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**ORGANISATION DE L'UNITE
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COUNCIL OF MINISTERS

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REPORT OF THE ADMINISTRATIVE SECRETARY GENERAL ON THE
CONFERENCE ON THE SITUATION OF REFUGEES IN AFRICA HELD IN
ARUSHA, TANZANIA FROM 7 - 17 MAY 1979



The Secretary-General's Report on the Conference
on the Situation of Refugees in Africa, Arusha, 7 to 17 May 1979

It will be recalled that the Secretary-General reported to the 32nd Ordinary Session of the Council of Ministers in Nairobi in February, 1979 (Documents CM/Res.928(XXXII) Part II and CM/Res.964(XXXII)) that the number of African refugees has exceeded four million - forming nearly 50% of the world refugee population. It was against such alarming situation that some international and voluntary agencies started to view the deteriorating situation of refugees in Africa which called for holding of a Conference to discuss the situation of refugees in Africa which will involve other international organizations and voluntary agencies concerned with African refugee work and problems.

The OAU Council of Ministers in its 30th Ordinary Session in Tripoli, Libyan Arab Jamahiriya in February 1979 accepted the proposals made by the OAU Secretary-General that the OAU should Co-sponsor the Conference on the Situation of Refugees in Africa together with the UNHCR and UNECA and other five voluntary agencies concerned with refugee work in Africa.

A Planning Committee was soon formed from the three co-sponsors - namely OAU, UNHCR and ECA and five non-governmental organizations namely All Africa Conference of Churches, (AACCC), The Churches (WCC), The Lutheran World Federation (LWF) and the Scandinavian Institute for African Studies (SIAS).

UNHCR was chosen as Chairman of the Planning Committee and representing the three governmental organizations - namely UNHCR, OAU and ECA, while IUEF was given the post of Vice Chairman, representing the non-governmental organizations on the Planning Committee.

Among other things the Planning Committee was entrusted with the following tasks:

- a) Defining the objectives and the theme of the Conference
- b) Estimating and establishing a budget for the Conference and raising funds to cover this budget.
- c) Setting down the broad outlines of the Conference documents and organizing necessary seminars, workshops, meetings, to prepare the required documents for the Conference and lastly
- d) Setting up of a Secretariat to be entrusted with the necessary preparations for the Conference.

The Planning Committee prepared and adopted a budget estimated at US\$612,716, however currency fluctuations and world inflation and other unforeseeable circumstances, forced the Planning Committee to amend the Conference budget to the new figure of nearly US\$730,000. To avoid, as far as possible, external political influences, the Planning Committee decided that only the Scandinavian countries, Church Organizations and international agencies involved in refugee work in Africa as well as Member States of the OAU or the OAU itself would be approached to contribute to the Conference budget.

During its 31st Ordinary Session which was held in Khartoum, the Democratic Republic of the Sudan in July 1978, the Council of

Ministers passed Resolution CM/Res.621(XXI) calling upon Member States to actively participate in the Conference and to extend all possible political, moral and financial support to ensure that all substantive organizational arrangements for the Conference are properly made.

The OAU/BPEAR subsequently sent three notes verbale to all Member States giving information on the Conference and requesting Member States to kindly forward reports on programmes and activities being undertaken in favour of African refugees in the different African countries as well as appealing for financial contributions to the Conference budget.

During the 32nd Ordinary Session, held in Nairobi, in February, 1979 the Council of Ministers adopted resolution CM/Res.621(XXII) calling upon Member States to participate actively at Ministerial level and on top of their individual contributions, defray the cost of participation of their delegates to the Conference, and called upon the OAU General Secretariat to cooperate fully with the Planning Committee for the success of the Conference and to cover the balance for the Conference budget from savings made by the Secretariat. However, because of liquidity problems, the OAU General Secretariat could only forward a first payment of US\$100,000 out of the required amount of U.S\$200,000.

The Planning Committee decided that Member States of the OAU should constitute the participants while all Liberation Movements recognized by the OAU and all other intergovernmental and non-governmental organizations involved in refugee work in Africa be invited as observers with no right to vote but would be allowed to participate in the discussions on the African refugee problems of common interest to all.

The Arusha Conference on African Refugees

The Conference was opened at 3.30 p.m. Monday May 7, 1979 at Arusha Conference Centre by H.E. Mwalimu J. Nyerere, President of the United Republic of Tanzania. H.E. the President of Nyerere started by welcoming all delegates to Tanzania. He said that the Conference was about people, about the prospects and indeed the very life, of people who are currently or may in the future be forced to flee from their home lands and seek refuge in another country in order to escape persecution or death or starvation. His Excellency, the President went on to state that there were about 3.5 million refugees in Africa and that all of them were African men, women and children for whom the Governments and Liberation Movements represented in this Conference were severally or through the OAU jointly responsible. Mwalimu Nyerere ended his speech by saying "our resources are limited and the demands made upon us are very large. But I don't believe that dealing with the problems of 3.5 million people and giving them a chance to rebuild their dignity and their lives is an impossible task for the 49 nations and their 350 million inhabitants."

H.E. Hon. J. Mulenje (H.P), Head of the Zambian Delegation replied on behalf of the participants to the comprehensive opening speech given by H.E. The President of the United Republic of Tanzania.

The Conference Bureau was elected from the following OAU Member States:

Tanzania	- Chairman (H.E. Jr. J. Makwetta, Min. of State, Prime Minister's Office)
Burundi	- 1st. Vice Chairman (Chairman of Committee II)
Botswana	- 3rd Vice Chairman (Chairman of Committee III)
Tunisia	- 3rd Vice Chairman
Senegal	- Rapporteur General

Sudan was chosen as Rapporteur for Committee "A" while Ghana was elected as Rapporteur for Committee "B"

The Chairman called upon the High Commissioner for Refugees Mr. P. Hartling who expressed his gratification to the Government and People of Tanzania. He said "in no continent is the number of refugees so great. But in no continent are refugees received with greater generosity of spirit or understanding of their predicament". The High Commissioner for Refugees went on to say that the recollection of the past refugee crises is not without pain and that they know too well that refugee problems point to racial and colonial arrogance. They know also that such problems can also point to deep and sad tensions within societies, to conflicts between nations and to violation of Human rights. The UNHCR went on to state that they face a supreme challenge to their values in Southern Africa. Apartheid, an odious and universally despised system, ensures a steady stream of refugees particularly from among the young. At the same time and in the international Year of the Child we witness the bombing of school-age refugees. The UNHCR stated "I cannot adequately express my revulsion at the loss of innocent life or the way in which refugees in Angola, Mozambique and Zambia have time and again, been attacked".

The OAU Assistant Secretary General for Political Affairs (Dr. Peter U. Onu) addressed the Conference on behalf of the OAU Secretary General. He started by thanking the Government and People of the United Republic of Tanzania for extending all support, facilities and services for the success of the Conference. Dr. Onu went on to say that as he spoke there were 4 million refugees in Africa crying out for help. He drew attention to the alarming increase in the population of refugees in Southern Africa where man has become wolf to man and where basic human rights have been denied to the majority by the fascist minority regimes of Zimbabwe, Namibia and South Africa. The OAU Assistant Secretary General called upon OAU Member States to share the burden

of the four million African refugees which is currently being shared by only 18 countries out of the 49 OAU Member States. Member States have to open their doors for their brothers and sisters and they have to exert more efforts towards their employment, education and training. He also called upon Member States to ratify the 1969 Refugee Convention which till now has been ratified by only 18 Member States.

On the OAU Bureau for the Placement and Education of African Refugees (BPEAR), the OAU Assistant Secretary General assured the meeting that the chronic problem of finding qualified staff for the BPEAR had been solved. He called upon all international organizations and Member States to extend all possible financial support to the BPEAR to enable it fulfill its mandat. He referred in particular to previous appeals made by the BPEAR to Member States requesting the latter to provide more scholarships to African Refugees, to direct national universities and other training institutions to be more flexible in their admission of African Refugees and to be less demanding in entry requirements into institutions of higher learning and that only a few African countries have responded positively.

The OAU Assistant Secretary General called upon UNHCR and other international donors to be fair to African refugees and that they should be treated on equal footing with refugees from other parts of the world. He ended by thanking the UNHCR to work for adequate representation of OAU Member States in the latter's Executive Committee. The OAU Assistant Secretary General ended by commending the Planning Committee for the tremendous work it has done in preparing for the Conference.

H.E. Dr. A. Adedeji, The Executive Secretary of the Economic Commission for Africa (ECA) after greeting the Conference went on to say that it was an honour and a privilege for him to participate in the very impressive opening of the Second Pan African Conference on the Situation of Refugees in Africa, jointly with the OAU and UNHCR and his Commission - the ECA.

Dr. Adedeji then informed the Conference that the African regions was distinguishing itself in a rather odd manner. Beside becoming the continent with the largest number of least developed countries and harbouring the largest number of most seriously affected countries and also being the most economically backward region in the world - constituting the periphery of the periphery in the international economic system, Africa is adding another odd - by becoming the continent with largest refugees population - having 4 million refugees who constitute more than 40% of the world refugee population.

The ECA Executive Secretary went on to stress the need for relating and coordinating assistance programmes for refugees with the on-going development programmes so that the human resources that refugee are, have a concrete role to play in the economic and social development of their countries of asylum when repatriated in their countries of origin.

Dr. Adedeji said that equity in assistance allocation was a principle that should be followed rigorously. He observed that Africa with its four million refugees - constituting more than 40% of the world refugee population receiving only 33% of the total UNHCR assistance. He addressed the UN High Commissioner for Refugees by saying: May I therefore seize this opportunity to appeal to my distinguished colleague,

the High Commissioner for Refugees to see to it that Africa receives resources commensurate to its needs?".

The ECA Executive Secretary stressed the need for long-term manpower planning and projections based on well collected data and studies at country level. Such development planning would benefit countries of asylum, agencies involved in refugee work and the refugees themselves when it comes to latter's employment. Dr. Adedeji ended by saying that ECA was quite prepared and indeed ready to be associated with undertaking of any national manpower studies and surveys which will be used inter alia for the appropriate and through planning of assistance to refugees in African countries.

The Conference was attended by delegates from 38 OAU Member States and representatives of many international and voluntary agencies involved in refugee work or concerned with the African refugee problem. Many of the African delegates were headed by ministers or very high ranking officials from ministries or departments concerned with refugee problems in their respective countries. All Liberation Movements recognised by the OAU participated in the Conference.

19 African countries, all the liberation movements and representatives of many international organizations and voluntary agencies presented statements to the Conference in the first two days of its deliberations.

Beside the Plenary, the Conference deliberations were conducted through two Committees-of-the whole "A" and "B". Committee "A" dealt with legal and protection matters as presented in the documents and reports of the Seminar on Legal and Protection matters which was organized by the Planning Committee in Arusha in late January 1979. Committee "B" dealt with the reports and recommendations included in the documents on the social, economic, institutional, financial and administrative aspects of refugee problems in Africa which were prepared by special workshop held in Arusha in the middle of January 1979.

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Some procedural difficulties were encountered because of objection of few Member States to the participation of the non-governmental organizations in the deliberations at the same level with Member States. Later on the plenary had to meet to adopt the amended rules of procedures for the Conference. Ethiopia and Equatorial Guinea still expressed reservations on the participation of the non-governmental organizations in the deliberations of the Conference.

The main topics which were dealt by the Conference with respect to the Legal and Protection Aspects (Committee "A") and on which recommendations were made are the following a) Asylum in Africa b) Definition of "Refugees" and the determination of refugee status c) The treatment of refugees (i) illegal entry, expulsion and problems raised by the concept of prohibited immigrants (ii) detention, imprisonment and acts directed against the personal safety of refugees (iii) movement of refugees and (iv) rights and obligations of refugees

On the Social, Economic, Institutional, Financial and Administrative aspects of refugee problems (Committee "B") the following main topics were discussed and relevant recommendations accordingly made:

a) Causes for asylum-seeking in Africa (b) Settlement of rural refugees in Africa (c) Urban Refugees (d) Employment, Education and Training of African refugees in relation to Africa's manpower situation (e) Counselling Services in Africa (f) Policy issues and administrative problems and (f) Clearing House.

The Summary of the deliberations and the recommendations on all the aforementioned subjects are included in the report of the Conference on the situation of refugees in Africa (REF/AR/CONF/RPT/II) which is annexed to this report.

It has to be mentioned here that some African countries have expressed reservations with regard to certain recommendations as indicated in the text of the Conference Report.

After the adoption of the Conference Report and Recommendations, the delegate from Benin spoke on behalf of all delegations, stressing the need for more cooperation and more assistance for refugees in Africa, and end by thanking the people and the government of the United Republic of Tanzania for their hospitality and for the facilities and services provided and which made the Conference a success.

Dr. Peter Onu, the OAU Assistant Secretary General of Political Affairs spoke on behalf of the three co-sponsors, OAU, UNHCR, ECA

Mr. G.L. Eriksson (Director of IULF) gave a statement on behalf of all voluntary agencies who are members of the International Council of Voluntary Agencies (ICVA). The Delegate from Sweden spoke on behalf of the Scandinavian countries who contributed to and participated in the Conference.

The Head of the delegation of Equatorial Guinea made a statement in which he referred to the false reports and news given by the imperialist news media on the political situation in Equatorial Guinea and on refugees from his country.

The Chairman of the Conference made a long statement - and called upon African countries for more burden sharing so as to alleviate some of the heavy burden on Front Line States. He also expressed his worries about the fact that the majority of African refugees originate from independent African countries. He thanked all participants and observers and hoped that he would see them again in Tanzania.

Conclusions and Recommendations

The last Conference on the problems of refugees in Africa was held in Addis Ababa, 1967 in which only 22 Member States and fewer international organizations and voluntary agencies involved in refugee work participated. At that time the number of African refugees was estimated at less than one million. In contrast, Arusha Conference was unique in many respects. It was held against reports indicating that the number of African refugees has reached a new maximum of 4 million and that the number is on the increase.

One of the major causes for such large influxes of refugees is the intensification of the struggle against the racist minority regimes in Southern Africa. It was also alarming to observe that the majority of the African refugees have originated from independent African countries.

The Arusha refugee Conference was also unique for the fact that it was attended by more than two thirds of OAU Member States (38) and who in many cases were represented at Ministerial level. Again almost all governmental and non-governmental organizations and agencies involved in or concerned with Africa refugee work or problem actively participated in the deliberations of the Conference.

The net result was a comprehensive report that contained extremely useful ideas and recommendations that covered every aspect of the African refugee problem - covering legal matters like the definition of "refugee" as given by the different international and regional instruments, granting of asylum in Africa to the treatment of refugees to the status of accession of African States to the international and regional legal instruments and the dissemination of such information among the African masses and their leaders.

On the Social, Economic, Institutional and Administrative side of the refugee problem - the Conference report and recommendation covered the different aspects of the African Refugee Problem - the root and direct causes for asylum seeking in Africa, the organized and spontaneous settlement of rural refugees who constitute about 65% of the Africa refugee population - the difficulties faced by urban refugees with regard to education, training and employment, the status of counselling services in Africa as well as general policy issues and administrative matters - including the need for an effective machinery to deal with the refugee work and problems at the country and continental levels.

The 1979 Arusha Refugee Conference was again unique when considering the fact that it could specify very clearly the need for strengthening the OAU/BPEAR and providing it with all possible political, financial and material support by African countries as well as inter-governmental and non-governmental organizations involved in refugee work in Africa. In fact the OAU/BPEAR got the Lions' share with regard to time and importance given to it during the deliberations in the two Committees of the Conference. Again the OAU/BPEAR got the biggest shares of the Conference recommendations.

