



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: South Africa

Planning Year: 2006

2006 Country Operations Plan for South Africa

Part I: OVERVIEW

1. Protection and socio-economic operational environment

In 2004, South Africa granted refugee status to 1,125 persons bringing the total number of recognized refugees to 27,683 by the end of the year. It also recorded 32,558 new asylum applications, raising the number of pending cases to some 115,000, a new record. Not surprisingly, with the continued growth of the backlog of pending asylum applications, also the average processing time has increased to record length. The growing backlog is caused by the large number of economic migrants who abuse the asylum procedure to legalize their stay coupled with inadequate processing capacity of the responsible government body, the Department of Home Affairs (DHA), which is severely under-resourced. As a result, it has become increasingly difficult for genuine refugees to find protection and solutions in a timely manner. Most of the presumably genuine asylum seekers and refugees originate from the Great Lakes Region and, a new trend since 2004, Zimbabwe.

The present plan is based on the assumption that 2006 will witness, at long last, the first evidence of a durable reversal in the trend of an ever larger backlog of pending asylum applications, as in 2005 DHA finally brings its processing capacity closer to the required level. Growing backlogs have characterized and plagued the refugee situation in South Africa since its inception ten years ago. It is expected that the rejection of tens of thousand of manifestly unfounded cases, which have up to now been clogging the system, will in turn lead to a decrease in the number of new abusive asylum applications recorded from countries which are not in conflict. These are some of the anticipated outcomes of the so-called "Turn-around Strategy" launched in 2004 by DHA and aimed at dramatically improving the capacity and performance of the Department. The strategy focuses on increasing human resources capacity, including at senior management levels, and on introducing new technologies and equipment. UNHCR has been actively supporting the DHA strategy through management advice, training, and the provision of material support, and will continue to do so in the future. For instance, UNHCR will be actively engaged in training the large numbers of newly recruited DHA personnel. With the support of UNHCR, the Department has acquired a new refugee registration system and is putting in place a refugee database. Both are expected to become operational in 2005, which for the first time will ensure that refugee registration and the availability of planning data are in accordance with UNHCR standards. The new system will also produce high quality refugee identity cards, which will resolve the current situation in which, despite major gains during the past two years, still more than half of the recognized refugees remain without a proper identity document. Without documentation, refugees cannot meaningfully pursue employment opportunities or access local services.

At this stage, it is difficult to predict the speed of the reversal and to quantify its ultimate impact. Considering the huge volume of pending applications and taking into account the less than satisfactory outcome of an earlier attempt to clear the backlog in 2001, it would be prudent to assume that 2006 will not yet witness the complete elimination of the backlog. Nevertheless, clearing the backlog and improving the credibility of the asylum system are certain to remain critical strategic elements in the working relationship between UNHCR and the government during the coming years.

Recently, South Africa has started to recognize refugee rights in areas such as health, education and social welfare. These improvements have come after sustained and intensive advocacy by UNHCR and its partners. Considering the slow the pace of this progress, serious challenges remain and modest successes are being achieved at a high cost in terms of time and resources. Nevertheless, during 2004, significant strides were made regarding access to local health services, including critical services related to HIV and AIDS, which resulted in a decrease in expenditure by implementing partners in the health sector of the UNHCR programme. Similarly, refugee access to primary education has improved. However, despite intensive advocacy, progress regarding refugee access to the country's social safety net, including "social grants", has remained elusive. This is particularly critical in view of the increasing number of refugees affected by HIV and AIDS. UNHCR needs to redouble its efforts with a view to achieving a breakthrough in this respect. In 2006, the volume and impact of advancements in access to local services need to be measured and certified by a repeat of the National Refugee Baseline Survey of 2002/2003.

