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How did South Africa's foreign policy determine the choice of refugee policy adopted by South Africa between 1991-1998?

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Abstract

South Africa adopted a local integration settlement policy for refugees which formed the basis for the reception of refugees into the country since the early 1990s. This policy also laid the foundation for Refugee legislation that was subsequently developed to deal with the arrival of refugees including the applications for asylum and the processes related thereto. The fact that South Africa decided on a local integration policy in the early 1990s is an anomaly in that many countries in the Southern African Development Community (SADC) region at the time and even now had encampment policies where refugees are kept in camps and have minimal freedom of movement outside camp settlements. Foreign policy sometimes plays a critical role in shaping domestic policy in various spheres. This research study has determined that South Africa's Foreign Policy Practice both during the transition years between 1991-1994 and post 1994 played a major role in South Africa adopting a human rights based settlement policy for refugees. This was initially informed by South Africa's desire to show the international community that the country was indeed adopting democratic principles and thus denying any role in the destabilisation in the region. After 1994 South Africa had acceded to international instruments on the protection of refugees without any reservations on the freedom of movement. The focus of the study is on the decision-making process that led to the signing of both the 1991 Memorandum of Understanding and the 1993 Basic Agreement between South Africa and the United Nations High Commissioner for Refugees (UNHCR) and subsequent adoption of the Refugees Act in 1998 to establish the role played by foreign policy and other foreign policy factors in the final decision of adopting local integration. Findings from this research further highlight the role of civic actors for both the pre and post 1994 periods. The study has implications for other countries in the region and beyond which are promoting democratic principles while curtailing the right to freedom of movement for refugees.