The Arusha Pan-African Conference was also unique because it clearly specified the roles of the African Governments, the OAU, UNHCR and all other Inter governmental and non-governmental organizations and agencies with regard to the follow up of the implementation of the recommendations. In this regard it passed the following recommendations:

The follow-up of the implementation of the recommendations of this Conference will be the primary responsibility of the OAU working

in cooperation with the UNHCR in accordance with the provisions of the agreement signed between the two organizations. Member States of the OAU, the UNHCR and other inter-governmental organizations and voluntary agencies who have substantial assistance programmes to African refugees as one of their major functions and who are responsible for the actual implementation of the recommendations shall keep the Secretary-General of the OAU constantly informed of their work in this regard. The Secretary General of the OAU may convene as appropriate consultation meetings for agencies concerned with the implementation of the recommendations. He shall also submit periodically progress reports on the implementation of the recommendations to the OAU Council of Ministers."

The Secretary General would appreciate it very much if the Council of Ministers firstly endorses the report and the recommendations of this very important and historic Conference and secondly adopts the annexed draft of **MONROVIA PROCLAMATION ON AFRICAN REFUGEES**". Such gesture by the Council will also be appreciated and will greatly help in finding solutions to the problems and difficulties faced by the four million refugees in Africa.

COUNCIL OF MINISTERS
Thirty-third Ordinary Session
Liberia, Monrovia, July, 1979

REPORT OF THE CONFERENCE ON THE SITUATION
OF REFUGEES IN AFRICA, ARUSHA
TANZANIA, 7-17 MAY
1979

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REPORT ON THE CONFERENCE ON THE SITUATION

OF REFUGEES IN AFRICA

ARUSHA, TANZANIA, 7-17 MAY 1979

PART I

BACKGROUND AND OBJECTIVES

BACKGROUND

1. Since the 1967 Addis Ababa Conference on the Legal, Economic and Social Aspects of African Refugee Problems, no other Pan-African meeting was convened to analyse and evaluate the situation of refugees in Africa, and to review and evolve policies and strategies commensurate to the ever-increasing dimensions of the African refugee plight. It is a fact that a Convention Governing Specific Aspects of Refugee Problems in Africa was adopted in 1969 by the OAU Assembly of Heads of State and Government, and entered into force in 1974. It is also factual that the number of refugees in Africa has been growing constantly, in spite of generous, dedicated and sustained efforts contributed towards solving their problems.
2. Against this background, the AACC took the initiative of convening, in February 1977, an Ad hoc group to consider the advisability of organizing an AACC Consultation on the Rights and Problems of Refugees in Independent Africa. However, it was later found appropriate, building up on this first initiative, to rather convene a Pan-African conference whose sponsorship would be jointly assumed by the three inter-governmental organizations concerned, namely OAU, UNHCR and UNECA. A Planning Committee was therefore established in

November 1977 and mandated to assume responsibility for organizing the projected conference. It was composed of representatives of the three co-sponsoring organizations and of the five non-governmental agencies who had already contributed to the preparatory work of the AACC, IUEF, LWF, SIAS and WCC.

Objectives

3. The objectives of the Conference, as defined by the Planning Committee, were spelt out as follows:-

LONG-TERM OBJECTIVES

To keep all concerned - governments, governmental organizations, voluntary agencies, and refugee-serving agencies - fully aware of the rapidly growing nature of the problems facing refugees in Africa, and conversant with the possible permanent, semi-permanent and temporary solutions to these problems, in order for them to be more committed to reducing this plight and to assisting refugees on humanitarian grounds.

IMMEDIATE OBJECTIVES

- (i) To review and evaluate the present refugee situation in Africa and the legal, social, economic, institutional, administrative and financial aspects of the problems faced by refugees in African countries, with a view to proposing solutions and conceiving ways and means of properly tackling these problems in the decade to come.

- (ii) To study and appraise national legislations concerning refugees in order to propose improvements which will lead to a more committed adhesion to and implementation of the OAU Convention governing the Specific aspects of Refugee Problems in Africa, as well as to other international instruments, i.e. the 1951 UN Convention on the Status of Refugees and the 1967 Protocol pertaining thereto.

PART II

ORGANIZATION OF THE CONFERENCE AND GENERAL DEBATE

Organization of the Conference

4. The Conference on the Situation of Refugees in Africa whose theme was "Granting of asylum is a peaceful and humanitarian act" was held, at the invitation of the Government of the United Republic of Tanzania, from 7 - 17 May, 1979, at the Arusha International Conference Centre, in Arusha, Tanzania. It was attended by 38 delegations representing the following African participating countries: Algeria, Angola, Benin, Botswana, Burundi, Cameroon, Central African Empire, Comoros, Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Ghana, Guinea, Guinea Bissau, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mauritania, Mauritius, Morocco, Mozambique, Niger, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Tunisia, Uganda, Zaïre, Zambia; and by observers from 5 African Liberation Movements namely the following:
- African National Congress of South Africa (ANC), Pan Africanist Congress of Azania (PAC), SWAPO, ZANU/PF, ZAPU/PF, from 20 non-African countries: Australia, Austria, Canada, Denmark, France, Germany, Federal Republic of Holy See (Vatican), India,

Indonesia, Japan, Mexico, Netherlands, Norway, Pakistan, Spain, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia; from the following 16 inter-governmental international and regional organizations: Organization of African Unity (OAU), Food and Agricultural Organization (FAO), International Labour Organization (ILO), United Nations Development Programme (UNDP), United Nations Economic Commission for Africa (UNECA), United Nations Educational Training Programme for Southern Africa (UNWEP-SA), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), World Health Organization (WHO), World Food Programme (WFP), United Nations Division of Human Rights, United Nations Council for Namibia, United Nations Commissioner for Namibia, United Nations Institute for Namibia, Commonwealth Secretariat, European Economic Community (EEC); and from 37 non-governmental organizations and refugee-serving agencies whose list includes: African-American Institute (AAI), All Africa Conference of Churches (AACCC), Amnesty International, Bread for the World (West Germany), Canadian Council of Churches, Catholic Relief Services (CRS), Christian Aid (British Council of Churches), Christian Council of Churches), Christian Council of Tanzania (CCT), Christian Council of Zambia (CCZ), Church World Service (CWS), CORSO, New Zealand, Council of Swaziland Churches, Danish Refugee Council (DRC), Euro-Aktion/Accord, Food Foundation, International Catholic Migration Commission (ICMC), International Commission of Jurists (ICJ), International Committee of the Red Cross (ICRC), International Council of Voluntary Agencies (ICVA), International Rescue Committee (IRC), International Social Service (ISS), International University Exchange Fund (IUUF), Joint Refugee Service, Kenya (JRSK), League of Red Cross Societies (LRCS), Lutheran

World Federation (LWF), Norwegian Church Aid, Norwegian Refugee Council (NRC), OXFAM - UK, Radda Barnen (Swedish Save the Children Federation), SAIH (Norway), Standing Conference on Refugees (UK), Swedish Free Church Aid, World Alliance of YMCAs, World Council of Churches (WCC), World University Service (WUS), World YWCA (List of Conference participants and observers is appended - see Annex 5).

5. The Conference was opened at 3.30 p.m. Monday 7 May, 1979 by Mr. Poul Hartling, the United Nations High Commissioner for Refugees. His Excellency the President of the United Republic of Tanzania, Mwalimu Julius K. Nyerere, delivered the inaugural address which was later unanimously adopted as one of the Conference documents. (The full text of the presidential address is appended - see Annex 1)

A motion of thanks to the President of the United Republic of Tanzania was proposed by Honourable E. Mullenje, M.P., Minister of State for Home Affairs of the Republic of Zambia, on behalf of all the conference participants and observers, and was unanimously adopted (See Annex 2).

6. Opening address were delivered by:

- a) The United Nations High Commissioner for Refugees, Mr. Poul Hartling;
- b) The OAU Assistant Secretary-General, Dr. Peter Onu;
- c) The Executive Secretary of the UNECA, Dr. Adebayo Adediji;
- d) The Representative of the Group of Voluntary Agencies, Mr. Lars-Gunnar Eriksson, Vice-Chairman of the Board of ICVA;
- e) The Representative of the Group of Church Agencies, Dr. E. Andriamananto, Chairman of the Board of AACCC.

Election of Officers7. The Conference elected the following officers :

Chairman: Hon. Mr. J. Makwetta, Minister of State in the
Prime Minister's Office, Tanzania.

First Vice-Chairman: G.E.M. Laurent Nzeyimana, Minister of
Justice, Burundi

Second Vice Chairman: Hon. Mr. L.M. Mogwe, Minister of
External Affairs, Botswana,

Third Vice Chairman: Mr. Mouldi Hammami, Chief, African
Department, Ministry of Foreign Affairs,
Tunisia.

General Rapporteur: M. Ousmane Goundiam, Attorney General,
Senegal.

Adoption of Agenda

8. The following agenda was adopted by the Conference:

1. Report of the Planning Committee
2. Legal and Protection problems:
 - a) Asylum in Africa
 - b) Definition of "Refugee" and determination of refugee status.
 - c) Treatment of refugees
 - illegal entry, expulsion and problems raised by the concept of prohibited immigrants
 - Detention, imprisonment and acts directed against the personal safety of refugees
 - Movement of refugees
 - Rights and obligations of refugees
 - d) Accession to, and implementation of international instruments concerning refugees, and international solidarity.
 - e) Dissemination of refugee law

3. Social Economic, Institutional, Administrative and Financial Problems:
 - a) Causes for asylum-seeking in Africa
 - b) Settlement of rural refugees in Africa
 - c) Urban refugees in Africa
 - d) Employment, Education and Training of Refugees in relation to Africa's Manpower situation
 - e) Counselling of refugees in Africa
 - f) Policy issues and administrative problems
4. Any other business
5. Adoption of the Conference Report and consideration of recommendations for future actions.

General Debate

Country statements and organization reports

9. The Conference devoted four plenary sessions, on 8 and 9 May 1979, to country statements and organization reports. Participants from 19 African Governments, and observers from 5 African Liberation Movements, from 2 non-African Governments, from 9 Inter-governmental organizations, and from 7 non-governmental organizations were thus enabled to present to the Conference relevant views and position papers. These statements could be used as a starting point for any future protection or assistance endeavour, to avoid duplication of efforts and to bring about useful co-operation and much needed co-ordination.

In the course of the last plenary session, on 17 May 1979, two statements were delivered by the participants from two African Governments, and one by the observer from one non-African government.

Report of the Planning Committee

10. The Report of the Planning Committee on its activities, since its inception in November 1977, was then presented to the Conference by the Planning Committee Chairman, Mr. Antoine Noél (UNHCR), and was accepted by acclamation, as were the reports of the two pre-Conference meetings, namely the Seminar on the Social, Economic, Institutional, Administrative and Financial Problems, and the Expert Group Meeting on Legal and Protection Problems, which convened in Arusha, Tanzania from 22 - 26 January, 1979 and from 29 January to 2 February 1979, respectively (cf. Document REF/AR/CONF/WP.9 and WP.15).

Rules of Procedure of the Conference

11. The rules of procedure of the Conference, as approved by the Planning Committee, were thoroughly considered during a meeting of the leaders of African governmental delegations. Later they were tabled to the Conference as amended; and subsequently adopted.
12. In connection with the rules of procedure and their adoption by the Conference, the Ethiopian delegation requested that the following views be put on the record:
 - a) The explanation given by the Secretariat as to the meanings and interpretation for the words "substantial" and "major" in Article I (c) and (d) of the rules of procedure, was acceptable.

b) Ethiopia was participating in the Conference on the basis of the OAU resolutions pertaining thereto, as its understanding was that the Conference was organized by OAU, UNECA and UNHCR, because if Ethiopia had known that the Conference would be predominantly non-governmental, it would have sent a delegation composed of representatives of its national non-governmental organizations.

c) In spite of the apparent irregularities in this meeting, Ethiopia will continue to participate in the Conference out of concern for the welfare of the refugees.

13. Equatorial Guinea expressed reservations on Article 20 of the rules of procedure and on the participation of observers in the work of the committees set-up by the Conference, basing these reservations on the wording of operative paragraphs 1, 3 and 5 of the OAU resolution CM/RES/621(XII) adopted in Khartoum, in July 1978.

OTHER RESERVATIONS

14. Concerning Conference news inserted in a local newspaper, the Sudanese delegation protested against the misrepresentation of statements during the plenary session in the local media. It felt that it was disappointing and unfortunate that such distortions come from paper owned by the host government, especially if due consideration is given the most cordial relations between Tanzania and Sudan. While not advocating any censorship of the Conference news, the Sudanese delegation appealed to the Chairman of the Conference and to its bureau to ensure that no mis-interpretation of facts will occur again. Otherwise, it will envisage ways and means of having

facts presented in an objective manner.

15. The following reservations were made in respect of the recommendations adopted on legal and protection problems:
- i) The Delegation of Somalia made a reservation to the application of paragraph 7 of REF/AR/CONF/REC.6 to exceptional situations where homogeneous people of the same national charter are arbitrarily divided by artificial colonial frontiers.
 - ii) The Delegation of Tanzania made a reservation in respect of recommendations REF/AR/CONF/REC.6 to the effect that in order to indicate that it was a responsibility of all States in Africa to accept burden sharing as an obligation, it should include the following paragraph: "Recommends that various studies be made on a regional basis with a view to determining the particular burdens facing countries of first asylum in Africa and the extent to which such burdens could be shared within the framework of African solidarity, and in accordance with paragraph 8 of the Preamble to, and Article II paragraph 4 of the OAU Refugee Convention."
 - iii) The Delegation of Tanzania also made a reservation in respect of paragraph 8, second sentence of Document REF/AR/CONF/REC.6 considering that once it was established that a dissident from a Liberation Movement was excluded from refugee status under Article I, paragraph 5 (c) of the OAU Refugee Convention, and further action that might be taken in regard to him was not a matter to be dealt with in the context of a resolution dealing with refugees.

iv). The Delegation of Algeria made a reservation in respect of paragraph 4 (i) of document REF/AR/CONF/Rec.7 reasoning that inspite of the fact that Algeria has acceded to the most pertinent Conventions relating to Human Rights, for political reasons, she feels that certain dispositions of some international instruments mentioned in the relevant paragraph concern the economical and social politics of each country and for these reasons she cannot associate herself with the recommendations concerning the accession to these instruments.

v). The Delegation of the Peoples Revolutionary Republic of Guinea made a reservation in respect to paragraph 4 (i) of document REF/AR/CONF/RES.7. The Delegation of Guinea was of the opinion that the use of the concept of Human Rights on the international political scene is incompatible with the rights of peoples and furthermore, used as a weapon of perturbing the process of a harmonious historic evolution of independent African States.

16. Further reservations were formulated by Algeria, Equatorial Guinea and Guinea on article 5 of Recommendation 9 on causes for asylum-seeking in Africa.

PART III

Findings and Conclusions of the Conference

17. The Conference split into two Committees-of-the-whole which were entrusted with the consideration of the substantive agenda items 2 and 3.

