

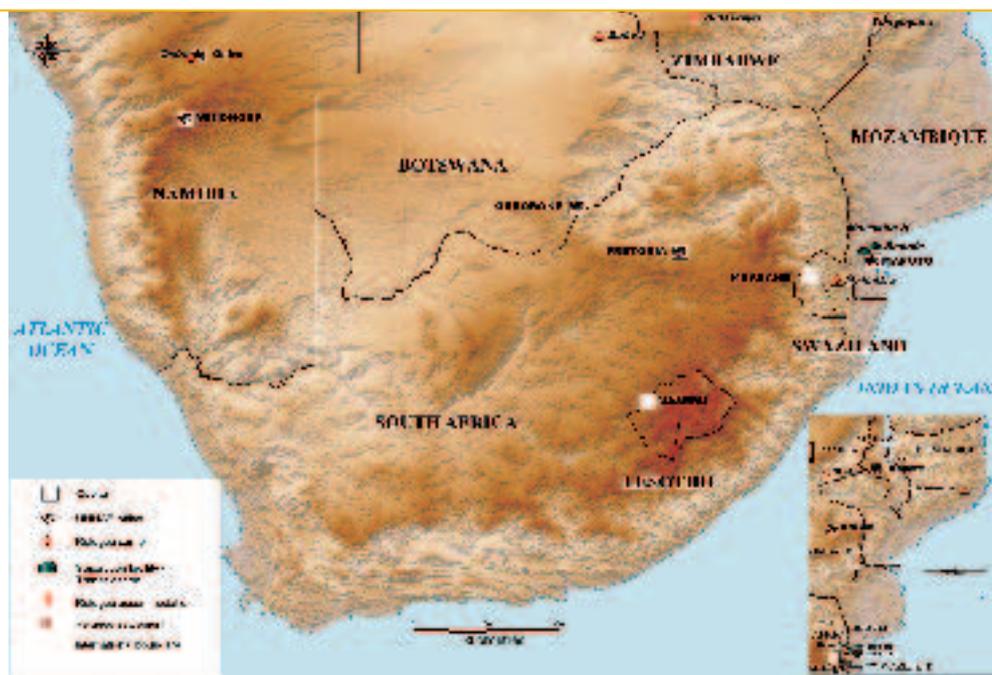
South Africa

Main objectives

Promote durable solutions for refugees and asylum-seekers with an urban socio-economic background through local integration, repatriation and resettlement; develop the legal and institutional capacity of the Government and civil society through the implementation of national legislation, institution-building and training; improve the service delivery of implementing partners; lobby the Government to strengthen cooperation with UNHCR at the level of policy; advance the local integration of refugees by helping them achieve economic independence through vocational skills, micro-finance, language courses, primary and secondary education, and projects geared towards self-reliance; counter increasing intolerance towards refugees and asylum-seekers by creating greater public awareness through media campaigns.

Impact

- Of the total number of persons of concern to UNHCR, some 23,000 were recognised as refugees and 52,500 as asylum-seekers in 2002. Both groups benefited from UNHCR's advocacy programmes aimed at opening up access to existing government and civil society services in the country. These programmes also focused on reducing xenophobia in local communities by increasing awareness of the plight of refugees. Activities to improve the treatment of refugees by the police and immigration officials were carried out and measures to accelerate the process of refugee status determination (RSD) were discussed with the Government.
- New asylum applications during 2002 increased ten-fold (52,500 persons requested asylum, compared to 4,294 in 2001 according to govern-



ment statistics). This created an unprecedented new backlog of asylum requests. Some 52,400 asylum applications were pending at the end of the year.

- Direct assistance (including individual legal assistance) was provided to more than 20,000 refugees and asylum-seekers in Cape Town, Durban, Johannesburg, Pretoria and Port Elizabeth.
- Emergency assistance (food, shelter, medical care and domestic items) was provided to 2,748 of the most vulnerable individuals, many of whom were women and children. Vulnerable cases and nearly 50 per cent of the 4,756 newly arrived women asylum-seekers received humanitarian assistance. The exclusion of young male refugees from eligibility for assistance often led to violent outbursts directed at staff of UNHCR and implementing partners. Since this group was prohibited from working and earning a livelihood during the first six months of the asylum procedure, they looked to UNHCR for basic assistance.
- In Lesotho, UNHCR provided protection training for senior government officials. Some 39 refugees were integrated in local communities. UNHCR contributed towards refugees' study costs. In August, UNHCR formally handed over to the Government 48 low-cost brick houses and a

reception centre, located in and around the capital Maseru. These had been used for three decades to house refugees from countries in the region, mainly South Africa.

