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Issues Which May Be Raised with the High Commissioner

1. Amnesty according to the Memorandum of Understanding

UNHCR in accordance with the provisions of the MOU has ensured that refugees can return to their country of origin without fear of arrest, detention, prosecution or harassment in respect of any political crimes they may have committed prior to or during their exile. Persons who committed serious non-political (i.e. common law) crimes are not covered by the general amnesty foreseen in the provisions of the MOU. Such persons, in any event, would not have deserved international protection as they are excludable in accordance with the provisions of Article 1F of the 1951 Refugee Convention.

In addition, UNHCR claims to undertake active protection monitoring using both its professional lawyers and the network of existing Legal protection and intervention mechanisms inside the RSA to ensure that returnees are not subjected to any reprisal measures by the regime.

2. Violence and its impact on repatriation

EXCOM Conclusion 40 enjoins UNHCR to promote voluntary repatriation where refugees can return to their country of origin under conditions of safety and dignity. In the South African context, however, refugees are returning to a country in which the reasons for their departure have not been fully addressed. The General Assembly in its consensus resolution of December 1990 requested inter alia the return of political refugees to South Africa to facilitate the process of reconciliation. Although political violence endemic in South Africa has claimed 3000 lives since 1990, it is the view of the Office that repatriation should be promoted.

3. Difficulties of reintegration

The HCR programme of assistance attempts to address the peculiar needs of South African returnees who are (uniquely in Africa) mainly urban, educated, skilled, accustomed to a high level of assistance in exile and alienated from the coping mechanisms necessary at home. Cash grants (rather than food, seeds and tools) will be given for a three-six month period and a major project revision in the new year will incorporate a significant vocational training and rehabilitation component. Counseling by experienced persons in NCCR will be available to all returnees.

4. Involvement of other U.N. agencies in HCR programme

HCR should play an advocacy role with the people and institutions of South Africa (particularly the Government) to demonstrate the usefulness of collaborating with other UN specialized/development agencies. The involvement of other UN agencies (and possibly NGO's) has now been endorsed in General Assembly Resolution A/46/L.32 of 5 December 1991. However, it may be politically prudent and tactically expedient for the High Commissioner to encourage representatives of the major traditional donors to the UN expedite the process of the participation of other UN agencies in activities related to the longer term reintegration of the returnees inside the RSA.

General

SOUTH AFRICA REPATRIATION**NUMBERS REGISTERED AS OF 19 DECEMBER 1991**

<u>COUNTRY</u>	<u>No. REGISTERED</u>
Botswana	300 individuals
Lesotho	10 individuals
Mozambique	93 cases
Swaziland	3 cases
Tanzania	2,000 plus individuals
Uganda	250 individuals
Zambia	400 individuals
Zimbabwe	1000 individuals