

# **COUNTRY OPERATIONS PLAN FOR 2002: SOUTH AFRICA**

## **Part I: Executive Committee Summary**

### **a) Context and Beneficiary Populations**

UNHCR Branch Office South Africa (BOSA) is a Branch Office with regional coverage and responsibility for protection, programme and administrative activities in the Southern Africa region. This responsibility includes Namibia, Mozambique, Botswana, Swaziland, Lesotho and the Indian Ocean Islands.

There are two persistent yet unfounded assumptions regarding UNHCR's presence in the Southern African region: one, that the region is relatively stable and as such not prone to the outbreak of a significant refugee crisis; and two, that the local capacity UNHCR has supported and developed over the years is sufficient to handle refugee issues. The first assumption is based on a perception, rather than an objective reality, as shown by the continuing refugee crisis in Angola, the outbreak of a refugee crisis in Namibia (Caprivi) and the delicate political and socio-economic situations in Lesotho, Swaziland and Zimbabwe. The second assumption arises from confusion about the concept of "local capacity", which has proven to be unsustainable in Southern Africa. These assumptions aside, the Office continues to work towards building local capacity and promoting durable solutions for an increasing refugee population.

In South Africa, despite significant strides made by the Roll Back Xenophobia campaign during the last two years, hostility towards foreigners among large sections of the local population, particularly the disadvantaged groups, continues to remain cause for serious concern among all human rights organizations. The general public does not seem to understand the difference between economic migrants, asylum seekers and refugees, and tends to lump them together as foreigners who are unfairly competing with South Africans for scarce job opportunities and social services. As a result, asylum seekers and refugees may suffer discrimination when trying access social services and other amenities. Furthermore, xenophobia may take the form of violent attacks by locals or police brutality against refugees and asylum seekers.

In addition to xenophobic violence, during the reporting period, security problems experienced by refugees who are active political opponents of certain African governments continued to be reported to UNHCR. In particular, it was reported that certain embassies supported local groups or individuals tasked with identifying, harassing and intimidating prominent refugees.

It should also be pointed out that a measure of insecurity affects all refugees due to the fact that urban areas in South Africa are prone to criminal violence.

The Gauteng and Western Cape provinces, where the majority of refugees reside, have country leading crime rates. Rampant crime affects everybody, but refugees are even more exposed to it as they live in inner city areas where the cost of housing is low but crime rates are high.

Notwithstanding this local environment, prospects for voluntary repatriation continue to be minimal because most refugees in South Africa come from countries plagued by chronic political instability or armed conflict. While the 1999 Lusaka Agreement and the 2000 Arusha Peace Accord have set the basis for comprehensive political settlements to bring peace to the Democratic Republic of Congo and Burundi respectively, in view of the formidable political and military obstacles which remain to be overcome in both countries, large scale voluntary repatriation is not foreseen for Congolese and Burundi refugees in South Africa in 2002.

Due to this challenging working environment, as well as scarcity of resources, the Office seeks to address short term, medium and long term objectives in a multi-year approach. In this regard, the Office's main objectives remain the same as for 2001: (i) to facilitate the creation of an enabling environment for the local integration of urban refugees in SA; (ii) to mainstream UNHCR policies on gender, refugee women and children/adolescents into existing programmes; (iii) to promote specific durable solutions for individual cases, with particular attention to voluntary repatriation or resettlement as applicable; (iv) to engage in contingency planning in order to strengthen UNHCR emergency preparedness and response capacity in Mozambique, Namibia, Botswana, South Africa and Swaziland; (v) to provide timely and effective support services for countries covered by BOSA.

The beneficiary population in the Republic of South Africa (RSA) consists of refugees and asylum seekers from various countries. Data compiled from the Department of Home Affairs show that as at 31 December 2000 a total of 62,246 asylum seekers had registered in RSA since 1994. Out of this number, 15,063 have been granted refugee status (a 3,7% increase from the previous year). Some 15,150 asylum applications were officially listed as pending first instance decisions as at end December 2000. It is estimated that one third of the 27,000 applications that have been rejected at the first instance have launched or will launch appeals with the Appeals Board. The majority of refugees originate from Somalia (32%), DRC (29.6%), Angola (25.9%), Burundi (4,2%), Congo Brazzaville (3,9%) and other countries (4,4%). According to data obtained from UNHCR's implementing partners (IP), in 2000, 18,669 refugees and genuine asylum seekers in South Africa were assisted directly through emergency assistance (food and accommodation), education, medical referral, social and legal counseling, small business loans, legal representation.

South Africa continues to be a very unique country in relation to refugee policy. On the one hand, it arguably has the most progressive constitution of the world, the rule of law is strong, the basic tenets of an open and democratic society are well entrenched and there is a vibrant civil society with a strong refugee constituency. On the other hand, the capacity and commitment of government are not sufficient to uphold such a sophisticated system as available resources are inadequate and a generally hostile environment makes it extremely difficult for refugees to exercise their rights.

Against this background, protection activities in South Africa will mainly focus on legal and institutional capacity building through implementation of the second phase of the project to clear the backlog in asylum applications, issuance of identity cards to recognized refugees, adoption of new and streamlined formats to carry out refugee status determination, engagement of government departments dealing with health, education, housing and social welfare to ensure that a comprehensive refugee policy is implemented in South Africa, and continuing promotion of public awareness and information campaigns on the plight and rights of refugees. Programme activities will concentrate on promoting conditions for the attainment of self-sufficiency and the integration of refugees into existing social welfare programmes. In view of the limited resources available to BOSA, emergency and solution-oriented assistance will be prioritized, targeting vulnerable groups among the larger population of needy refugees and genuine asylum seekers.