- In the Indian Ocean Island States, subsistence allowances were provided to some 33 refugees through the UNDP Offices in Comoros, Madagascar and Mauritius, whilst ten eligible refugee children were sponsored to attend government schools.
- The Office developed new avenues for proactive and sustained engagement with the media, donors, think tanks, academic institutions, and the public at large, on the plight of refugees to enable creative and objective reporting on refugee-related issues, with a special emphasis on durable solutions.

Working environment

The context

UNHCR continued to have unimpeded access to refugees and asylum-seekers. However, the challenge remained: how to meet the refugees' ever-increasing protection and assistance needs and expectations,

in the absence of systematic Government assistance to refugees. An unemployment rate of 40 per cent in some urban areas seriously hampered refugees' efforts to find employment, with the result that many of them repeatedly approached UNHCR and implementing partners for basic assistance. In addition, the Refugee Act, which entered into force in April 2000, prohibits refugees from working or studying during the course of the six months RSD process.

The promotion of local integration for refugees depended on an understanding of the refugee situation by local communities and an acceptance of their presence. Many South Africans questioned the presence of refugees, despite the vigorous "Roll Back Xenophobia" campaign, launched in 1998, to combat the country's prevailing atmosphere of hostility towards foreigners.

In addition to implementing protection and programme activities in South Africa and Lesotho, UNHCR was directly responsible for programme implementation in Swaziland and the Indian Ocean Island States of Comoros, Madagascar, Mauritius and Seychelles, as well as Botswana and Mozambique. In the absence of established RSD procedures in those States, accession to the relevant

Persons of Concern				
Main Origin / Type of Population	Total in Country	Of whom UNHCR assisted	Per cent Female	Per cent under 18
Asylum-seekers	52,500	12,300	37	32
DRC (Refugees)	7,240	3,540	44	36
Somalia (Refugees)	6,520	450	38	28
Angola (Refugees)	5,290	1,140	40	35
Burundi (Refugees)	1,720	890	42	37
Rwanda (Refugees)	980	1,100	45	37
ROC (Refugees)	930	220	25	64

Income and Expenditure (USD) Annual Programme, Trust Funds and Supplementary Programme Budgets					
	Revised Budget	Income from Contributions ¹	Other Funds Available ²	Total Funds Available	Total Expenditure
AB	5,884,209	920,000	3,377,813	4,297,813	4,297,813
SB	73,120	0	0	0	0
Total	5,957,329	920,000	3,377,813	4,297,813	4,297,813

¹ Includes income from contributions restricted at the country level.

² Includes allocation by UNHCR from unearmarked or broadly earmarked contributions, opening balance and adjustments. The above figures do not include costs at Headquarters. The above figures include budget and costs related to the Regional Office (for details, please refer to the Regional Overview).

international legal instruments, or national refugee legislation, UNHCR encouraged local integration. In the absence of which, resettlement to a third country as the only viable durable solution for mandate refugees was promoted. While these refugees waited for resettlement, local UNDP offices offered care and maintenance programmes. However, in order to stop the irregular movements of refugees, UNHCR discontinued the automatic resettlement policy previously applied in these countries, and explored opportunities for local integration instead.

Constraints

One of the major challenges for the Office was the lack of human and other resources within the Government to address refugee-related issues and tackle abuse of the asylum system by economic migrants. No central government body was mandated to deal with refugee issues and there were delays in the issuance of identity cards to recognised refugees.

The refugee population was widely scattered in the various urban centres, which made regular monitoring of protection and assistance activities difficult. The mixed migrant population also complicated the identification of genuine asylum-seekers and refugees. Precise information on the population of concern was not available, and the database at the Department of Home Affairs (DHA) was far from comprehensive. In addition, there was continued public hostility towards foreigners in general, and refugees in particular. The latter were collectively blamed for competing with the local population for scarce jobs, services and educational opportunities.

The controversy over the government response to HIV/AIDS victims hampered efforts to integrate refugee HIV/AIDS victims into local assistance and support programmes.

UNHCR's South Africa staff were not enough to ensure adequate coverage of its mandate there. They were also responsible for operations in Swaziland, and the supervision of offices in Botswana and Mozambique and UNDP offices covering refugee matters in Comoros, Madagascar, Mauritius and Seychelles. The international posts in some of the offices remained vacant (decided in view of the projected closure of offices by the end

of 2002) which led to serious capacity problems, particularly in Mozambique.