Capacity building of the government and implementing partners will remain a priority. Together with legal partners, UNHCR will continue to provide systematic training of DHA officials on international and national refugee law, RSD and other protection-related issues. Sharing updated information on countries of origin is an integral part of building the capacity of the government. Training implementing partner staff on protection, programme and public information will strengthen their ability to deliver quality services to refugees. The important gains made during the past two years regarding the professionalization of NGO services in the area of material assistance and social counseling need to be sustained.

Refugees face serious obstacles in their pursuit of self-reliance and local integration. South Africa has an official unemployment figure of 27.8 per cent (March 2004) as well as widespread xenophobia. UNHCR has been actively involved in the "Roll Back Xenophobia" campaign, which after a slump during 2004, is being revived in 2005. New opportunities for co-operation are offered by the creation of a separate anti-xenophobia unit within the Department of Home Affairs to become operational in 2005. To promote self-reliance, UNHCR has been supporting a variety of programmes including English language classes, vocational training, job placement and small business loans.

In accordance with the UNHCR Policy on Refugees in Urban Areas, the Office attempts to provide material assistance to refugees in life-threatening situations or when non-provision of assistance would compromise protection. Professionalization of NGO services in the area of assistance has in 2003/2004 allowed for a tripling of the number of assisted refugees against a reduced financial outlay. However, a gap remains between the needs of refugees, even as identified under the restrictive criteria and imperatives of the existing UNHCR policies, and available funds. There is no government programme of specific assistance to asylum seekers and refugees.

Every sector of South African society continues to be plagued by the HIV/AIDS pandemic, a difficult environment in which to promote refugee access to social services. However, the very evident and critical needs of refugees affected by HIV and AIDS continue to place increasing demands on the human and financial resources of the Office. Strategies to meet the needs of these particularly vulnerable cases include: training of IPs on early identification of cases made vulnerable by HIV/AIDS, promoting access to local services, and exploring other durable solutions, including voluntary repatriation and resettlement, as appropriate. Critical to the success of these interventions will be the guidance on programme development and advocacy with government and other agencies from the Regional HIV/AIDS Technical Officer.

Mass voluntary repatriation of Angolan refugees has not taken off as expected. Given the refugees' general lack of interest to return home, the majority of the 13,000 Angolans in South Africa are likely to remain in the host country for the foreseeable future. The government is yet to pronounce itself on the prospects of a continued legal residence of Angolan refugees and asylum seekers during the period leading up to a formal application of the cessation clause and beyond. At some stage, however, Angolans will be faced with making a decision. Notwithstanding the lack of clarity on government policy, UNHCR will continue to promote repatriation for those refugees who are able to go home in safety and with dignity.

In 2005, South Africa is expected to sign the legal framework for the voluntary repatriation of Rwandan refugees, paving the way for UNHCR to launch promotional activities. However, like the Angolans, many Rwandans in South Africa have already indicated their reluctance to return home and projected numbers for voluntary repatriation during 2006 should therefore remain modest. In addition, the Office facilitates individual requests for voluntary repatriation to other countries, such as DRC and Somalia. Overall, it is planned that 2,350 refugees will be assisted to return home in 2006. Resettlement will continue to be managed as an alternative durable solution in support of refugee protection.

In Swaziland, UNHCR will entirely phase out assistance to the remaining refugees in the Malindza camp, who are all self-reliant, by mid 2005. A certification exercise in the second half of 2005 will provide accurate planning figures on the spontaneously settled refugees. Subsequently, this will allow UNHCR and its governmental and NGO partners to complete the reorientation of the refugee programme, which started in 2002, before the end of 2005.

In the Indian Ocean sub-region, past efforts to sign on the three remaining states (i.e. Comoros, Mauritius and Madagascar) out of the four covered by the Office, as full parties to the main international refugee instruments, have been slow to yield result. All four countries, including Seychelles, experience occasional arrival of asylum seekers, and UNHCR extends protection and assistance through UNDP. In 2003, a UNHCR mission was able to assess the existence of enhanced prospects for co-operation with these countries. Building on this, UNHCR will expand its activities towards promoting the establishment of appropriate legislation and institutional capacity and enlist their active involvement in regional and global initiatives in support of UNHCR's mandate. In addition, as expenditure by some UNDP Offices on behalf of refugees in their countries has escalated significantly during 2004, closer monitoring by UNHCR and identification of appropriate solutions are needed.