18. Committee A met from 10 to 16 May 1979 under the Chairmanship of H.E. Mr. L. Nzeyimana, First Vice-Chairman. Mr. Achol Deng (Sudan) was elected Rapporteur. The Committee thoroughly considered all the sub-items related to legal and protection problems, and adopted a comprehensive report which contains a summary of its debates as well as the recommendations it approved and the reservations noted. (The full text of the Report of Committee A is appended).
19. Simultaneously, Committee B met from 10 to 16 May, 1979 under the Chairmanship of H.E. Mr. A.M. Mogwe, Second Vice-Chairman, H.E. Mr. C.O.C. Amate (Ghana) was elected Rapporteur. The Committee undertook a careful consideration of all the sub-items related to social, economic, institutional, administrative and financial problems. The report which was subsequently adopted presents the debates that took place and the recommendations that were approved. (The full text of the report of Committee B is appended).
20. Mr. M. Hammami, Third Vice-Chairman, presided over the work of the Committees that were entrusted with the preparation and drafting of the reports and recommendations.
21. The Conference considered, amended and adopted the reports of its two Committees-of-the-whole, and, having carefully considered the recommendations of both committees adopted them with amendments reflected in the final texts reproduced hereafter, (See Part Four).
22. The closing ceremony of the Conference took place on Thursday 17 May, 1979 from 6.00 to 6.45 p.m. Addresses were delivered by H.E Mr. Moussa Djibul Moriba, Minister of Justice of Benin, on behalf of the participating African Governments, by Dr. Peter Onu, Assistant Secretary-General of the OAU, on behalf of the sponsors, and by Mr. Lars-Gunnar Eriksson, on behalf of the non-governmental agencies. The Chairman of the Conference delivered a closing address and declared the Conference closed.

PART IV

Recommendations of the Conference

23. The texts of the sixteen recommendations adopted by the Conference follows,

ASYLUM IN AFRICA

1. Recognises that while on the international level asylum is still a right of the State, some progress had been made in the 1969 OAU Refugee Convention in the direction of strengthening the position of the individual in relation to asylum;
2. Stresses the fundamental importance, in the field of Human Rights of the various principles relating to asylum as defined in the 1969 OAU Refugee Convention and other relevant international instruments and appeals to Member States of the OAU to implement these principles;
3. Reaffirms the need to ensure the increased effectiveness of these principles through their incorporation into the national law of African States in accordance with their respective constitutional systems;
4. Reaffirms the principle, expressed in Article II, paragraph 2 of the 1969 OAU Refugee Convention that the granting of asylum is a peaceful and humanitarian act and should not be regarded as unfriendly by any State;
5. Stresses the importance of the scrupulous observance of the principle of non-refoulement expressed in various international instruments and notably in Article II paragraph 3 of the OAU Refugee Convention which prohibits measures such as rejection at the frontier, return or expulsion, which would compel a refugee to return or remain in a territory where he has reason to fear persecution, and recommends that this principle be incorporated, as appropriate, in the national law of African States;

6. Condemns the existence and conclusion of agreements of whatever kind concluded between African States permitting the forcible return of refugees to their country of origin, contrary to the principles of asylum as prescribed, inter alia in the 1969 OAU Refugee Convention;
7. Notes with concern that there have been several cases in which African refugees, upon return to their country of origin have been subjected to serious measures of persecution including imprisonment and loss of life and recommends that an earnest appeal be addressed to governments of countries of origin to respect any guarantees of safety given to refugees with a view of encouraging their voluntary repatriation;
8. Recognises that the effective implementation in Africa of the principles relating to asylum will be further advanced by the strengthening and development of institutional arrangements for "burden sharing" adopted within the framework of African solidarity and international co-operation, defined in paragraph 8 of the Preamble and Article II paragraph 4 of the 1969 OAU Refugee Convention;
9. Further recommends that various studies be made on a regional basis with a view to determining the particular burdens facing countries of first asylum in Africa and the extent to which such burdens could be shared within the framework of African solidarity;

10. Stresses the particular importance of the concept of temporary asylum as provided for in Article II paragraph 5 of the 1969 OAU Refugee Convention and of the need for this concept to be further strengthened and developed in Africa;
11. Condemns strongly bombing attacks and other atrocities against refugees and refugee settlement in violation of the Geneva Conventions of 1949 and their Additional Protocols of 1977 as well as the abduction of refugees, and urges the international community to take all possible measures to prevent such violations and to provide protection and humanitarian assistance to present and potential victims.

DEFINITION OF THE TERM 'REFUGEE' AND
DETERMINATION OF REFUGEE STATUS

The Conference,

1. Recognises the definitions of the term "refugee" contained in Article I paragraph 1 and 2 of the 1969 OAU Refugee Convention as the basis for determining refugee status in Africa;
2. Stresses the essential need for ensuring that African refugees are identified as such, so as to enable them to invoke the rights established for their benefit in the 1951 Refugee Convention and the 1967 Refugee Protocol and the 1969 OAU Refugee Convention;
3. Recommends that individual applications for asylum be examined under appropriate procedures established for this purpose and appeals to African States to apply, in such procedures, the basic requirements specified in the conclusions adopted by the Executive Committee of the High Commissioner's Programme at its twenty-eighth Session (UN Doc.A/32/12/Add.I)*.
4. Considers, however, that the application of such procedures might be impracticable in the case of large-scale movements of asylum-seekers in Africa, a matter which calls for the setting up of special arrangements for identifying refugees;
5. Recommends that the exact nature of such arrangements be the subject of further study but stresses that they should in any event (i) provide for appeal or review where refugee status is refused, (ii) ensure that individuals are protected by virtue of the principle of non-refoulement expressed in Article II of the OAU Refugee Convention;

* See next page

6. Requests the Office of the UNHCR to undertake a comprehensive in-depth study of the type of procedures or special arrangements envisaged and, if appropriate, to cooperate in their implementation;
7. Recognises the importance of UNHCR's own responsibility to determine refugee status under its Statute, so as to ensure that asylum-seekers who are refused refugee status by the host country but might nevertheless be refugees of concern to UNHCR, receive adequate protection until an appropriate solution is found.

CONCLUSION ON THE DETERMINATION OF REFUGEE STATUS ADOPTED BY
THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME
IN ITS TWENTY-EIGHTH SESSION (OCTOBER 1977)

"Recommended that procedures for the determination of refugee status should satisfy the following basic requirements:

- (i) The competent official (e.g. immigration officer or border police officer) to whom the applicant addresses himself at the border or in the territory of a Contracting State, should have clear instructions for dealing with cases which might come within the purview of the relevant international instruments. He should be required to act in accordance with the principle of non-refoulement and to refer such cases to a higher authority.
- (ii) The applicant should receive the necessary guidance as to the procedure to be followed.

- (iii) There should be a clearly identified authority - Wherever possible a single central authority - with responsibility for examining requests for refugee status and taking decision in the first instance.
- (iv) The applicant should be given the necessary facilities, including the services of a competent interpreter, for submitting his case to the authorities concerned. Applicants should also be given the opportunity, of which they should be duly informed, to contact a representative of UNHCR.
- (v) If the applicant is recognised as a refugee, he should be informed accordingly and issued with documentation certifying his refugee status.
- (vi) If the applicant is not recognised, he should be given a reasonable time to appeal for a formal reconsideration of the decision, either to the same or to a different authority, whether administrative or judicial, according to the prevailing system.
- (vii) The applicant should be permitted to remain in the country pending a decision on his initial request by the competent authority referred to in paragraph (iii) above, unless it has been established by that authority that his request is clearly abusive. He should also be permitted to remain in the country while an appeal to a higher administrative authority or to the courts is pending."

ILLEGAL ENTRY, EXPULSION AND PROBLEMS
RAISED BY THE CONCEPT OF PROHIBITED IMMIGRANTS

The Conference,

1. Takes note of the relevant provisions of the 1951 Refugee Convention and the 1967 Refugee Protocol and the 1969 OAU Refugee Convention, concerning illegal entry, expulsion and non-refoulement;
2. Stresses the importance of refugees not being subject to penalties for illegal entry or presence, or to related measures of detention, in circumstances other than those permitted by Article 31 of the 1951 Refugee Convention;
3. Considers that in view of the special situation in which they find themselves, refugees should not be subjected to national legislative or administrative provisions relating to prohibited immigrants;
4. Further stresses that refugees lawfully in the territory of a Contracting State may not be expelled except under the conditions provided for in Article 32 of the 1951 Convention.

TREATMENT OF REFUGEES: DETENTION, IMPRISONMENT AND ACTS
DIRECTED AGAINST THE PERSONAL SAFETY OF REFUGEES

The Conference,

1. Takes note of the various problems arising in connection with the detention and imprisonment of refugees in African countries;
2. Expresses concern that such measures of detention or imprisonment are in many cases not subject to ordinary administrative or judicial remedies and recommends that such practices be discouraged and that a study of this matter be made, so as to ensure that the basic rights of refugees including those in the field of Human Rights, are fully guaranteed;
3. Notes that in the case of members of liberation movements, recognised by the OAU, who have come into conflict with such movements, the question of their detention or imprisonment by the authorities of the host country, involves special problems and recommends that appropriate solutions for these problems, taking into account the necessity to alleviate the burden of the frontline States, be sought in a humanitarian spirit within the African context.

TREATMENT OF REFUGEES: MOVEMENT OF REFUGEES

The Conference,

1. Notes the economic and political difficulties confronting African States in solving refugee problems;
2. Recommends, nevertheless, that the movement of refugees especially for purposes of study, professional training or resettlement in other countries, be facilitated by African States in a spirit of African unity, in conformity with the Charter of the OAU, and international solidarity;
3. Stresses the importance of facilitating such refugee movements, having regard to:
 - i) Article 28 of the 1951 Refugee Convention and Article VI of the 1969 OAU Refugee Convention concerning the issue of travel documents to refugees;
 - ii) The various resolutions of the OAU concerning movements of refugees, including Resolution 489 of 3 August, 1976;

Recommends that African States take all necessary steps to facilitate the movement of refugees.

TREATMENT OF REFUGEES
RIGHTS AND OBLIGATIONS OF REFUGEES AND STATES OF ASYLUM

The Conference,

1. Stresses the importance, in the African context, of international solidarity and co-operation with a view to resolving the legal problems of refugees in particular in the fields of gainful employment and public education;
2. Recommends that with a view to facilitating the effective implementation of the 1951 Refugee Convention Articles 17 and 22 dealing respectively with gainful employment and public education:
 - i) African States consider the possibility of providing, under their respective legislation or through arrangements with other States, work and employment opportunities for refugees who do not have access to gainful employment in their country of first asylum;
 - ii) a study be made of the legal problems facing refugees in regard to employment and education;
 - iii) refugee children be accorded the same treatment as nationals with respect to elementary education provided as for in the 1951 Refugee Convention Article 22 paragraph 1 and that African States make every effort to ensure that refugees are given access to secondary and technical education;

iv) African States give further consideration to arrangements for providing refugees with higher education facilities either in their present country of asylum or elsewhere;

3. Notes the provisions of the 1969 OAU Refugee Convention Article V concerning voluntary repatriation, and stresses the importance of voluntary repatriation as a solution to refugee problems. Recommends that appeals for repatriation and related guarantees given by countries of origin should be made known by every possible means to refugees and displaced persons;
4. Recommends that UNHCR be called upon, as appropriate, to participate in the arrangements for the voluntary repatriation of refugees;
5. Notes the provisions of the 1951 Refugee Convention Article 34 concerning naturalization of refugees and stresses the importance of naturalization as a solution for African refugee problems in cases where voluntary repatriation can no longer be envisaged and where refugees have attained a sufficient degree of integration in their asylum country;

6. Notes the obligation of refugees defined in the 1969 Refugee Convention Article III to conform with the laws and regulations of the country in which they find themselves and to abstain from any subversive activities against any Member State of the OAU;
7. Further notes the obligation of Member States defined in the OAU 1969 Refugee Convention Article III to prohibit refugees residing in their territory from attacking any Member State of the OAU by any activity likely to cause tension between Member States, and the obligation defined in Article II paragraph 6 of the same Convention, as far as possible to settle refugees at a reasonable distance from the frontier of their country of origin;
8. Affirms that where problems arise in the case of refugees who are members of Liberation Movements recognized by the OAU and who came into conflict with their movement, their status as refugees should continue to be respected, subject to the 1969 OAU Refugee Convention Article I paragraph 5c. Nevertheless, recommends that the question of dissidents from the Liberation Movements be studied in depth and that arrangements be envisaged to ensure that the pursuit of the liberation struggle is not adversely affected by such dissidents.

ACCESSION TO, AND IMPLEMENTATION OF,
INTERNATIONAL INSTRUMENTS CONCERNING REFUGEES
AND INTERNATIONAL SOLIDARITY

The Conference,

1. Calls upon African States which have not done so to become parties to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and to the 1969 OAU Refugee Convention Governing the Specific Aspects of Refugee Problems in Africa;
2. Considers that it was a necessary corollary to States becoming parties to these instruments and the standards defined therein be incorporated in their national legislation;
3. Recommends fuller cooperation between OAU Member States and the Administrative Secretary-General of the OAU, in order to foster the implementation of Article VII of the OAU Refugee Convention;
4. Reaffirms the principle that human beings shall enjoy fundamental rights and freedoms without discrimination, and emphasizes the need for the legal problems of refugees to be viewed in the wider context of respect for Human Rights, and to this end:

i) calls upon all African States which have not done so, to accede to and implement the various Human Rights instruments adopted within the framework of the United Nations;

ii) calls upon African States to participate in the Seminar scheduled to be held in 1979 pursuant to General Assembly Resolution 33/167 to consider the desirability of establishing an African Human Rights Commission,

iii) recommends that UNHCR also be invited to participate in the work of the proposed Seminar.

5. Recommends that the 1969 OAU Refugee Convention, the regional complement in Africa of the 1951 Convention relating to the Status of Refugees, be applied by the United Nations and all its organs as well as by non-governmental organization in dealing with refugee problems in Africa, and requests the OAU, through its normal channels, to take all necessary steps during the 34th Session of the General Assembly to ensure that the present recommendation be incorporated in a General Assembly resolution.

DISSEMINATION OF REFUGEE LAW

The Conference,

1. Recommends the establishment under the auspices of the OAU, UNHCR and UNESCO and the Secretary General of the United Nations (Division of Human Rights), of an African centre to deal with the following functions in regard to refugee law, humanitarian law and Human Rights:
 - i) to arrange for teaching, training dissemination and research in matters relating to refugee law, humanitarian law and Human Rights;
 - ii) to study the implementation of international instruments and to arrange for their dissemination in Africa at the national, sub-regional and regional levels;
 - iii) to centralize the relevant documentation;
 - iv) to organize meetings and seminars with a view to a better understanding of rights and obligations of refugees;
2. Recommends that with a view to promoting a wider and better understanding of the provisions of the various international instruments on refugees, Human Rights and humanitarian law, Governments under-take to arrange for their dissemination in the most appropriate manner and, as far as possible, in national languages.