Funding

The level of disbursement of funds was lowered for regional projects in order to ensure the implementation of long-standing plans for the creation of a new refugee camp and moving refugees to Nampula in Mozambique. This resulted in the scaling back of many planned activities and the cancellation of others. In particular, planned support to the DHA was reduced and some critical training and capacity-building efforts could not be undertaken.

A new partnership was developed with the Japan International Co-operation Agency (JICA), which supported a refugee survey. With the exception of the support of one government donor, the "Roll Back Xenophobia" campaign remained under-funded. The Office initiated contact with the South African Department of Foreign Affairs to develop more sustained co-operation and to seek support for the creation of a Refugee Relief Fund.

Achievements and impact

Protection and solutions

An Immigration Act was adopted by Parliament in the second half of 2002, although the Refugee Act of 1998 remained in force. The new legislation authorised special courts to address immigration and refugee issues and provided new ways of challenging eligibility decisions resulting from the RSD process. The new law also improved the asylum-seekers' access to the RSD procedure as it brought to an end the practice whereby an immigration officer could refer to separate immigration rules to deny them admission.

The 1998 Refugee Act gave the asylum procedure legal status and introduced new standards for implementing decisions. However, the prohibition on the right to work and study during the first six months of asylum was a major problem. Furthermore, insufficient human and financial resources had been allocated within the Government to enable implementation of the Act. Lack of training for the small number of DHA staff involved in the asylum



Lasting solutions, such as resettlement or local integration, are being promoted for refugees of various origins. *UNHCR / L. Gubb*

procedure was a factor which led to poor quality decisions. However, during the reporting period, there was a marked improvement in respect of the rights of recognised refugees. Instructions issued by DHA to the South African Police Service resulted in better treatment of refugees, particularly in respecting refugee identity documents.

UNHCR implemented an open door policy for refugees and asylum-seekers in an effort to improve access to the Office's protection and assistance services. However, this policy led to greater expectations of resettlement among refugees, and UNHCR staff was the target of threats and acts of violence. The number of applications for resettlement continued to increase, with a substantial number based on fabricated security claims.

Identity cards were issued to refugees in 2002, but there were too few cards, with long delays, owing to technical problems at the DHA. UNHCR agreed with the Government on revised modalities for issuing Convention Travel Documents to recognised refugees, to try to safeguard against corrupt and fraudulent transactions. However, relatively few travel documents were actually issued.

The working group on unaccompanied minors continued to lobby the Government to include refugee children as a specific vulnerable group in the new Child Care Act. At the year's end the law was still being drafted. Meanwhile, implementing partners continued to experience problems of access to appropriate foster care arrangements (and fostering grants) for refugee children.



Preparatory activities began for the voluntary repatriation from South Africa of 10,800 Angolans. Active promotion of voluntary repatriation for other nationalities was not possible, due to ongoing conflict in their countries of origin.

Working to raise awareness on refugee issues and to combat xenophobia, the “Roll Back Xenophobia” Campaign made some progress during the first part of the year. Four focus areas were identified: 1) lobbying selected professional groups, including civil servants; 2) information-sharing with the media; 3) the organisation of community outreach programmes to promote the integration of refugees into local communities; and 4) the production of information tools to support all of the above. Workshops organised under the first two areas resulted in frequent and positive portrayal of refugees by the media and increased attention was paid to the problems of hostility and intolerance towards refugees.

Due to confusion over management and responsibility within

the South Africa Human Rights Commission, less progress was made in the other two focus areas.

In the Indian Ocean Island States, the number of mandate refugees dropped to 36 (33 were assisted by UNHCR) following the resettlement of 18 persons (three from Comoros and 15 from Madagascar). In Lesotho, 39 refugees were resettled and one was provided with education assistance.

Activities and assistance

Community services: In 2002, implementing partners employed professional social workers in order to provide a higher standard of service to refugees and asylum-seekers. Child care and local shelters were provided for some refugees. Trauma counselling and

drug abuse programmes were made available to unaccompanied minors, and specific programmes were established for the disabled. Burial funds were made available to families in need.

The *Bonne Espérance* refugee women’s shelter in Cape Town was financially assisted to provide English language, vocational and first aid training to residents. A total of 66 women and 83 children were accommodated in the shelter, where the average stay was six months. Several workshops for children on arts and crafts, conflict management and confidence-building were organised. Over 180 unaccompanied minors received assistance for housing, education, counselling and family tracing.