Full co-ordination and co-operation is established with the LOs in Namibia, Botswana, Mozambique and Swaziland; formal and informal consultations take place on a continuous basis with sector specialists based in BOSA. The linkage with other country operations outside the offices covered by BOSA is provided through the Office of the Regional Director for Southern Africa whenever necessary.

In 2002, UNHCR will work with more than 20 implementing partners in RSA. The capacity of partners varies, as does their experience in the refugee sector. The majority of partners are new (since 1999) and lack capacity to supplement UNHCR funded activities with their own funding.

**The main implementing partners** are as follows:

Ministry for Home Affairs-Directorate for Refugee Affairs: responsible for status determination and administration of refugees' legal status. The DHA is located in Pretoria with immigration offices in each province of the country.

National Consortium for Refugee Affairs (NCRA): chaired by the South African Human Rights Commission, the NCRA brings together representatives of regional refugee fora, UNHCR, research institutes specialized in migration-related issues, as well as institutions providing legal assistance to refugees. The NCRA is a body operating at the national level to coordinate activities of NGOs engaged in public advocacy and service delivery on behalf of refugees. The NCRA also acts as a lobbying institution to influence developments in government policy related to the legal protection and the welfare of refugees and asylum seekers.

Lawyers for Human Rights (LHR): provides legal counseling to refugees and asylum seekers in Pretoria and Durban.

South African Human Rights Commission (SAHRC): chair of the NCRA and IP for the implementation of the "Roll Back Xenophobia" campaign, a multi-year, multi-faceted effort to raise public awareness of the plight and rights of refugees and foster a culture of peace, tolerance and understanding in South Africa.

Jesuit Refugee Service (JRS): provides social counseling, emergency assistance (food and accommodation), small business loans, educational support for primary and secondary school in Johannesburg and Pretoria.

Cape Town Refugee Forum (CTRF): provides social counseling, emergency assistance (food and accommodation), educational support for primary and secondary school in Cape Town.

Adult Education Programme (AEP): provides small business loans and support to refugee small business initiatives in Cape Town.

Mennonite Central Committee (MCC): provides support for primary school in Durban.

University of Witwatersrand: the Centre for Applied Legal Studies (CALS) within the Faculty of Law provides legal counseling to refugees and asylum seekers in Johannesburg.

Human Right Trust: provides legal counseling to refugees and asylum seekers in Port Elizabeth.

University of Cape Town: the Legal Aid Clinic within the Faculty of Law provides legal counseling to refugees and asylum seekers in Cape Town.

UNDP Offices in Lesotho and the Indian Ocean Islands: on behalf of UNHCR, provides financial assistance covering basic needs pending attainment of a durable solution.

Planned Parenthood Association of South Africa (PPASA): employs three refugee educators who provide training and information on reproductive health to refugees and asylum seekers in the main urban centres.

Centre for the Study of Violence and Reconciliation: provides trauma counseling and support to refugee women's groups, especially in the area of domestic violence and sexual abuse.

International Office for Migration (IOM): provides logistics support for resettlement and voluntary repatriation cases.

In addition to working with the partners above, UNHCR will continue to participate in the Inter-agency Theme Group on HIV/AIDS. Unfortunately, the Theme Group on Gender is currently non-functional. Regarding other areas of cooperation with UN agencies in South Africa, during a recent consultative conference with the South African government, the government recommended that the UN agencies in South Africa concentrate on three main "pillars" of work: integrated rural development, regional integration and prevention of HIV/AIDS.

However, as the rural areas in which the UN sponsors activities in these “pillars” are not places where refugees reside, practical cooperation in these areas remains limited. Nevertheless, UNHCR will continue to play an active role in “United Nations Development Assistance Framework” (UNDAF) deliberations and contribute to the drafting of the “Common Country Assessment” (CCA) document.

## b) Selected Programme Goals and Objectives

Name of Beneficiary Population Theme: <b>Refugees and Asylum Seekers in RSA</b>	
Main Goal: create favorable conditions for local integration of refugees in RSA	
Principal Objectives	Related Outputs
Facilitate creation of enabling environment for local integration of refugees in RSA and provide temporary emergency assistance for most vulnerable, needy refugees and asylum seekers.	Broadening of public awareness activities under the Roll Back Xenophobia Campaign.  Establishment of closer links with public and private institutions which can provide assistance to needy refugees and asylum seekers.  Focus emergency and solution oriented assistance on refugee women and children, particularly unaccompanied minors.
Organize and facilitate voluntary repatriation of Individual Cases (ICs) in the region with emphasis on Namibian refugees from Botswana and DRC refugees in all countries in the region.	All ICs requesting voluntary repatriation assisted within a reasonable time frame to return in safety and dignity.
Facilitate the resettlement of deserving cases in all countries covered by BOSAs in accordance with existing resettlement policy.	Limited number of ICs fulfilling requirements for resettlement are assisted to resettle within a reasonable time frame.
Provide university scholarships to 53 refugee students in the region.	53 needy and deserving refugees, particularly female refugees, provided with support to attend local Universities under the DAFI scholarship programme.
Increase Reproductive Health (RH) and HIV/AIDS awareness among young refugees in the region.	Increased awareness of RH issues and access to existing RH services for young refugees in South Africa.