CAUSES FOR ASYLUM SEEKING IN AFRICA

The Conference,

1. Agrees that every effort should be made towards implementing the Declaration of the Granting of Independence to Colonial Countries and Peoples;
2. Stresses that any direct or indirect economic, military or political support of the racist minority regimes in Southern Africa should be totally withdrawn;
3. Confirms that African governments and peoples should step up their actions to support and strengthen the efforts of the liberation movements in their fight to eliminate the racist regimes in Southern Africa in order to alleviate the sufferings of the Africans who are victims of the apartheid regimes;
4. Calls upon Governments and refugee-serving organizations to consider providing more assistance to the Front-line States to enable them to defend their territories, refugee camps, settlements and indigenous population against raids by the racist regimes of South Africa;
5. Appeals to all African governments to make every effort to fully implement the basic instruments relating to Human rights, namely the International Covenant on Economic, Social and Cultural Rights and the International Covenant

on Civil and Political Rights, and to include the provisions of international instruments dealing with Human Rights and refugee problems in their national legislations;

6. Invites all African governments to launch, possibly with the aid of modern communication techniques, an educational campaign to instil respect for Human Rights and tolerance of differences into all the peoples of the various nationalities in African countries whatever social, cultural, economic or political differences may exist between them;
7. Calls upon all African governments to consider making official public declarations of amnesty to their respective nationals currently in exile, so as to encourage their voluntary repatriation. Guarantees for safe return and machinery to supervise such guarantees to be considered and worked out both by the countries of origin and the countries of asylum in co-operation with the OAU, the refugee-serving agencies and the refugees concerned or their representatives;
8. Invites the OAU to make a declaration to the effect that granting of Amnesty should be held sacrosanct and inviolate.

RURAL REFUGEES.

The Conference

1. Stresses ~~that~~ programmes covering rural refugees should be planned and implemented within the context of national, sub-regional and regional development endeavours, with the objective of getting refugees out of charity situations into a position of integrated development and self-reliance.
2. Further stresses that the preparation of such programmes should include:
 - i) the agencies potentially providing aid, either as donors or as implementing partners, and the appropriate national and local authorities of the host country;
 - ii) provisions for immediate needs such as food, clothing, shelter, water, health and social services (including education), a programme for agricultural development, which will necessitate physical planning of the settlement area, including long-term agricultural viability;
3. - Emphasizes that, in order to achieve integrated settlement, the following components must be taken into account:

- i) An adequate knowledge by planners and administrators of the potential of the district or province as a whole, and the potential of the refugee settlement in relation to the district or province;
- ii) A sound programme of increasing agricultural and related production to provide a surplus, which can be converted into cash for personal needs such as clothing, household goods, etc., and which, when marketed, will form a basis for taxation;
- iii) Effective refugee integration into the economic structure of the host community through co-operatives for production and marketing etc. This integration should include vocational training related to the planned manpower needs of the host government. It is advisable to make such training schemes available both to the refugees and to the local populations in the same area.
- iv) - Effective involvement of refugees in the integration and development process.

4. Recalls that officials administering refugee affairs in countries of asylum should be encouraged to make exchange visits to settlements where tried and tested methods have resulted in successful integrated refugee communities. The possibility that financial assistance for such visits from international sources be included as part of refugee assistance should be envisaged. Seminars associated with such exchange of experience related to refugee work are also recommended.
5. Further recalls that governmental and non-governmental agencies should not always insist on visits to refugee camps as a precondition for giving aid since some of the refugee camps might be in sensitive areas which, for security reasons, host governments will not wish outsiders to visit.
6. Recognizes that, as at present more than 60% of Africa's rural refugees live outside organised settlement schemes, studies of the social, educational and economic situation of rural refugees outside organised settlement schemes should be undertaken by the governments in co-operation with the appropriate international and non-governmental organizations with a view to providing governments and international organizations with the basic information necessary to formulate programmes of assistance and to securing the necessary financial support to implement such programmes.

URBAN REFUGEES

The Conference,

Invites African Governments having large urban refugee populations together with the UNHCR and inter-governmental organizations and Voluntary Agencies concerned, as well as with representatives of refugees, and where applicable of liberation movements,

- a) to study in detail the problem of urban refugees and recommend appropriate action;
- b) to co-ordinate their efforts and involvement and create a strategy to deal with these problems. Such a strategy could include the establishment of a reception centre or a similar institution:

- i) to give emergency care;

- ii) to identify problems of refugees;

- iii) to provide counselling as regards placement, education, employment etc.

- c) to search for means of controlling rural exodus, and examine suitable ways of resettling some of the urban refugees in rural areas;

- d) to study in depth supplementary assistance programmes which are initiated by inter-governmental and non-governmental organizations (i.e. levels, durations etc. of the aid) in order to formulate a policy which will take into account the cost of living index in the host country;



- e) expand, wherever possible, existing facilities of education and housing to enable governments to cater for the needs of refugees;
- f) to consider creating sponsorship programmes whereby individuals and national organisations will be encouraged to assist by way of offering hospitality and job opportunities to refugees during their early days of immigration to the host country;
- g) to exert greater effort to build up the additional formal educational opportunities required and such non-formal programmes of skills training or up-grading geared to speed up the process towards self-support;
- h) to bear in mind that, as refugee integration within countries of asylum is a process which is to be mutually borne by the local population and the urban refugee groups in various communities, refugee guidance should be matched by local awareness and acceptance, a task which both governments and all other agencies serving urban refugees should take note of in building local service units.

GENERAL RECOMMENDATIONS RELATED TO RURAL AND URBAN REFUGEES

The Conference,

1. Invites host governments and the inter-governmental agencies concerned,

- i) to give consideration to ways and means of reaching as promptly as possible an accurate assessment of a new refugee situation in its early stages;
 - ii) to give consideration to borrowing arrangements from government stocks or existing aid reserves, where available, during the emergency phases, in order to minimise delays that occur in delivering food supplies from external sources.
2. Appeals to all agencies concerned, whether inter-governmental or non-governmental, to undertake, within the activities they are planning for the International Year of the Child, studies related to the specific needs of refugee children, drawing on the valuable knowledge and experience of the UNHCR, with a view to formulating recommendations for future actions.
3. Stresses that, in view of the manpower requirements of Africa all efforts should be made to
 - i) create as far as possible equal educational and employment opportunities for refugees and for nationals;
 - ii) strengthen the BPEAR;
 - iii) create employment opportunities;
 - iv) establish re-training programmes.
4. Calls upon UNHCR to go beyond its present temporary and short-term assistance policies. To this end, assistance programmes related to the socio-economic development of regions inhabited by refugees who cannot be repatriated should evolve with the support of the UNHCR and other refugee-serving agencies.

EMPLOYMENT, EDUCATION AND TRAINING OF REFUGEES IN AFRICA

The Conference,

1. STRESSES THAT national and regional employment surveys at present under way within the ILO/JASPA project should be expanded to encompass comprehensive manpower studies with long term projections, with a view to enabling the formulation, when required, of well conceived and articulated refugee assistance programmes geared, through appropriate education and training, towards refugee placement in jobs known to be, at least provisionally, secure. Such country manpower and employment monographs could, with the consent of the governments concerned, be entrusted to be undertaken by UNLCA, IBRD, OAU/BPEAR and other organisations, together with the ILO and its ongoing JASPA project.
2. INVITES the African governments to endeavour to make the necessary provisions inter-alia through the granting of entry, residence and work permits, for the employment and resettlement of refugees in their respective countries. In that connection, the various problems posed by the employment of refugees and the effects of existing national legislations upon their circumstances should be identified and appropriate solutions sought at the sub-regional and regional levels. As far as possible, all African governments should endeavour to take appropriate measures to guarantee to refugees equality of opportunity and treatment with nationals with respect to training, employment and conditions of life in general.

3. EMPHASIZES that refugees, particularly those from Southern Africa, who have benefited from scholarships awarded to them for further studies, should be encouraged to return to join their people after completion of their training to utilize the skills acquired by them for the advancement of the liberation struggle of their respective countries and in the service of other refugees from their countries of origin.
4. REQUESTS the Administrative Secretary-General of the OAU to take all possible measures to ensure that the Bureau for the Placement and Education of African Refugees fulfils its mandate, and to that effect, that it is appropriately strengthened to provide the effective organisational apparatus required to arrange for the prompt placement of refugees; once settlement and employment opportunities are made available to them within the African continent.
5. INVITES all OAU Member States to co-operate with the Bureau for Placement and Education of African Refugees by providing information required by the BPEAR in respect of refugee situations, and opportunities for education and employment available in their respective countries.
6. STRESSES that urgent consideration should be given to measures leading to the creation of employment opportunities for refugees as well as to the promotion of self-employment projects.

7. RECALLS that arrangements should be made to meet the need for retraining refugees to help them acquire necessary skills, as well as the need for planning educational and training programmes for refugees in a well-co-ordinated manner, bearing in mind the manpower requirements in the region, so as to facilitate the employment of refugees.
8. STRESSES that increased attention should be paid to programmes that may benefit the training, education and employment of women who suddenly assume the role of mother and bread winner.
9. CALLS UPON African governments to continue to increase their help to refugees, by providing access to national educational institutions and to appropriate vocational guidance and placement services.
10. CONFIRMS that there should be programmes of institutional support to educational institutions in Africa in addition to programmes of scholarship support to refugees, in order to develop the school system in recipient countries while obtaining concessions for refugees admission.
11. CALLS UPON the major scholarship-awarding agencies to meet under the auspices of the Co-ordinating Committee of the OAU/BPEAR to co-ordinate policies (on rates, other benefits criteria for termination) in order to avoid duplication.

12. REQUESTS that a fully fledged study be undertaken as a co-operative effort between governmental and non-governmental agencies, under the auspices of the Co-ordinating Committee of the OAU, to review the real effect and impact of the scholarship assistance provided during past years.
13. URGES the universities and other educational institutions to charge the same fees to refugees and to nationals.
14. CALLS for appropriate and immediate consideration to be given to special language courses to be organised in host countries for refugees arriving from different language areas.
15. URGES all non-African governments, in a spirit of international solidarity,
 - i) to adopt a more liberal attitude towards the admittance and resettlement of African refugees in countries outside Africa, especially those who will benefit from studies outside the African continent;
 - ii) to mount an expanded education programme to cater for African refugee students, for whom suitable placement cannot be found in Africa.
16. CALLS UPON the OAU/BPEAR in co-operation with the UNECA to review the 1967 UNECA list of priorities for education.
17. EMPHASIZES that greater attention should be paid to the training of trainers in relation both to liberation movement programmes, and educational programmes oriented towards refugees in general.

REFUGEE COUNSELLING SERVICES

The Conference,

1. RECOMMENDS THAT counselling services should be provided with appropriately trained counsellors. Only persons with the relevant basic qualifications should be entrusted with the responsibility of assisting refugees to meet their immediate needs and help them plan their future realistically.
2. STRESSES THAT counsellors should be provided with orientation courses on refugee problems and needs, on procedures to be followed by refugees in the country of asylum, as well as on other relevant issues.
3. EMPHASISES THAT in-service training in various forms should be made available to counsellors, and should concentrate on upgrading their skills and generally enabling them to continue to develop professionally. Well-prepared seminars should be organised periodically involving counsellors from more than one country to permit an exchange of ideas and experience.
4. CONFIRMS THAT counsellors should have the benefit of professional supervision.
5. FURTHER CONFIRMS that handbooks should be prepared by the OAU/BPEA in co-operation with the UNHCR and other agencies concerned to meet the distinctive requirements of:

- i) refugees
- ii) counsellors
- iii) immigration officers and other government officials

The handbooks should provide basic information on matters affecting refugees such as:

- i) the rights and obligations of refugees;
- ii) the functions of refugee-serving agencies;
- iii) eligibility procedures for refugees;
- iv) asylum;
- v) work permits, employment openings and educational opportunities.

6. RECOGNISES THAT the refugees and, where applicable, the national liberation movements, should be given the opportunity to be more directly involved in counselling services.
7. INVITES the Governments to initiate, where appropriate and in co-operation with UNHCR and other intergovernmental organizations and voluntary agencies, a comprehensive survey of refugee counselling services with a view to improving existing services or establishing new ones.
8. CONFIRMS the need to include "refugee situation and problems" in the curriculum of schools of social work. As an interim measure, orientation courses on refugee problems and needs should be set up on an ad hoc basis for those who are currently involved in refugee counselling services.

9. FURTHER CONFIRMS that national social services should be encouraged to enlarge their field of activity to include refugee issues and problems, and be assisted in such a way that they could gradually take over the responsibility of providing counselling services to refugees in their countries.
10. NOTES THAT, where appropriate, counselling services should be operated jointly by the governments, UNHCR and organisations and agencies concerned with refugee work.

POLICY ISSUES AND ADMINISTRATIVE PROBLEMS

The Conference

1. RECOGNISING the importance of the essence of the humanitarian element of the international conventions on refugees, calls upon all OAU Member States which have not yet done so, to accede to the UN Convention of 1951, the Protocol of 1967 and the OAU Convention of 1969, and to proceed to enact or where it may be the case, amend national legislations according to these international instruments to secure a speedy recognition of refugees as individuals as well as in groups, where necessary.
2. STRESSES THAT, in connection with such recognition, an identification document should be issued to refugees, to grant them protection and basic rights and to enable governments to assess the extent of the refugee population in their countries.

3. NOTING with concern the increasing number of African refugees, aware of the fact that no programme of assistance for refugees can succeed without clearly defined policies of governments, and bearing in mind that agencies desirous of finding ways and means of alleviating the misery and sufferings of refugees, as well as of providing them with assistance depend on governments to take the lead:

- i) URGES all African Governments to set up as soon as possible national refugee machinery, where it does not already exist;
- ii) and recommends that the mandate of such a national machinery should include:
 - A. defining and implementing under its supervision national policies for assistance to refugees;
 - B. advising on the enactment and amendment, whenever needed, of national refugee legislation which would constitute an essential instrument for the protection of, and assistance to refugees;
 - C. acting as a focal point for the co-ordination of assistance programmes at the national level in co-operation with all concerned with, and involved in refugee problems;
 - D. promoting and assisting the creation of refugee counselling services or strengthening the refugee counselling services where they already exist.

4. CALLS UPON all OAU Member States, the UNHCR, other intergovernmental organisations and voluntary agencies involved in refugee work to give more assistance and support to the OAU/BPEAR so that it can discharge its responsibilities as originally entrusted to it.
5. EMPHASIZES THAT the follow up of the implementation of the recommendations of this Conference, will be the primary responsibility of the OAU, working in co-operation with the UNHCR, in accordance with the provision of the Agreement of co-operation signed between the two organisations. Member States of the OAU, the UNHCR and other intergovernmental organisations and voluntary agencies who have substantial assistance programmes to African refugees as one of their major functions, and who are responsible for the actual implementation of the recommendations, shall keep the Secretary-General of the OAU constantly informed of their work in this regard, and that the Secretary-General of the OAU may convene, as appropriate, consultative meetings for agencies concerned with the implementation of the recommendations, and shall submit periodically progress reports on the implementation of the recommendations to the OAU Council of Ministers.

SPECIAL RECOMMENDATION SUBMITTING THE REPORT
OF THE CONFERENCE TO THE OAU COUNCIL OF MINISTERS

The Conference,

Having adopted the preceeding recommendations on the situation of refugees in Africa,

REQUESTS the Council of Ministers of the Organisation of African Unity to take the decisions required to have them effectively implemented in the spirit of African solidarity.