In Comoros, Madagascar and Mauritius, subsistence allowances were provided to 33 refugees through the UNDP offices in those countries, and ten refugee children were sponsored to attend government schools. UNHCR oversaw the implementation of a local settlement project with nine sub-projects in South Africa, Lesotho and the Indian Ocean Island States. Four regional projects (resettlement, repatriation, the DAFI Scholarship programme and a reproductive health project) were implemented in Botswana and Mozambique.

Domestic needs/household support: Implementing partners focused on meeting the basic needs of vulnerable refugees and asylum-seekers. As funding was limited, assistance was only provided to some 2,500 of the most vulnerable refugees and asylum-seekers. New arrivals received advice and counselling, but generally no material assistance.

Education: Over 2,000 refugees and asylum-seekers benefited from educational assistance. About 40 per cent of them were females and their participation was facilitated through the provision of child care and transport. Pre-school, primary and secondary school students arriving after the beginning of the school year were not assisted due to funding constraints. A number of refugee children were therefore obliged to spend up to one year out of school.

Some 34 beneficiaries secured temporary employment (six months to a year) upon completion of their vocational skills training. Some 35 refugee women were trained in business skills, and nine refugee women received small business loans. Under

the DAFI scholarship programme, 12 scholarships were granted and one person graduated.

In order to facilitate their local integration, over 2,000 refugee students received educational assistance ranging from pre-primary to university level. In addition, support was given to 10 refugee children in the Indian Ocean States to attend primary school. While 80 to 90 per cent of these students successfully completed their studies or graduated to the next level, education counsellors reported on going difficulties in securing places for refugee children in local schools due to xenophobia and lack of information on refugee rights, as well as a genuine lack of capacity within the school system to accommodate refugee students. For studies at the secondary school level and above, the six-month prohibition of study for asylum-seekers over the age of 18 years remained in effect, despite efforts by UNHCR and its partners to get this restriction lifted.

Health/nutrition: There were 944 UNHCR-funded refugees who were unable to pay for medicine or hospital care compared to 2,230 in 2001). Refugees affected by HIV/AIDS were cared for through home-based care projects in Pretoria and Johannesburg. To contain the spread of HIV/AIDS, UNHCR promoted HIV/AIDS awareness training and advocated the development and implementation of HIV/AIDS workplace policies. Five of UNHCR's 13 implementing partners adopted HIV/AIDS workplace policies in their 2003 sub-agreements to show commitment to promoting an open and supportive work environment. Three reproductive health workshops were conducted for refugee men and women. Communication materials on behaviour change were translated for refugees and distributed in Angola, Botswana, Mozambique, Namibia, South Africa and Zambia. The materials included practical, straightforward information on domestic violence, family planning, and HIV/AIDS.

Under the "Young Refugees and Reproductive Health" project, some 50 adult and youth peer educators conducted monthly workshops with refugees on communication and negotiation skills, sexual and reproductive rights, family planning, teenage pregnancy and HIV/AIDS awareness.

Income generation: In 2002, the small business loan programme was kept on hold pending a compre-

hensive review of the programme. The suspension was the result of a lack of specialised staff to design small business proposals and overall income generation strategies (such as job placement and skills training). Refugees often used small business loans to meet basic needs, as they perceived the loans as a "right" with no obligations attached. An independent assessment of the micro-finance projects carried out in December is expected to make specific recommendations in 2003.

Legal assistance: Legal assistance was provided to over 3,100 cases by a network of five refugee legal counsellors and their assistants. It consisted of filing appeals against rejected asylum claims, provision of legal representation and a resolution of labour disputes, addressing denial of access to local services, assisting with the renewal of asylum permits and preparing asylum claims on behalf of unaccompanied minors. The number of assisted individuals represented a 30 per cent increase over the previous year.

A total of 56 individuals (21 cases) were repatriated under the voluntary repatriation assistance programme, which provided for payment of repatriation grants, transit accommodation and flights. IOM facilitated logistical arrangements. Resettlement was facilitated for 43 individuals who were in need of protection, (25 from South Africa and 18 from several of the Indian Ocean States) including several women at risk.

Operational support (to agencies): UNHCR continued to participate in the UN Inter-agency Theme Group on HIV/AIDS. The Office also received technical advice and support from WHO, UNFPA and UNAIDS on the "Young Refugees and Reproductive Health" project.

The Government recommended that UN agencies focus on three main pillars: integrated rural development, regional integration; and the prevention of HIV/AIDS. Since relatively few refugees resided in rural areas, practical co-operation in these areas was necessarily limited for UNHCR.

Transport/logistics: Transportation was provided to some 56 individuals by the most economical and direct routes from the place of asylum or the place of departure to the country of origin.

