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Joint appeal by civil society in South Africa to the UN & UNHCR

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It is now more than 3 weeks since widespread xenophobic terror against foreign nationals has erupted in provinces across South Africa. To date, over 20,000 people in the Western Cape have been displaced, some are staying in community halls and local shelters, but many have been taken to refugee camps, some against their will. Across our country more than 50 000 people were displaced.

Since the violence started, refugees have repeatedly requested to see and speak to high-level representatives from the United Nations (UN). Refugees at all the camps in Cape Town-- Soetwater, Youngsfield, Harmony Park, Silverstrand-- have made this request. They have indicated that they are not willing to trust South African government or NGO officials and thus only want the UN to help them. Many people in the camps have indicated that they want the UN to advise and assist them with relocation to their
country of origin or a third country. Their expectations were raised when Mr. Arvind Gupta from the United Nations High Commission on Refugees (UNHCR) visited two camps, where he met and spoke with refugees last weekend, though he never returned after his first brief visit.

The displaced peoples' calls for the UN including (UNHCR) intervention have only grown louder, and were the main demand at a rally and press conference held by them in Cape Town.

We are concerned that the UN seems to publicly take a position that they cannot assist unless and until the South African government requests their intervention. We are unsure when that is likely to happen. Meanwhile the humanitarian crisis in South Africa continues to deepen.

Besides sending some supplies and some evaluators to the country, the UN has been largely absent during these past three weeks of violence against refugees in our country. We believe that the UNHCR is in violation of its own international mandate and obligation to assist and advise people who have been displaced by the violence. The displaced people have not had any regular communication from the UN Country Representative or the agencies they have directed. Under international law, displaced persons in South Africa have the right to receive protection: protection against refoulement, prevention of further acts of violence and other human rights violations, provision for their basic physical needs (for shelter, food and so on), and respect for other basic human rights.

There is a moral and humanitarian imperative for the UN to act. The UN must accept that its intervention is essential at this moment and that there can be no further delay in sending large numbers of UN officials to South Africa. The UN cannot just sit back and watch as the situation gets worse. What we have not heard is what assistance UNHCR is committing to in the context of the current crisis.

- The refugees themselves and South African and international civil society organizations are calling for the assistance of the UN including UNHCR. But so far UNHCR has said that:
- displaced persons do not have an automatic right to be resettled, it depends on the circumstances of each

person;

- it is developing a strategy to help displaced people in SA that fall
- under the mandate of the UNHCR;
- that it will not send anyone back to their country of origin unless they are certain that the person can return in dignity and safety;
- that if it does assist it can only assist refugees and not all displaced people.

It has even been reported in our media that the UNHCR has used the term 'illegal' in reference to people affected by the violence. This kind of terminology fuels the anxiety of displaced people who have lost documents or who have not been able to secure documents (often due to the inefficiency of Home Affairs Department). It also strengthens the position of the Department of Home Affairs, which has refused to accept the demand by civil society for a moratorium on deportations and all immigration-related offences during this time.

It is imperative that the UNHCR also play a mediating role among communities who are rightfully angry and traumatized. They trust the UN and the UNHCR though the UNHCR has not been here to help them directly.

Now, without further delay, UNHCR must send officials to all safety camps and sites where people are demanding information and offer their expert advice and assistance. If the UNHCR is unable or unwilling to help displaced people in South Africa then it must communicate this to us. At the same time, it must make arrangements with other UN agencies and international organisations to step in and provide the type of assistance that is being requested from it.

This is now urgent, our country is in crisis!

We appeal to every organization internationally to demand that the UN and UNHCR acts with speed.

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