans who had come to work in the farms; a tent was set up on a field sport and served as a temporary shelter for more than a year as the situation was equally intractable. Since then, xenophobic violence continues to happen on a regular basis. Again, during spring 2015, after six persons were killed in Durban (News24 2015a), disaster management opened temporary shelters and deployed humanitarian assistance (News24 2015b).

To conclude, focusing on migrants’ rights may be necessary but does not prove sufficient to solve the issue of xenophobia in South Africa. Understanding the forms of protection, rather than just the failures of the state, is important to suggest that more protection is not always a straightforward and obvious answer. Treating xenophobic violence as a disaster brings a response only to a part of the problem and creates other problems. It rendered migrants visible and in need of care, while relegating them outside of the spaces of daily urban life. Looking at what protecting vulnerable displaced migrants meant brought attention to the fact that the way the state protects popu-

lations is both necessary and part of the problem. The perspective of vulnerability and visibility, rather than just rights, calls for a better articulation of issues recognition and forms of social protection, in tackling violence and xenophobia. Therefore, the treatment of xenophobic violence cannot be separated from a broader debate on larger forms of inclusion, social membership, and welfare provided by the state, but also by NGOs. Such a perspective calls for further research on the treatment of violence and disaster that pays a critical attention to the forms of protection implied by disaster management, and not only to the level of protection.

11 Social relief for disaster is by law restricted to a period of six months.

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