FIRST DRAFT

MONROVIA PROCLAMATION ON AFRICAN REFUGEES

PREAMBLE

Whereas Africa has the largest refugee population in the world, and consider that its cultural values and unique sense of hospitality often contribute to alleviating the sufferings of its uprooted who are as varied as its people are;

Considering that African refugees are either fleeing the racist, oppressive and totalitarian rule of the apartheid regimes in Southern Africa, or searching for safety and basic human rights away from their milieu of origin;

Reaffirming that all human beings should enjoy fundamental rights and freedoms without discrimination, and that the problem of refugees should be viewed in the context of respect for human rights;

Aware of the fact that the divorce between the political elites and the broad masses in some African countries is conducive to mass alienation and to population exodus;

Realising that a new strategy to change life in Africa and bring about creative participation by all to achieve rapid and harmonious development should chart a role for Africa's four million refugees to rapidly extract them from their predicament and actively involve them in the development process;

Recalling all the principles enshrined in the UN and OAU Charters, in the 1951 UN Convention relating to the status of Refugees, in the 1967 Protocol pertaining thereto, in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in the Universal Declaration of Human Rights, in the International Covenant on Economic, Social and Cultural Rights;

Recalling also the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, the International Convention to the Elimination of all Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Maputo Declaration, the Lagos Declaration and the Declaration and Programme of Action adopted by the United Nations Conference on Racism, Racial Discrimination and Apartheid;

NOW, THEREFORE,

THE ARUSHA CONFERENCE ON THE SITUATION OF REFUGEES IN AFRICA PROCLAIMS

the following as the guiding principles for refugee protection and assistance in Africa in the 1980s:

1. Refugees are human beings who have their hopes, ambitions and limitations; and should be dealt with as such, not as figures or as incidental social events.
2. Refugees have the right to life and to rebuild dignity and should therefore be enabled to recreate their lives, through timely procurement of food, shelter, education and employment, so as to become self-reliant and to subsequently contribute to the development of their countries of asylum and, at a later stage, of their countries of origin, and thus to the overall development of Africa.

3. Assistance to refugees is no charity, as the investment in refugees is a positive contribution to the growing African economies;

4. African refugees are primarily an African problem that should be assumed first and foremost by Africa, which entails that they should be considered, where they are settled, as an additional component of national manpower and active population, and included in national development programmes.

5. Refugees wherever they are settled should not be separated from local communities, but should rather be encouraged to merge with the latter, in order to avoid alienation attributable to separate social development, which in turn might deteriorate into marginality and even criminality.

6. While protection and assistance are required and due, they should not reach a level beyond which refugees tend to become a privileged group within local communities. Social unrests that might develop from such situations should be avoided.

7. "Granting of asylum is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State". This principle enunciated in the OAU Convention is repeated and emphasised, as it is the cornerstone to any policy or programme relating to refugees and their plight in Africa.

8. Voluntary repatriation, when possible, has proved to be and still remains the best solution to all refugee problems.

9. Non-refoulement is a basic principle of humanitarian law to which Africa is fully committed, in order to preclude the returning of any refugee to the country which he is fleeing, where he is likely to face death or persecution.

10. Travel documents for refugees with liberal return clauses should be issued when needed, in the spirit of African solidarity and hospitality, in order to facilitate refugee movements in their quest for bettering their lot in life, through educational or employment placement.

11. Awareness-building is one constructive way of bringing to bear on African Governments in support of the refugees victimised through injustice and oppression. Programmes related thereto should be conceived of around the basic principles of African Unity, of the uniqueness of the cultural values of African societies, of the common humanity that links the refugees to their kith and kin, and should be geared to all classes of the African society.

12. Burden-sharing is another principle that needs to be reaffirmed, to become a reality and to concretely translate African solidarity in favour of the uprooted, if refugee problems in Africa are to be solved within Africa, and for the interest of Africa's developing economies.

13. The total liberation of Africa, through the just struggle against apartheid and minority racist regimes in Southern Africa, is a cause to the fulfilment of which all African countries should strive, individually and collectively, if the noble ideal of freeing the African Man from all forms of injustice or slavery is to be achieved.

14. The International Community at large, in a spirit of human solidarity and humane approach to the sufferings of the African refugees should continue its generous and deeply-appreciated assistance to help finding appropriate solutions to the complex and varied problems confronting African refugees within and outside the continent.

15. African Governments should accede to and ratify, at their earliest convenience, the 1969 OAU Convention on refugees as well as other international instruments on humanitarian and refugee issues, so that ample evidence is obtained that Man in Africa is respected and protected.

16. Means should be made available to undertake, without undue delays, all research work intended to better relate the refugee situation to the development prospects of Africa towards the year 2000, and to monitor the implementation of the recommendations included in the Plan of action attached to the present Proclamation.

REPORT OF COMMITTEE A ON LEGAL ASPECTS AND PROTECTION

I. INTRODUCTION

1. The Committee met from 10th to 16th May 1979 under the Chairmanship of H.E. Mr. Laurent Nzeyimana (Burundi). Mr. Achol Deng (Sudan) was elected Rapporteur.

2. The Agenda adopted by the Committee comprised the following points:

a) Asylum in Africa

b) Definition of "Refugee" and determination of refugee status..

c) Treatment of Refugees

- illegal entry, expulsion and problems raised by the concept of prohibited immigrants

- detention, imprisonment and acts directed against the personal safety of refugees

- movements of refugees

- rights and obligations of refugees

d) Accession to, and implementation of international instruments concerning refugees, and international solidarity.

e) Dissemination of Refugee Law.

3. The Committee had before it the report of the Expert Group Meeting on Legal and Protection Problems (REF/AR/CONF/W.P.9) and in addition working papers dealing respectively with each of the above mentioned points on the Agenda (REF/AR/CONF/W.P.1 to 8).

The discussions of the Committee on these various points are summarized in section II (paragraphs 4-28).

The recommendations adopted by the Committee figure in Section III (paragraph 29). Reservations in respect of these recommendations made by participating delegations are noted in paragraph 30 of the present report.

II: DISCUSSIONS

4. It was generally agreed that the description of the situation concerning asylum in Africa as reflected in the working paper W.F.I represented an accurate statement of the position.

5. Attention was drawn to the increased number of refugees in Africa since the Conference on the Legal, Economic and Social Aspects of Refugee Problems held in Addis Ababa in October 1967. This served to emphasize even further the fundamental importance of asylum in Africa and of the generous asylum practices followed on the African continent.

6. Emphasis was placed by a number of speakers on the basic principle, expressed in the 1969 OAU Refugee Convention, that the granting of asylum is a peaceful and humanitarian act. The view was expressed that this principle had acquired ever growing acceptance in Africa and that this trend should be further encouraged and strengthened.

7. The principle of non-refoulement was recognized as being of crucial importance. It was essential to ensure that this principle, which also found expression in the 1969 OAU Refugee Convention, was effectively implemented. The non-observance of the principle had indeed often led to extreme suffering and loss of life of refugees who had been forcibly returned to their country of origin.

Application of the principle presupposed that the persons concerned was a refugee. Where his refugee status had not yet been established the necessary screening had to be carried out and the person had to be protected against refoulement pending a final decision. In this connection specific mention was made of the prohibition of rejection at the frontier contained in Article II of the OAU Refugee Convention.

8. When extradition of a refugee or asylum-seeker was requested it was imperative that the case be considered according to due process of law and following established rules and procedures, in order to avoid extradition becoming an indirect form of refoulement.

9. The application of the principle of non-refoulement was also closely related to that of voluntary repatriation. While voluntary repatriation should of course be encouraged there have been instances in which refugees had returned to their country of origin on the strength of amnesty, the terms of which had not been respected. A careful examination of the concept of amnesty was therefore desirable.

Reference was made to the fact that in certain cases refugees had proved an embarrassment to their country of asylum, in particular if they engaged in political activities. It was nevertheless emphasised that this could not justify forcible removal to a country where such refugees were in danger of persecution.

10. It was however stressed that - in accordance with the OAU Refugee Convention - refugees were under an obligation to conform to the rules and regulations of their country of asylum and not to engage in subversive activities against any Member State of the OAU.

11. There was general recognition of the fact that the granting of asylum placed an unduly heavy burden on a small number of African States. For this reason, the concept of temporary asylum - which was referred to by several speakers - had acquired special significance in Africa.

12. The importance of the principle of burden sharing, expressed in the OAU Refugee Convention and the 1967 United Nations Declaration on Territorial Asylum was repeatedly stressed and there was general agreement as to the necessity for this principle to be implemented through action-oriented measures. There was general agreement that such measures called for appropriate institutional arrangements. While the view was expressed that a new agency should be established most delegates felt that the aim could be achieved by developing and strengthening of existing organs. It was considered that there was an essential need for a thorough study of the various problems arising in connection with burden sharing. Such a study should be directed to ascertaining the needs of countries confronted with heavy refugee problems and of identifying the resources within Africa which could be made available for their solution.

13. During the discussions, reference was made to the fact that refugees, notably children, women and elderly persons, were killed, injured and subjected to intolerable fear because of attacks against refugee camps and settlements.

14. In regard to the question of the definition of "refugee" and the determination of refugee status, there was unanimous agreement that the definition of "refugee" in the 1951 Refugee Convention, the 1967 Refugee Protocol and the OAU Refugee Convention contained all the necessary elements for the determination of refugee status in Africa. In order to take advantage of the provisions established in international instruments, it was essential for refugees to be identified as such under appropriate procedures established for this purpose. Such procedures should either provide for the individual determination of refugee status or take the form of special arrangements for identifying refugees in the case of large-scale movements of asylum-seekers which were frequent in Africa.

15. It was agreed the Office of the UNHCR should be requested to make an in-depth study of such procedures and arrangements and to participate in their implementation as appropriate.

16. As far as procedures for the individual determination of refugee status were concerned, the Committee recommended the adoption of the basic requirements specified in the conclusions approved by the Executive Committee of the High Commissioner's Programme at its twenty-eighth session (UN Doc.A/32/12/Add.1) and decided that the text of these conclusions be included in the present report.

17. The Committee examined the question of illegal entry and expulsion in relation to refugees and in its recommendations also recalled that in view of their special situation, refugees should not be subjected to national legislative or administrative provisions

covering prohibited immigrants. In regard to this particular recommendation, it was pointed out that the translation into French of the term "prohibited immigrant" gave rise to difficulties since this concept was hardly known outside Anglophone legislative systems.

18. In the discussion relating to detention, imprisonment and acts directed against the personal safety of refugees, concern was expressed regarding the special problem caused by detention and imprisonment of members of liberation movements who had come into conflict with the latter. In order to ensure that the liberation struggle was not adversely affected, Frontline States sometimes had to place such persons in preventive detention. This practice however gave rise to a number of difficulties, including international pressure, for Frontline States. It was stressed that a solution to this problem would normally have to be sought by finding a country of second asylum outside the Frontline State, in a spirit of African and international solidarity.

19. In regard to the movement of refugees, various questions relating to the issue of travel documents had already been raised during the plenary session of this conference. When the matter was considered by the Committee, the proposed recommendations were adopted with few amendments.

20. The subject rights and obligations of refugees and states of asylum was thereafter considered by the Committee. As regards the rights of refugees, particular attention was paid to the right to engage in a gainful employment and access to educational facilities provided for in articles 17 and 22 of the 1951 Refugee Convention. The view was expressed that these Articles laid

down legal obligations which called for the adoption of appropriate international implementing measures e.g. removing from national legislation discriminatory provisions excluding refugees from access to the labour market.

It was however recognised that the problem did not only have legal aspects and that the full implementation of the above mentioned Articles was also dependant upon the existence of arrangements whereby additional educational and employment facilities could be made available.

21. Consideration was given to naturalization as a solution for African refugee problems, in cases where voluntary repatriation can no longer be envisaged and specific reference was made to Article 34 of the 1951 Refugee Convention.

22. When considering the obligations of refugees, special reference was made to Article III paragraph 1 of the OAU Refugee Convention which in particular requires refugees to abstain from subversive activities against any Member State of the OAU.

23. The obligations of states of asylum were examined. Special mention was made of the obligation of states under the OAU Refugee Convention to prohibit refugees residing in their respective territories from attacking any Member State of the OAU and of their obligations, for reasons of security, as far as possible to settle refugees at a reasonable distance from frontiers of their countries of origin.

24. It was felt that the question of voluntary repatriation should also be dealt with in the context of this item. Reference was made to the provisions of Article V of the G.U. Refugee Convention and it was recommended that appeals for repatriation and related guarantees given by countries of origin should be made known by all possible means to refugees and displaced persons and that UNHCR be called upon as appropriate to participate in arrangements of voluntary repatriation.

25. In the debate on Accession to and implementation of International Instruments concerning refugees and international solidarity, the importance of further states becoming parties to these instruments and the need for effective implementation of their provisions was generally emphasised.

26. Suggestions had further been made to the Committee to adopt recommendations with a view to placing the legal problems of refugees in the wider context of respect for Human Rights, these recommendations also containing an appeal to the States of Africa to accede to and implement the various Human Rights instruments and to participate in a seminar to be held in Africa in 1979 on questions related to Human Rights. This could be considered a very important step forward in developing refugee law as well as Human Rights in Africa.

27. Two delegates expressed strong objections against the proposed recommendations. A great number of delegates however gave their strong support to them elaborating on the various aspects thereof, whereupon the recommendations were adopted by the Committee by acclamation.

28. Finally the Committee after a short debate adopted a recommendation on the dissemination of refugee law through teaching, training and research and matters related thereto as well as to humanitarian law and Human Rights.

III. RECOMMENDATIONS ADOPTED BY THE COMMITTEE
and reservations.

29. For the texts of the recommendations
see the relevant working papers of the
Committee attached.

RECOMMENDATIONS ADOPTED BY COMMITTEE A

(ASYLUM IN AFRICA)

The Committee,

1. Recognises that while on the international level asylum is still a right of the State, some progress had been made in the 1969 OAU Refugee Convention in the direction of strengthening the position of the individual in relation to asylum;
2. Stresses the fundamental importance, in the field of Human Rights of the various principles relating to asylum as defined in the 1969 OAU Refugee Convention and other relevant international instruments and appeals to Member States of the OAU to implement these principles;
3. Reaffirms the need to ensure the increased effectiveness of these principles through their incorporation into national law of African States in accordance with their respective constitutional systems;
4. Reaffirms the principle expressed in Article II, paragraph 2 of the 1969 OAU Refugee Convention that the granting of asylum is a peaceful and humanitarian act and should not be regarded as unfriendly by any State;
5. Stresses the importance of the scrupulous observance of the principle of non-refoulement expressed in various international instruments and notably in Article II paragraph 3 of the OAU Refugee Convention which prohibits measures such as rejection at the frontier, return or expulsion, which would compel a refugee to remain in a territory where he has reason to fear persecution, and recommends that this principle be incorporated, as appropriate, in the national law of African States;

6. Condemns the existence and conclusion of agreements of whatever kind concluded between African States permitting the forcible return of refugees to their country of origin, contrary to the principles of asylum as prescribed, inter alia in the 1969 OAU Refugee Convention;
7. Notes with concern that there have been several cases in which African refugees, upon return to their country of origin have been subjected to serious measures of persecution including imprisonment and loss of life and recommends that an earnest appeal be addressed to governments of countries of origin to respect any guarantees of safety given to refugees with a view to encouraging their voluntary repatriation;
8. Recognises that the effective implementation in Africa of the principles relating to asylum will be further advanced by the strengthening and development of institutional arrangements for "burden sharing" adopted within the framework of African solidarity and international co-operation, defined in paragraph 8 of the Preamble and Article II paragraph 4 of the 1969 OAU Refugee Convention;
9. Further recommends that various studies be made on a regional basis with a view to determining the particular burdens facing countries of first asylum in Africa and the extent to which such burdens could be shared within the framework of African solidarity;
10. Stresses the particular importance of the concept of temporary asylum as provided for in Article II paragraph 5 of the 1969 OAU Refugee Convention and of the need for this concept to be further strengthened and developed in Africa;
11. Condemns strongly bombing attacks and other atrocities against refugees and refugee settlement in violation of the Geneva Conventions of 1949 and their Additional Protocols of 1977 as well as the abduction of refugees, and urges the international community to take all possible measures to prevent such violations and to provide protection and humanitarian assistance to present and potential victims.

