

UNHCR POSITION ON RETURN OF REJECTED ASYLUM SEEKERS TO ANGOLA

A Memorandum of Understanding signed on 4 April 2002 between the Government of the Republic of Angola and the National Union for the Total Independence of Angola (UNITA) ended over 26 years of civil war. Since then, the subsequent demobilization of UNITA fighters has progressed and no breaches of the peace accord have been reported. At the national level, the parties have continued to engage in dialogue, and a spirit of peace and reconciliation is prevailing. While this trend keeps expectations high for lasting peace and stability in the country, there are humanitarian and logistical considerations that warrant decision makers to carefully weigh the risks involved in returning individuals to Angola. This would hold true in evaluating applications for asylum, as well as dealing with rejected asylum seekers.

Humanitarian Situation

While the general situation is gradually improving, living conditions in Angola remain precarious. In addition, a significant portion of the country's infrastructure is still damaged or totally destroyed, markedly hampering efforts to meet basic humanitarian needs. Consequently, the absorption capacity for returnees is seriously limited.

Because of mine infestation and destroyed or damaged infrastructure, there remain areas that are completely inaccessible or blocked from receiving humanitarian assistance. A significant number of the population remains vulnerable due to the absence of basic social services, particularly in the sectors of health, water, sanitation and agricultural inputs. Demining NGOs estimate that between 500,000 and 700,000 landmines, and some four million unexploded ordnances still litter the country. The UN Security Coordinator has denied clearance for UN agencies to travel on a significant number of roads due to landmines.

Nevertheless, the UN Office for the Coordination of Humanitarian Affairs (OCHA) has estimated that the number of Angolans in critical need of assistance, living in areas that are inaccessible or deprived of humanitarian assistance due to landmines, poor roads and bridges, dropped from 500,000 people in January 2003 to less than 100,000 people by December 2003. However, the latest vulnerability assessment conducted by humanitarian agencies demonstrated that more than 2.7 million people are still vulnerable to food insecurity. In addition, it is estimated that some 850,000 people will need food assistance before the next harvest.

Lack of access is also hindering the delivery of essential drugs throughout the country. Existing health facilities continue to lack qualified staff, drug and medical supplies, and proper medical equipment. The water system throughout the country remains in complete disrepair and in several municipalities people are using unclean water and are thereby being exposed to waterborne diseases such as cholera. In a majority of the municipalities and communes, local administration is severely incapacitated, with limited

staff and material resources. Helping to build local capacity is proving to be a daunting task, in part due to problems of access.

Return of Internally Displaced Persons and Voluntary Repatriation of Refugees

According to government statistics, some 830,000 people continue to be internally displaced in Angola. Around 365,000 of them are reported to reside in Lunda North and the remainder in the provinces of Kuando Kubango, Moxico, Malanje and Huíla. The expectation is that relatively few families will migrate from camps established for internally displaced persons (IDPs), or from host communities, to areas of origin in the next few months due to the rainy season, during which the situation will be relatively static.

Meanwhile, the latest official figures from the government, released on 17 November 2003, show that some 3.5 million IDPs have already returned to their areas of origin or areas of preference since April 2002, primarily to the provinces of Huambo, Benguela, Kuanza Sul and Bié.

With the transition to peace progressing, UNHCR launched an organized voluntary repatriation operation on 20 June 2003. However, given the acute infrastructure and mine problems outlined above, it is conducting the operation under a phased approach, starting with areas that are open and safe for return. At the conclusion of the 2003 organized return process, 20 communes were open for organized return in Zaire, Moxico and Kuando Kubango provinces.

By 31 December 2003, some 43,000 refugees had returned from the neighboring countries in UNHCR's voluntary repatriation convoys. In addition, approximately 57,000 refugees, who had been returning to Angola spontaneously since 2002, had been provided assistance by UNHCR. It is estimated that about 228,000 Angolan refugees remain in the bordering countries and that up to 145,000 of them will return to Angola in 2004 with the assistance of UNHCR. However, even to those areas designated as open for organized repatriation during this initial stage, UNHCR is discouraging the return of people in vulnerable situations, such as single elderly people, and the chronically or seriously ill. This is due to the minimal social and medical services available in these areas.

Rehabilitation of Former UNITA fighters

The 2002 Amnesty Law, passed by the Angolan National Assembly in connection with the signing of the above mentioned Memorandum of Understanding, has been liberally applied by government authorities. To date there have been no reports of returning UNITA fighters having been denied amnesty under the law. Some five thousand former UNITA soldiers have reportedly been recruited into the Angolan Armed Forces. Around the same number of former UNITA Health Workers have been included into the Angolan health service system. The Angolan government and World Bank have elaborated a project on social reintegration of former military with entry into force in 2004.

In addition, following the peace agreement, former UNITA officials were appointed to ministerial posts, including the Ministers of Commerce, of Hotels and Tourism, of Health, and of Geology and Mines. In some provinces, high-ranking authorities are UNITA members. In June 2003, UNITA held its 9th Party Congress in Luanda without incident, and the newly elected chair of UNITA was received by the President of the Republic.

A few isolated protection issues relating to the harassment of former UNITA fighters by individuals within resident communities have been reported, highlighting the need for the police to remain vigilant. Such problems have however remained isolated and do not appear to indicate any trend. Interviews that UNHCR has conducted with former UNITA soldiers have been illustrative of the environment of reconciliation.

Cabinda Province

UNHCR is not promoting return to Cabinda Province and continues to advise against any involuntary return of rejected asylum seekers to that province at this time. Armed conflict there continues between the Front for the Liberation of the Enclave of Cabinda - Cabinda Armed Forces (FLEC-FAC) and the Angolan Armed Forces, and both groups have allegedly committed abuses against civilians in Cabinda. In June 2003, a group of top FLEC-FAC military officers, including chief of staff Francisco Luemba, surrendered to government authorities. However, despite these defections, a FLEC-FAC spokesperson has asserted that FLEC-FAC would continue its struggle for independence.

Return of Rejected Asylum Seekers

In view of the above, UNHCR is no longer advising against involuntary return of rejected asylum seekers to Angola, except for return to Cabinda Province. Nonetheless, UNHCR would ask governments to carefully assess the risk to individuals upon return. There may well be persons who, while not having a demonstrated need for international protection, would be particularly vulnerable upon return. This would include, for example, separated children, unaccompanied elderly people, and people with physical disabilities or in need of specialized or ongoing medical care.

UNHCR would also urge caution with the return of persons originating from rural areas that remain inaccessible or beyond reach of humanitarian assistance. These areas include municipalities in Bié, Kuando Kubango, Lunda Norte, Malanje, Moxico and Uíge provinces.

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