The Office continued to participate in technical coordination meetings facilitated by the UN Regional Inter-Agency Coordination and Support Office (RIACSO) in Johannesburg. In addition to UN staff, multi- and bilateral donors and representatives of the private sector regularly attend RIACSO meetings. In 2004, the mandate of RIACSO was re-oriented from a response to the regional humanitarian crisis of 2001/2002 to a broader focus on the "triple threat" of food insecurity, weakened capacity for governance, and AIDS in the Southern African region. Many UN agencies have posted staff with technical expertise at the RIACSO offices, which has led to formal and informal consultations between UNHCR and RIACSO on specific issues related to refugee operations. The Office will maintain and strengthen its relationship with RIACSO in 2006, with a view to mobilizing additional financial and technical support for refugee programmes in the region.

Strategies such as the New Partnership for Africa's Development (NEPAD) and South Africa's growing profile in international politics and active participation in peace initiatives in Africa offer

opportunities for closer co-operation between UNHCR and South Africa in resolving some of the long-standing refugee situations on the continent.

Until a few years ago, the UNHCR Offices in Botswana and Mozambique reported to the UNHCR Regional Office in Pretoria. This arrangement seems to have been discontinued sometime in 2002, but it was not replaced by new, unambiguous and transparent instructions. Consequently, confusion over roles and responsibilities, including with the Desk, has had a negative impact on operations in these countries, ultimately, to the detriment of the refugees.

2. 2006 Operational goals and potential for durable solutions

The following are the overall strategic goals of the 2006 South Africa refugee programme:

- Actively promote that government and civil society are increasingly capable of providing protection and assistance according to international minimum standards, with a gradually decreasing reliance on international assistance.
- Continue to support the Department of Home Affairs in clearing the backlog of pending asylum applications during 2006 and in reversing previous trends by significantly decreasing the volume of new, abusive or manifestly unfounded asylum applications.
- Vigorously advocate for refugee access to public relief and social assistance in accordance with international standards as well as South African domestic laws.
- Assess refugee needs against established standards with a view to promoting the attainment of self-reliance and addressing the basic needs of vulnerable groups through accessing local services, in accordance with UNHCR policies and priorities regarding refugee women, gender equality, refugee children including adolescents, and HIV/AIDS.
- Continue to advocate for the inclusion of refugees in national HIV/AIDS programmes and strategies, including prevention and education, care and support with a focus on access to social grants, and anti-retroviral treatment for those in need.
- Actively promote and organize the voluntary repatriation of refugees to selected countries (Angola, Rwanda, Sudan, Liberia and Sierra Leone) while facilitating individual safe return to other countries.
- Conduct a follow-up National Refugee Baseline Survey into the socio-economic and legal situation of refugees and asylum seekers, capturing data for programme review, the identification of gaps, and for setting operational priorities.
- Consolidate an appropriately reduced UNHCR programme in Swaziland.
- Promote the accession to international refugee instruments by all Indian Ocean Island States while providing protection and assistance to refugees through UNDP Offices. Review the existing assistance programme to curb expenditure.
- Continue to use resettlement as a protection tool in appropriate cases.

- Foster partnership and complementarities with operational partners, particularly with other UN agencies through CCA/UNDAF as well as through other forums, including RIACSO, SADC and NEPAD.
- Strengthen networking with implementing partners and other operators including NGOs, refugee organizations, religious organizations and the private sector, in order to better coordinate the refugee programme in South Africa.
- Further develop the relationship with the mass media and promote positive coverage of refugees.
- Actively support the Roll Back Xenophobia campaign thus contributing to more positive atmosphere for asylum in South Africa.