RECOMMENDATIONS ADOPTED BY COMMITTEE A(DEFINITION OF THE TERM 'REFUGEE' AND
DETERMINATION OF REFUGEE STATUS)

The Committee,

1. Recognises the definitions of the term "refugee" contained in Article I paragraphs 1 and 2 of the 1969 OAU Refugee Convention as the basis for determining refugee status in Africa;
2. Stresses the essential need for ensuring that African refugees are identified as such, so as to enable them to invoke the rights established for their benefit in the 1951 Refugee Convention and the 1967 Refugee Protocol and the 1969 OAU Refugee Convention;
3. Recommends that individual applications for asylum be examined under appropriate procedures established for this purpose and appeals to African States to apply, in such procedures, the basic requirements specified in the conclusions adopted by the Executive Committee of the High Commissioner's Programme at its twenty-eight Session (UN Doc.A/32/12/Add.1);*
4. Considers, however, that the application of such procedures might be impracticable in the case of large-scale movements of asylum-seekers in Africa, a matter which calls for the setting up of special arrangements for identifying refugees;
5. Recommends that the exact nature of such arrangements be the subject of further study but stresses that they should in any event (i) provide for appeal or review where refugee status is refused, (ii) ensure that

* See page 14

individuals are protected by virtue of the principle of non-refoulement expressed in Article II of the OAU Refugee Convention;

Requests the Office of the UNHCR to undertake a comprehensive in-depth study on the type of procedures or special arrangements envisaged and, if appropriate, to cooperate in their implementation;

Recognises the importance of UNHCR's own responsibility to determine refugee status under its Statute, so as to ensure that asylum-seekers who are refused refugee status by the host country but might nevertheless be refugees of concern to UNHCR, receive adequate protection until an appropriate solution is found.

CONCLUSION ON THE DETERMINATION OF REFUGEE STATUS ADOPTED BY
THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME
IN ITS TWENTY-EIGHTH SESSION (OCTOBER 1977)

"Recommended that procedures for the determination of refugee status should satisfy the following basic requirements:

- (i) The competent official (e.g., immigration officer or border police officer) to whom the applicant addresses himself at the border or in the territory of a Contracting State, should have clear instructions for dealing with cases which might come within the purview of the relevant international instruments. He should be required to act in accordance with the principle of non-refoulement and to refer such cases to a higher authority.
- (ii) The applicant should receive the necessary guidance as to the procedure to be followed.
- (iii) There should be a clearly identified authority - wherever possible a single central authority - with responsibility for examining requests for refugee status and taking a decision in the first instance.
- (iv) The applicant should be given the necessary facilities, including the services of a competent interpreter, for submitting his case to the authorities concerned. Applicants should also be given the opportunity, of which they should be duly informed, to contact a representative of UNHCR.
- (v) If the applicant is recognised as a refugee, he should be informed accordingly and issued with documentation certifying his refugee status.

- (vi) ~~If the applicant is not recognised, he should be given a reasonable time to appeal for a formal re-consideration of the decision, either to the same or to a different authority, whether administrative or judicial, according to the prevailing system.~~
- (vii) The applicant should be permitted to remain in the country pending a decision on his initial request by the competent authority referred to in paragraph (iii) above, unless it has been established by that authority that his request is clearly abusive. He should also be permitted to remain in the country while an appeal to a higher administrative authority or to the courts is pending."

RECOMMENDATION ADOPTED BY COMMITTEE A
(ILLEGAL ENTRY, EXPULSION AND PROBLEMS
RAISED BY THE CONCEPT OF PROHIBITED IMMIGRANTS)

The Committee,

1. Takes note of the relevant provisions of the 1951 Refugee Convention and the 1967 Refugee Protocol and the 1969 OAU Refugee Convention, concerning illegal entry, expulsion and non-refoulement;
2. Stresses the importance of refugees not being subject to penalties for illegal entry or presence, or to related measures of detention, in circumstances other than those permitted by Article 31 of the 1951 Refugee Convention;
3. Considers that in view of the special situation in which they find themselves, refugees should not be subjected to national legislative or administrative provisions relating to prohibited immigrants;
4. Further stresses that refugees lawfully in the territory of a Contracting State may not be expelled except under the conditions provided for in Article 32 of the 1951 Convention.

RECOMMENDATIONS ADOPTED BY COMMITTEE A

(TREATMENT OF REFUGEES: DETENTION, IMPRISONMENT AND ACTS
DIRECTED AGAINST THE PERSONAL SAFETY OF REFUGEES)

The Committee,

1. Takes note of the various problems arising in connection with the detention and imprisonment of refugees in African countries;
2. Expresses concern that such measures of detention or imprisonment are in many cases not subject to ordinary administrative or judicial remedies and recommends that such practices be discouraged and that a study of this matter be made, so as to ensure that the basic rights of refugees including those in the field of Human Rights, are fully guaranteed;
3. Notes that in the case of members of liberation movements, recognised by the ONU, who have come into conflict with such movements, the question of their detention or imprisonment by the authorities of the host country, involves special problems and recommends that appropriate solutions for these problems, taking into account the necessity to alleviate the burden of the Frontline States, be sought in a humanitarian spirit within the African context.

RECOMMENDATIONS ADOPTED BY COMMITTEE A

(TREATMENT OF REFUGEES: MOVEMENT OF REFUGEES)

The Committee,

1. Notes the economic and political difficulties confronting African States in solving refugee problems;
 2. Recommends, nevertheless, that the movement of refugees especially for purposes of study, professional training or resettlement in other countries, be facilitated by African States in a spirit of African unity, in conformity with the Charter of the OAU, and international solidarity;
 3. Stresses the importance of facilitating such refugee movements, having regard to:
 - i) Article 28 of the 1951 Refugee Convention and Article VI of the 1969 OAU Refugee Convention concerning the issue of travel documents to refugees;
 - ii) The various resolutions of the OAU concerning movements of refugees, including Resolution 409 of 3 August, 1986;
- Recommends that African States take all necessary steps to facilitate the movement of refugees.

RECOMMENDATIONS ADOPTED BY COMMITTEE A

(TREATMENT OF REFUGEES: RIGHTS AND OBLIGATIONS OF
REFUGEES AND STATES OF ASYLUM)

The Committee,

1. stresses the importance, in the African context, of international solidarity and co-operation with a view to resolving the legal problems of refugees in particular in the fields of gainful employment and public education;
2. Recommends that with a view to facilitating the effective implementation of the 1951 Refugee Convention Article 17 and 22 dealing respectively with gainful employment and public education:
 - i) African States consider the possibility of providing, under their respective legislation or through arrangements with other States, work and employment opportunities for refugees who do not have access to gainful employment in their country of first asylum;
 - ii) a study be made of the legal problems facing refugees in regard to employment and education,
 - iii) refugee children be accorded the same treatment as nationals with respect to elementary education provided as for in the 1951 Refugee Convention Article 22 paragraph 1 and that African States make every effort to ensure that refugees are given access to secondary and technical education,
 - iv) African States give further consideration to arrangements for providing refugees with higher education facilities either in their present country of asylum or elsewhere;

3. Notes the provisions of the 1969 OAU Refugee Convention Article VI concerning voluntary repatriation, and stresses the importance of voluntary repatriation as a solution to refugee problems. Recommends that appeals for repatriation and related guarantees given by countries of origin should be made known by every possible means to refugees and displaced persons;
4. Recommends that UNHCR be called upon, as appropriate, to participate in the arrangements for the voluntary repatriation of refugees;
5. Notes the provisions of the 1951 Refugee Convention Article 34 concerning naturalization of refugees and stresses the importance of naturalization as a solution for African refugee problems in cases where voluntary repatriation can no longer be envisaged and where refugees have attained a sufficient degree of integration in their asylum country;
6. Notes the obligation of refugees defined in the 1969 Refugee Convention Article III to conform with the laws and regulations of the country in which they find themselves and to abstain from any subversive activities against any Member State of the OAU;
7. Further notes the obligation of Member States defined in the OAU 1969 Refugee Convention Article III to prohibit refugees residing in their territory from attacking any Member State of the OAU by any activity likely to cause tension between Member States, and the obligation defined in Article II paragraph 6 of the same Convention, as far as possible to settle refugees at a reasonable distance from the frontier of their country of origin;

Affirms that where problems arise in the case of refugees who are members of Liberation Movements recognized by the OAU and who came into conflict with their movement, their status as refugees should continue to be respected, subject to the 1969 OAU Refugee Convention Article I paragraph 5c. Nevertheless, recommends that the question of dissidents from the Liberation Movements be studied in depth and that arrangements be envisaged to ensure that the pursuit of the liberation struggle is not adversely affected by such dissidents.

RECOMMENDATIONS ADOPTED BY COMMITTEE A

(ACCESSION TO, AND IMPLEMENTATION OF, INTERNATIONAL
INSTRUMENTS CONCERNING REFUGEES AND INTERNATIONAL
SOLIDARITY)

The Committee,

1. Calls upon African States which have not done so to become parties to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees; and to the 1969 OAU Refugee Convention Governing the Specific Aspects of Refugee Problems in Africa;
2. Considers that it was a necessary corollary to States becoming parties to these instruments and the standards defined therein be incorporated in their national legislation;
3. Recommends fuller cooperation between OAU Member States and the Administrative Secretary-General of the OAU, in order to foster the implementation of Article VII of the OAU Refugee Convention;
4. Reaffirms the principle that human beings shall enjoy fundamental rights and freedoms without discrimination, and emphasizes the need for the legal problems of refugees to be viewed in the wider context of respect for Human Rights, and to this end:
 - i) calls upon all African States which have not done so, to accede to and implement the various Human Rights instruments adopted within the framework of the United Nations;

- ii) calls upon African states to participate in the Seminar scheduled to be held in 1979 pursuant to General Assembly Resolution 33/167 to consider the desirability of establishing an African Human Rights Commission;
- iii) recommends that UNHCR also be invited to participate in the work of the proposed Seminar.

5. Calls upon the OAU to examine the possibilities of convening an international conference to review the 1951 Convention relating to the Status of Refugees and the 1967 Protocol with consideration to the OAU Refugee Convention of 1969.

6. Calls upon the various inter-governmental and non-governmental organizations and other agencies involved in refugee work to take into account the 1969 OAU Refugee Convention in their activities.

RECOMMENDATIONS ADOPTED BY COMMITTEE A

(DISSEMINATION OF REFUGEE LAW)

The Committee,

1. Recommends the establishment under the auspices of the OAU, UNHCR, and UNECCO and the Secretary-General of the United Nations (Division of Human Rights), of an African centre to deal with the following functions in regard to refugee law, humanitarian law and Human Rights:
 - i) to arrange for teaching, training, dissemination and research in matters relating to refugee law, humanitarian law and Human Rights;
 - ii) to study the implementation of international instruments and to arrange for their dissemination in Africa at the national, sub-regional and regional levels;
 - iii) to centralize the relevant documentation;
 - iv) to organize meetings and seminars with a view to a better understanding of rights and obligations of refugees;
2. Recommends that with a view to promoting a wider and better understanding of the provisions of the various international instruments on refugees, Human Rights and humanitarian law, Governments undertake to arrange for their dissemination in the most appropriate manner and, as far as possible, in national languages.

30. The following reservations were made in respect of the recommendations adopted by the Committee;

- i) The Delegation of Somalia made a reservation to the application of paragraph 7 of RBF/AR/CONF/CTTE.A/Rpt. Rec.6 to exceptional situations where homogeneous people of the same national character are arbitrarily divided by artificial colonial frontiers.
- ii) The Delegation of Tanzania made a reservation in respect of document RBF/AR/CONF/CTTE.A/Rpt./Rec.6 to the effect that paragraph 5 of document RBF/AR/CONF/CTTE.A/Rpt./Rec.6 should have been included and its wording strengthened so as to indicate that it was a responsibility of all States in Africa to accept burden sharing as an obligation. The text of paragraph 5 of RBF/AR/CONF/CTTE.A/Rpt. Rec.6 reads as follows:

"Recommends that various studies be made on a regional basis with a view to determining the particular burdens facing countries of first asylum in Africa and the extent to which such burdens could be shared within the framework of African solidarity, and in accordance with paragraph 8 of the Preamble to, and Article II paragraph 4 of, the OAU Refugee Convention"
- iii) The Delegation of Tanzania also made a reservation in respect of paragraph 2, second sentence of Document RBF/AR/CONF/CTTE.A/Rpt./Rec.6 considering that once it was established that a dissident from a liberation Movement was excluded from refugee status under Article 1, paragraph 5(c) of the OAU Refugee Convention, and further action that might be taken in regard to him was not a matter to be dealt with in the context of a resolution dealing with refugees.

- iv) The Delegation of Algeria made a reservation in respect of paragraph 4(i) of document RBF/AR/CONF/CTTB.A/Rpt.Rec.7 reasoning that inspite of the fact that Algeria has acceded to the most pertinent Conventions relating to Human Rights, for political reasons, she feels that certain dispositions of some international instruments mentioned in the relevant paragraph concern the economical and social politics of each country and for these reasons, she cannot associate herself with the recommendations concerning the accession to these instruments.

- v) The Delegation of the Peoples Revolutionary Republic of Guinea made a reservation in respect to paragraph 4(i) of document RBF/AR/CONF/CTTB.A/Rpt./Rec.7. The Delegation of Guinea was of the opinion that the use of the concept of Human Rights on the international political scene is incompatible with the rights of peoples and furthermore, used as a weapon of perturbing the process of a harmonious historic evolution of independent African states.

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Annex IV

THE COUNCIL OF MINISTERS

Thirty-third Ordinary Session

Monrovia, Liberia, July 1979.

REPORT OF COMMITTEE B ON SOCIAL, ECONOMIC, INSTITU-
TIONAL, ADMINISTRATIVE AND FINANCIAL PROBLEMS

SOCIAL, ECONOMIC, INSTITUTIONAL, ADMINISTRATIVE
AND FINANCIAL PROBLEMS COMMITTEE "B"
RAPPORTEUR'S REPORT

Opening

The meeting of Committee "B" was called to order by the Chairman, H.E. Dr. A.M. Mogwe, Foreign Minister of Botswana on Thursday, May 10, 1979, at 10.30 a.m.

Election of Rapporteur

Cameroon proposed Ghana to be the rapporteur. Sierra Leone and Equatorial Guinea supported the proposal and the Committee unanimously approved it.

Working hours

Zambia proposed and the Committee agreed to the following:

Morning session:	9.30 a.m.	to	13.00 p.m.
Afternoon Session:	15.00 p.m.	to	18.00 p.m.

Agenda

The Committee had the following items on its agenda:

1. Causes of Refugee Problems in Africa.
2. Settlement of Rural Refugees in Africa.
3. Urban Refugees in Africa.
4. Employment, Education and Training of Refugees in Africa.
5. Counselling of Refugees.
6. Policy Issues and Administrative matters.
7. Clearing House.

1. Causes of Refugee problems in Africa: Summary of discussions

After a brief remark, the Chairman of the Committee called upon a representative of the Conference Secretariat to introduce the subject. The Conference Secretariat representative introducing the subject referred the Committee to document REF/AR/CONF/WP.15 pages 10 and 11 and said that this would form the basis of the discussion.