Organisation and implementation

Management

UNHCR managed the country operations in South Africa and Swaziland from Pretoria, whilst overseeing liaison offices in Botswana and Mozambique. It was also responsible for operations in Comoros, Lesotho, Madagascar, Mauritius and Seychelles, in co-operation with UNDP, as UNHCR did not have a permanent presence there. The total number of staff included 22 international, 53 national staff and four JPOs.

Working with others

UNHCR worked with 15 implementing partners during 2002. A new partnership was developed with the Japan International Co-operation Agency (JICA) which decided to support the refugee survey. The Office also initiated contact with the South African Department of Foreign Affairs to develop sustained co-operation and support for the creation of the Refugee Relief Fund.

Overall assessment

Overcoming the continued and increasingly negative attitude towards refugees in the country was the most formidable challenge faced by UNHCR in 2002. In addition, the absence of a central body mandated to deal with refugee issues impeded advocacy and lobbying efforts for the inclusion of refugees into government programmes. Repeated training increased the capacity of NGO partners to: manage refugee programmes in accordance with UNHCR's policies and guidelines on financial management and reporting; and maintain the highest standards of adherence to UNHCR policies.

UNHCR promoted and facilitated local integration of refugees, as no other viable durable solution was available for refugees, except for Angolan refugees. The increasing numbers of new asylum-seekers threatened to unravel many of the gains achieved in providing assistance to refugees. Whilst the individual assistance programme for vulnerable women and children was strengthened, the problem of unemployment among single males (due to the prohi-

bition on work during the asylum procedure) was not addressed. There were also indications that asylum-seekers were posing as unaccompanied minors to qualify for special assistance, leading to the separation of families.

The closure of the liaison office in Swaziland in 2001 placed an unexpected burden on the office in Pretoria. In addition, delays in filling key posts in Mozambique forced the office to become directly involved in the running of the programmes in those countries from a distance. It is difficult to devise an exit strategy for UNHCR in South Africa at this juncture, as there is no central government body to which the current programmes may be handed over. UNHCR will continue to advocate the opening up of local programmes for the benefit of refugees and asylum-seekers, both governmental and non-governmental.

Offices

Pretoria

Partners

Government Agencies

Department of Home Affairs

NGOs

Agency for Refugee Education, Skills Training and Advocacy (Cape Town)

Bonne Espérance (ex-Catholic Welfare and Development) (Cape Town)

Cape Town Refugee Centre

Centre for the Study of Violence and Reconciliation

Jesuit Refugee Services

Lawyers for Human Rights

Margaret Sanger Centre International

Mennonite Central Committee (Durban)

National Consortium for Refugee Affairs

Planned Parenthood Association of South Africa

South African Human Rights Commission

Others

IOM

University of Cape Town

University of Witwatersrand

Financial Report (USD)

Annual Programme Budget and Trust Funds

Expenditure Breakdown	Current Year's Projects	notes	Prior Years' Projects	notes
Protection, Monitoring and Co-ordination	336,266		224	
Community Services	69,012		45,484	
Domestic Needs/Household Support	76,855		55,527	
Education	107,273		100,495	
Health/Nutrition	40,542		103,641	
Income Generation	14,830		6,521	
Legal Assistance	58,572		70,009	
Operational Support (to Agencies)	165,211		138,701	
Shelter/Other Infrastructure	0		0	
Transport/Logistics	145,165		11,892	
Instalments with Implementing Partners	570,220		(437,750)	
Sub-total Operational	1,583,945		94,742	
Programme Support	1,890,194		50,352	
Sub-total Disbursements/Deliveries	3,474,139	(3)	145,094	(5)
Unliquidated Obligations	823,674	(3)	0	
Total	4,297,813	(1) (3)	145,094	
Instalments with Implementing Partners				
Payments Made	766,319		110,604	
Reporting Received	356,099		548,355	
Balance	410,220		(437,750)	
Outstanding 1st January	0		458,766	
Refunded to UNHCR	0		33,880	
Currency Adjustment	0		12,865	
Outstanding 31 December	410,220		0	
Unliquidated Obligations				
Outstanding 1st January	0		276,367	(5)
New Obligations	4,297,813	(1)	0	
Disbursements	3,474,139	(3)	145,094	(5)
Cancellations	0		131,273	(5)
Outstanding 31 December	823,674	(3)	0	

Figures which cross-reference to Accounts:

(1) Annex to Statement 1

(3) Schedule 3

(5) Schedule 5

Includes costs related to the Regional Office in Pretoria.