The document, which was the report of a workshop in Arusha from 22 to 26 January 1979, divided the causes of refugee problems in Africa into natural and man-made causes. In discussing the natural causes, the Committee agreed that natural disasters by themselves do not necessarily give rise to refugee situations. It is only when governments fail to tackle such disasters effectively that the affected people

eventually decide to flee their districts or countries to seek refuge elsewhere. This situation generally gives rise to only temporary refugee situations.

The Committee noted that refugee situations as defined in the 1969 OAU Convention are provoked almost exclusively by political phenomena allied to economic factors. The Committee observed that violation of human rights has been the major cause of asylum-seeking, and that when people are willfully denied their rights to life, to liberty, to political opinion, to worship, to basic health services, to education, to petition grievances, they will not hesitate to seek refuge beyond their national frontiers. The Committee discussed this at length with reference both to independent African states and to territories still under colonial and white-minority regimes in Southern Africa.

In independent African states where people have had to flee their countries, it is mostly their governments that are responsible for the denial of their rights, whereas, in the colonial and apartheid racist regimes, it is the colonial and racist regimes that violate human rights.

In independent Africa, the manipulation and exploitation of political, religious, ethnic, racial and economic differences may create conflicts. However, these conflicts need not give rise to refugee situations. It is only when political systems fail or are unable to create institutions capable of peacefully resolving such conflicts that refugee situations arise.

In searching for solutions to the root causes for asylum-seeking in Africa, the Committee stressed that African governments should step up their support to the efforts of the liberation movements in their fight to eliminate the racist regimes of Southern Africa. Within their own countries, African governments would do well to respect and instil in their nationals the respect for human rights. Further, they would do well to exercise with a sense of responsibility their function of protecting all their citizens, irrespective of whatever differences may exist within their countries.

Where some of their citizens are currently in exile, the governments would do well to consider granting them amnesty, along with which they would have to give public guarantee for the safe repatriation of the refugees and agree to the

setting up of machinery for monitoring the implementation of the guarantee. Governments of the countries of asylum in co-operation with the UNHCR, other intergovernmental organisations and voluntary agencies would in this connection be expected to give every possible assistance in the repatriation exercise and ensure that refugees returning to their home countries do so voluntarily.

Recommendations

In full agreement with the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Maputo Declaration, the Lagos Declaration and the Declaration and Programme of Action adopted by the United Nations Conference on Racism, Racial Discrimination and Apartheid.

- a) Every effort be made towards implementing the Declaration of the Granting of Independence to Colonial Countries and Peoples;

- b) Any direct or indirect economic, military or political support to the racist minority regimes in Southern Africa should be totally withdrawn;
- c) African governments and peoples should step up their actions to support and strengthen the efforts of the liberation movements in their fight to eliminate the racist regimes in Southern Africa in order to alleviate the sufferings of the Africans who are victims of the apartheid regimes;
- d) Governments and refugee serving organisations to consider providing more assistance to the frontline states to enable them defend their territories and refugee camps, settlements and indigenous population against raids by the racist regimes of Southern Africa;
- e) i) All African governments should make every effort to fully implement the basic instruments relating to Human Rights, namely, the International Covenant on Economic, Social and Cultural Rights and the International

Covenant on Civil and Political Rights, and to include the provisions of international instruments dealing with Human Rights and refugee problems in their national legislations. (Equatorial Guinea and Guinea expressed reservations).

- ii) All African governments to launch, possibly with the aid of modern communication techniques, an educational campaign to instill respect for Human Rights and tolerance of differences into all the peoples of the various nationalities in African countries whatever socio-cultural, economic or political differences may exist between them;
- iii) All African governments to consider making official public declarations of amnesty to their respective nationals currently in exile, so as to encourage their voluntary repatriation. Guarantees for safe return and machinery to supervise such guarantees to be considered and worked out both by the countries of origin and the countries of

asylum in co-operation with the OAU, refugee-serving agencies and the refugees concerned or their representatives.

- iv) The OAU should make a declaration to the effect that granting of Amnesty should be held sacrosanct and inviolate.

2. Settlement of Rural Refugees in Africa

Discussion of this subject was based on documents REF/AR/CONF/WP.10 and REF/AR/CONF/WP.15 pages 14 to 17. The documents divide rural refugee settlements into two: organised settlements and spontaneous settlements.

The Committee noted that the great majority of African refugees are from rural background, accustomed to living in family groups or in villages, and usually engaged in agriculture, animal husbandry or related service occupations. In some cases, their integration is facilitated by the fact that the ethnic background of the population of the areas to which the refugee flees is the same as that of the asylum seekers; or by the fact that both the local populations and the newcomers are engaged in the same agricultural activities and use similar

farming techniques. But even with this common background, problems tend to arise when the refugees arrive in large numbers, especially in the initial period. In practice, rural refugees are resettled on land made available directly or tacitly by the host government with the co-operation or tolerance of local populations.

Organised settlements are characterised by the fact that the government of the country of asylum identified certain areas to which it directs refugees to reside and work, and allocates land to them for agriculture and animal husbandry. Traditionally, the host governmental or non-governmental organisations administer these settlements. Now, however, a new and growing phenomenon has emerged in Southern Africa where settlements in rural areas are administered by or in association with liberation movements recognized by the OAU.

Organised settlement enables the host government, while the refugees are in transit location during the emergency phase, to assess the magnitude of the refugee problem and of the assistance needed, to conduct feasibility studies and do physical planning of the areas selected for settlement, taking into account the land available and the possibilities of access to it, local demographic and sociological considerations, relations with adjacent countries, etc.

During the emergency phase, i.e. on the arrival of refugees, their most immediate needs are food, clothing, shelter, medical care, etc.. This requires considerable organisational effort, especially when a mass influx of refugees occurs. While much of the responsibility rests with the governments of the countries of asylum during the emergency phase, close co-operation with the UNHCR, other intergovernmental organisations and voluntary agencies involved in refugee work is indispensable.

If after the emergency phase is over, voluntary repatriation does not appear to be possible in the short term, longer term solutions, especially by way of allocating land for the settlement of the refugees, become inevitable. Settlement of the refugees on land where they could with the help of the host government and refugee-serving organisations build their own houses, produce their own food etc. helps avoid the very damaging social effects of dependency on outside sources for the satisfaction of their needs.

The Committee observed that rural refugees often include large numbers of young persons for whom education facilities have to be provided. Whereas education facilities in settlements should be the same as those provided for local populations and should adopt the curricula of host countries it is important to take into serious consideration the cultural

background, including the languages of the children, so that if and when they eventually return to their home countries they will not become complete strangers there.

The Committee noted that most rural settlements are provided with primary educational institutions but not with secondary education, vocational training or non-formal education programmes. This tends to encourage the exodus of young and adult refugees from rural settlements to urban areas in search of higher educational opportunities. The Committee agreed that an important component of integration is vocational training related to the planned man-power needs of the host government. It deemed it advisable that such training schemes be made available both to refugees and to the local populations.

The Committee observed that for effective integration of refugees, the level of services provided in a settlement should be compatible and consistent with those provided by the host government to its nationals. The Committee further observed that after attaining self-sufficiency, one component of an integrated settlement is the participation of refugees in the payment of taxes on a basis similar to that applicable to the local population. The Committee agreed that a refugee

settlement that attains self-sufficiency and integrated development could provide an innovative point of departure for the further development of the area as a whole. Agencies like the UNDP could be informed at an early stage so that planning of development could start for the whole area having in mind experience gained from the refugee settlements concerned.

The Committee emphasized that at all stages of assistance to the refugees, the refugees should as far as possible be involved in the planning and execution of the assistance programmes. Where, as in Southern Africa, liberation movements recognized by the OAU exist, the leaders of these movements should be directly involved in the planning and execution of the aid programmes. The question was raised whether it was right for international aid-giving agencies to insist on visiting refugee camps as a pre-condition for giving aid to the refugees. In answer to this, the Committee recommended that the international aid-giving agencies should try to understand that for security reasons and for the safety of their own officials it is not always advisable for them to insist on visiting refugee camps where the camps are considered to be in sensitive areas. Spontaneous settlements occur when refugees, after crossing one of the continent's many open borders, are absorbed into local populations which have to bear much of the responsibility

for providing emergency aid such as food, shelter, etc. When the local population are the kinsmen of the asylum-seekers, this kind of settlement occurs without too much difficulty and offers definite social and psychological advantages. If the spontaneous settlement is in harmony with the development plans of the area and affords refugees the opportunity of becoming self-sufficient and if the presence of the refugees in areas near the border, as is frequently the case, does not generate complications between the country of origin and the country of asylum, this formula may constitute an acceptable solution to rural refugee problems.

However, there are a number of complications which arise in such situations especially since it is estimated that well over 60% of all rural refugees are in this category and that the assistance provided to them is often nil or negligible. Spontaneous settlement is often interpreted to mean spontaneous integration, which in turn tends to give the impression that all is well with such refugees. Traditional hospitality, it is suggested, especially between ethnic kin solves the problem. This belief is convenient because it absolves governments and aid-giving agencies from finding out and doing something about problems of this nature. If they are not causing any political problems, the temptation then is to "leave well alone".

Where the influx of rural refugees is large, it creates acute conditions both for the refugees themselves and for the poorer people among their hosts. They drive food prices up and wages down, shifting the terms of trade against their main asset and that of other poor people, their labour. They often get exploitative exchange rates for any money they have been able to bring with them. They may have little access to health and educational services standing as they do at the end of the queue. Most seriously, and contrary to common belief, access to land is likely to be insecure. Examples are known where refugees have been either driven off the land or moved from the area in which they have settled themselves.

Spontaneous integration may mean extreme poverty and insecurity, eking out precarious and marginal existence through casual labour and migration. The deprivation of such refugees may go unnoticed. They are disorganised. They may not present themselves to officials or to visiting missions. They may, indeed, constitute a rural sub-proletariat, powerless, inarticulate and unseen. This picture, it was stated, was suggested by scattered evidence. The Committee agreed that it needs further organised research to know more about it and to work out concrete solutions to the problems of the refugees so affected.

3. Urban Refugees in Africa

The Committee had before it documents REF/AR/CONF/WP.11 and REF/AR/CONF/WP.15 pages 18 to 21.

The documents define urban refugees as largely consisting of educated individuals usually with strong views on political issues in opposition to the government of their countries. Largely because of their views and political activity, they have been forced to flee their countries before the authorities succeed in imprisoning or liquidating them.

Upon arrival, their immediate needs are for food and shelter after which they begin to look for opportunities for education or employment. They are a dynamic group of persons whose demands tend to be in the sight of the host countries too high. They find it difficult to get scholarships or work permits and when they do get these, they find themselves in competition with large numbers of the nationals of their countries of asylum looking for places in the same schools or jobs.

Despite the needs of Africa for skilled manpower, highly educated and trained African refugees often find it difficult to get employment. The less skilled urban refugees find it even more difficult to get employment. Sometimes, this

is due to the fact that the refugees would not accept the jobs given to them or move to places outside the cities to work. Sometimes, it is due to reluctance on the part of host governments to fill vacancies reserved for their nationals with African refugees. It is also often due to the failure on the part of governments to create appropriate institutions to assist in providing the needs of the refugees.

Until recently refugees who were found in cities were considered both by governments and by voluntary agencies as "birds of passage" in transit to other countries. It was therefore not considered necessary to develop long-term or even short-term solutions to their problems which, it was hoped, would disappear before long as the refugees move on to other countries. Now, however, it has been realised that the majority of the urban refugees tend to stay much longer than expected, sometimes for years.

Urban refugees who enter a country of asylum believing that the government of the country understands and appreciates the factors that made them flee their country of origin, especially if they come from the white-minority regimes of Southern Africa, become puzzled and disillusioned when, on their arrival, they are confronted by officials who demand to be satisfied of their

identity as genuine refugees. The more urbanized their background, the more sophisticated will be their aspirations and intentions and therefore the greater will be their disappointment when the type of reception given to them and the conditions in which they are obliged to live in their countries of asylum fall below their expectations.

The Committee observed that, in general, refugees who find themselves in such a position are not given the orientation that they should have before and after their arrival in their countries of asylum. On the other hand, the countries of asylum are usually not adequately prepared to receive the refugees, due partly to absence of legal instruments regarding refugee recognition, right of asylum and right of work, and partly to the absence of appropriate institutions to assist in providing the needs of the refugees.

The Committee considered that these and other problems confronting urban refugees deserve to be studied in detail by African governments at the continental and more especially at the national level in co-operation with the OAU/BPEAR, UNHCR and other refugee-serving agencies with a view to finding concrete solutions.

RECOMMENDATIONS:

Rural Refugees

- a) Programmes covering rural refugees should be planned and implemented within the context of national, sub-regional and regional development endeavours, with the objective of getting refugees out of situations of dependence into a position of integrated development and self-reliance.
- b) Preparation of the programmes should include:
 - i) the agencies potentially providing aid, either as donors or implementing partners and the appropriate national and local authorities of the host country;
 - ii) provision for immediate needs such as food, clothing, shelter, water, health and social services (including education), a programme of agricultural development, which will necessitate physical planning of the settlement area including long-term agricultural viability.

c) In order to achieve integrated settlement, the following components must be taken into account:

i) An adequate knowledge by planners and administrators of the potential of the district or province as a whole, and the potential of the refugee settlement in relation to the district or province;

ii) A sound programme of increasing agricultural and related production to provide surplus, which can be converted into cash for personal needs such as clothing, household goods, etc. and which when marketed will form a basis for taxation;

iii) Effective refugee integration into the economic structure of the host community through co-operatives for production and marketing, etc. This integration should include vocational training related to the planned manpower needs of the host government. It is advisable to make such training schemes available both to the refugees and to the local population in the area;

iv) Effective involvement of refugees in the integration and development process.

d) Officials administering refugee affairs in countries of asylum should be encouraged to make exchange visits to settlements where tried and tested methods have resulted in successful integrated refugee communities. The possibility that financial assistance for such visits from international sources be included as part of refugee assistance should be envisaged. Seminars associated with such exchange of experience related to refugee work are also recommended.

e) Governmental and non-governmental agencies should not always insist on visits to refugee camps as a precondition for giving aid since some of the refugee camps might be in sensitive areas which, for security reasons, host governments will not wish outsiders to visit.

f) Since it is estimated that more than 60% of Africa's rural refugees live outside organised settlement schemes, studies of the social, educational and economic situation of the rural refugees

outside organised settlement schemes should be undertaken by the governments in co-operation with the appropriate international and non-governmental organisations with a view to providing governments and international organisations with the basic information necessary to formulate programmes of assistance and to securing the necessary financial support to implement such programmes.

Urban Refugees

African governments with large urban refugee populations along with the UNHCR and appropriate inter-governmental organisations and voluntary agencies as well as representatives of refugees, and where applicable of liberation movements, should: a) study in detail, the problem of urban refugees and recommend appropriate action. b) Co-ordinate their efforts and involvement and create a strategy to deal with these problems. Such a strategy could include the establishment of a reception centre or a similar institution.

- i) to give emergency care;
- ii) to identify problems of refugees;
- iii) to provide counselling as regards placement, education, employment, etc.

- c) Search for means of controlling rural exodus and examine suitable ways of resettling some of the urban refugees in rural areas.
- d) Study in depth supplementary assistance programmes which are initiated by inter-governmental and non-governmental organizations (i.e. levels, durations etc. of the aid) in order to formulate a policy which will take into account the cost of living index in the host country.
- e) Expand, wherever possible, existing facilities of education and housing, to enable governments to cater for the needs of refugees.
- f) Consider the creation of sponsorship programmes whereby individuals and national organisations will be encouraged to assist by way of offering hospitality and job opportunities to refugees during their early days of immigration to the host country.
- g) Provide better tools of assessment of refugees potential, as well as exert greater effort to build up the additional formal educational opportunities required and such non-formal programmes of skills training or up-grading geared to speed up the process towards self-support.

- h) Real refugee integration within countries of asylum is a process which is to be mutually borne by the local population and the urban refugee groups in various communities. To this effect, refugee guidance should be matched by local awareness and acceptance, a task which both governments and all other agencies serving urban refugees should take note of in building local service units.

General

- a) Host governments, UNHCR and other inter-governmental organisations and voluntary agencies concerned should:
- i) give consideration to ways and means of reaching as promptly as possible an accurate assessment of a new refugee situation in its early stages;
 - ii) give consideration to borrowing arrangements from governmental stocks or existing aid reserves, where available, during the emergency phase in order to minimise delays that occur in delivering food supplies from external sources.
- b) An appeal should be addressed to all agencies concerned, whether intergovernmental or non-governmental, to undertake, within the activities they are planning for the International Year

of the Child, studies related to the specific needs of refugee children, drawing on the valuable knowledge and experience of the UNHCR, with a view to formulating recommendations for future actions.

c) In view of the manpower requirements of Africa all efforts must be made to:

- i) create equal educational and employment opportunities with nationals as far as possible.
- ii) Strengthen the BPEAR.
- iii) Create employment opportunities.
- iv) Establish re-training programmes.

d) The UNHCR should go beyond its present temporary and short-term assistance policies. To this end assistance programmes related to the socio-economic development of regions inhabited by refugees who cannot be repatriated should evolve with the support of the UNHCR and other refugee serving agencies.

4. EMPLOYMENT, EDUCATION AND TRAINING OF REFUGEES IN AFRICA

The Committee had before it documents REF/AR/CONF/WP.12 and REF/AR/CONF/WP.15 pages 11 to 13.

The documents relate manpower development and utilization policies and strategies in Africa as a whole as well as in individual African countries to education, training and placement of refugees. They show that most African countries do not have up-to-date and comprehensive surveys of employment opportunities with specific reference to refugees. On the other hand, detailed statistics on African refugees and their manpower needs at high-level, technical and middle-level posts are also very difficult to come by. The only study that has been made to find out training priorities to meet Africa's manpower requirements was done by the ECA back in 1967. The Committee observed that this study needs to be updated to give a projection of manpower requirements in Africa for the next twenty years or so to enable proper planning to be made for the education and training of refugees.

The Committee noted that whereas almost all African countries have great need for middle-level and high-level personnel, they tend to fill the posts that exist in these two areas of employment with expatriates rather than with refugees, the argument being that the expatriates can easily be sent back to their home-countries as and when nationals qualify to occupy these posts, which is not the case with refugees. The Committee considered this a static rather than a dynamic manner of viewing the matter since in developing countries the need for skilled personnel continue to grow due to increasing and changing needs of these countries. Besides, the employment of refugees rather than of expatriates can bring about major savings on salaries and fringe benefits. It can also facilitate the integration of refugees, make them self-reliant and thereby remove the burden of their continued maintenance off the backs of the host countries.

The Committee observed that, as far as possible, there should be no discrimination between refugees and nationals in the provision of jobs, education and training. Where, as in almost all African countries, educational facilities and job opportunities are limited, host countries should endeavour to expand them or create new ones, if necessary, with the assistance of international aid-giving agencies.

The Committee discussed at length various other issues connected with the subject. Among these were the difficulty of obtaining work permits, the tendency of certain refugees to refuse to accept certain types of jobs or to go outside the cities to work, lack of knowledge of what job opportunities exist in African countries as a whole, the problem of highly skilled professionals and administrators who require revalidation of their qualifications or retraining to enable them find jobs to do, the problem of graduate refugees applying for scholarships to do second or third degrees because they are unable to find work to do with their first degrees, the effects of the language barrier on ability of refugees to take advantage of education and employment opportunities in host countries, the tendency of universities and other institutions of higher learning to charge "economic" fees, the failure of host countries to involve refugees or, where they exist, liberation movements in the planning and implementation of education, training and work programmes for refugees, the tendency of certain educated refugees from Southern Africa to refuse to go back to place their newly acquired knowledge and skills at the disposal of their compatriots engaged in the liberation struggle.

The Committee also considered the difficulties and the failure of the OAU/BPEAR in the past to discharge some of its functions for which it was originally established and the need for its restructuring if it is to be able to perform the additional functions that it will be called upon to perform following the approval of the OAU Heads of State of the recommendations of the present Arusha Conference. In this connection, the Committee urged

that all OAU Member States and all the refugee-serving international agencies should give the OAU/BPEAR greater support and co-operation than they had given to it in the past.

The Committee expressed the hope that the implementation of the following recommendations should be carried out without prejudice to the voluntary repatriation of refugees with the final goal of the Conference.

Recommendations:

- a) National and regional employment surveys at present under way within the ILO/JASPA project to be expanded to encompass comprehensive manpower studies with long term projections, with a view to enabling the formulation, when required, of well conceived and articulated refugee assistance programmes geared, through appropriate education and training, towards refugee placement in jobs known to be, at least provisionally, secure. Such country manpower and employment monographs could, with the consent of the governments concerned, be entrusted to and undertaken by UNECA, IBRD, OAU/BPEAR and other organisations, together with the ILO and its ongoing JASPA projects.
- b) African governments to endeavour to make the necessary provisions inter alia through the granting of entry, residence and work permits, for the employment and resettlement of refugees in their respective countries. In that connection, the various problems posed by the employment of refugees and the effects of existing national legislations upon their circumstances should be identified and appropriate solutions sought at the sub-regional and regional levels. As far as possible all African governments should endeavour to take appropriate measures to guarantee to

refugees equality of opportunity and treatment with nationals and respect to training, employment and conditions of life in general.

- v) Refugees, particularly, those from Southern Africa who have benefited from scholarships awarded to them for further studies should be encouraged to return to join their people after completion of their training to utilize the skills acquired by them for the advancement of the liberation struggle of their respective countries and in the service of other refugees from their countries of origin.
- d) The Administrative Secretary General of the OAU to be requested to take all possible measures to ensure that the Bureau for the Placement and Education of African Refugees fulfils its mandate. It should therefore be appropriately strengthened to provide the effective organisational apparatus required to arrange for prompt placement of refugees once settlement and employment opportunities are made available to them within the African continent.
- e) Member States of the OAU should co-operate with the Bureau for Placement and Education of African Refugees by providing information required by the BPEAR in respect of refugee situations and opportunities for education and employment available in their respective countries.
- f) Measures leading to the creation of employment opportunities for refugees as well as the promotion of self-employment projects to be considered.

- g.) Arrangements be made to meet the need for retraining refugees to help them acquire necessary skills, as well as the need for planning educational and training programmes for refugees in a well co-ordinated manner, bearing in mind the manpower requirements in the region so as to facilitate the employment of refugees.
- h.) Increased attention be paid to programmes that may benefit the training, education and employment of women who suddenly assume the role of mothers and breadwinners.
- i.) African governments to continue to increase their help to refugees by providing access to national educational institutions and to appropriate vocational guidance and placement services.
- j.) There should be programmes of institutional support to educational institutions in Africa in addition to programmes of scholarship support to refugees, in order to develop the school system in recipient countries while obtaining concessions for refugee admission.
- k.) The major scholarship awarding agencies to meet under the auspices of the Co-ordinating Committee of the OAU/BPEAR to co-ordinate policies (on rates, other benefits, criteria for terminating) in order to avoid duplication.
- l.) Consideration be given to fully fledged study as a co-operative effort between governmental and non-governmental agencies under the auspices of the Co-ordinating Committee of the OAU to review the real effect and impact of the scholarship assistance provided during past years.

- m) The universities and other educational institutions should be urged to charge the same fees to refugees as to their nationals.
- n) Consideration be given to special language courses to be arranged in host countries for refugees arriving from different language areas.
- o) All non-African governments, in a spirit of international solidarity, should be urged to:
 - i) adopt a more liberal attitude towards the admittance and resettlement of African refugees in Europe especially those who will benefit from studies outside the continent.
 - ii) mount an expanded education programme to cater for African refugee students.
- p) The OAU/BPEAR in cooperation with the ECA to review the 1967 UNECA list of priorities for education.
- q) Greater attention be paid to the training of trainers both in relation to liberation movements programmes and in relation to educational programmes oriented towards refugees in general.

5. COUNSELLING

The Committee had before it documents REF/AR/CONF/WP.13 and REF/AR/CONF/WP.15 pages 22 and 23.

The documents stress the importance of the role of the counsellor and the counselling services in general and the need to ensure that counsellors working on refugee problems are not only qualified professionals

but that they are also trained to handle refugee problems. The Committee noted that counselling as a profession is relatively new in Africa and that there is therefore an acute shortage of the required manpower. Due largely to this shortage and to lack of understanding of what counselling really entails, most African governments tend to appoint people with no professional qualification as counsellors and, worse still, tend to burden them with all types of work that have nothing to do with counselling. The Committee recommended that counsellors should be limited to counselling work alone and not be given other jobs to do.

The Committee observed that since the process of counselling and guidance is directly related to the problems of refugees as individuals, the hardships they meet, and their expectations of finding solutions in their countries of asylum, the establishment of refugee services should be viewed with flexibility taking into account the conditions prevailing in the host countries as well as in the countries of origin, the needs of refugees as individual human beings and, if they belong to liberation movements, the needs of those movements. To be effective and to achieve good results, refugee counselling services in every country should involve as far as possible the refugees themselves and, where they exist, their liberation movements as well. It is also important that refugees are given adequate orientation before and after their arrival in the host country.

The Committee stressed the need to have efficient and effective counselling services and urged all governments to establish national committees and set up counselling services or, where they already exist, strengthen them, if necessary with the assistance of international organisations. In this connection, the Committee also urged all governments to ensure that counselling officials are properly trained not only in counselling but also in the special problems of refugees. Where they exist, liberation movements should be directly involved, possibly, by training their own men for counselling service among their people.

The Committee discussed the role played in refugee counselling services by national governments, the OAU/BPEAR, the UNHCR and the other international organizations dealing with refugee problems, and concluded that each one of them has an important role to play but that to make this role effective they need to co-ordinate whatever they do in the interest of refugees both at the country and at the continental level.

The Committee agreed that at the country level, governments are the only authorities to decide whom or which of the international agencies to consult or bring into their national refugee counselling committees, but that the OAU/BPEAR should be able to bring to the attention of the governments any adverse information it may have on individuals or agencies whose membership of the national committees may be detrimental to the interests of the refugees or, where they exist, of the liberation movements.

RECOMMENDATIONS

- a) Counselling services should be provided with appropriately trained counsellors. Only persons with the relevant basic qualifications should be entrusted with the responsibility of assisting refugees to meet their immediate needs and help them plan their future realistically.
- b) Counsellors should be provided with orientation courses on refugee problems and needs, on procedures to be followed by refugees in the country of asylum, as well as other relevant information.
- c) In-service training in various forms should be made available to counsellors, and should concentrate on up-grading their skills and generally enabling them to continue to develop

professionally. Well prepared seminars should be organised periodically involving counsellors from more than one country to permit an exchange of ideas and experience.

- d) Counsellors should have the benefit of professional supervision.
- e) Handbooks should be prepared by the OAU/BPEAR in co-operation with the UNHCR and other appropriate agencies to meet the distinctive requirements of:
 - i) refugees
 - ii) counsellors
 - iii) immigration officers and other government officials

The handbooks should provide basic information on matters affecting refugees such as:

- i) the rights and obligations of refugees;
 - ii) the functions of refugee-serving agencies;
 - iii) eligibility procedures for refugees;
 - iv) asylum;
 - v) work permits, employment openings and educational opportunities.
- f) The refugees themselves and where applicable, the national liberation movements should be given the opportunity to be more directly involved in counselling services.
- g) Where appropriate, governments might initiate in co-operation with UNHCR and other intergovernmental organisations and voluntary agencies a comprehensive survey of refugee counselling services with a view to improving existing services or establishing new ones.

- h) "Refugee situations and problems" should be considered for inclusion in the curriculum of schools of social work. As an interim measure, orientation courses on refugee problems and needs should be set up on an ad hoc basis for those who are currently involved in refugee counselling services.
- i) National social services should be encouraged to enlarge their field of activity to include refugee issues and problems, and be assisted in such a way that they could gradually take over the responsibility of providing counselling services to refugees in their countries.
- j) Where appropriate, counselling services should be operated jointly by governments UNHCR and appropriate organisations and agencies concerned with refugee work.

6. POLICY ISSUES AND ADMINISTRATIVE PROBLEMS

The Committee had before it documents REF/AR/CONF/WP.14 and REF/AR/CONF/WP. 15, pages 26 and 28.

The documents emphasise the need for governments to adopt national policies to regulate the activities of refugees and of officials dealing with refugee matters so as to ensure the welfare of refugee populations as well as of the nationals of the host countries and to ensure that the presence of refugees in a country does not become a source of friction between the countries of asylum and of origin of the refugees. The policies should take into consideration the status of refugees, their protection from expulsion, their education and employment and the issuance of travel documents and identity papers to them. Refugee-serving agencies such as the OAU/BPEAR, UNHCR also need to have policies which should be complementary to the national policies of governments.

In discussing this subject, the Committee dwelt almost exclusively on the past performance of the OAU/BPEAR and the role that it should be able to play in helping refugees vis-a-vis the national governments on the one hand and the UNHCR and the other refugee-serving international organisations on the other. The opinion was expressed that in view of the persistence and the rapidly increasing numbers of refugees on the continent, consideration should be given to the creation of an inter-governmental African body outside the framework of the OAU Secretariat, but responsible to the OAU Council of Ministers, to handle all matters affecting refugees on the continent. A permanent solution of the refugee problem in Africa it was argued, can be found only by African governments and they should therefore be able to take on greater responsibility, financial and otherwise, for ensuring the welfare of African refugees and not leave it to international organisations and voluntary agencies. The OAU/BPEAR as at present constituted, it was further argued, is incapable of dealing effectively and satisfactorily with the refugee problem in Africa as a whole.

As against this, the view was also expressed that the OAU and its Member States will clearly not be able to handle the African refugee problem by themselves, considering the vast financial outlay involved. The welfare of refugees, whether in Africa or elsewhere, is the direct responsibility of the UNHCR of which African States form about one-third of the membership. The OAU/BPEAR, working under the direction of the Co-ordinating Committee and the Committee of Ten of the OAU, is only meant to complement the work being done by the UNHCR. Admittedly, the OAU/BPEAR had certain difficulties in the past and was therefore not able to perform the functions expected of it satisfactorily. Now, however, it is in the process of being restructured after which it is hoped that it will have competent personnel to perform the functions expected of it. In this connection, consideration would be given to

having the Co-ordinating Committee and the Committee of Ten of the OAU, which are the policy making organs on refugee matters, to meet more regularly and at set intervals.

The Committee noted the assurance given by the OAU Secretariat and urged that everything should be done to ensure that the restructured OAU/BPEAR lives up to what is expected of it. On the other hand, the Committee also urged that all OAU Member States as well as the UNHCR and all international aid-giving organisations give greater support and assistance to the OAU/BPEAR.

The Committee was with the view that a call be made to the UNHCR and other international agencies that have not yet given recognition to the 1969 OAU Convention on Refugees to do so as soon as possible.

RECOMMENDATIONS

- a) Recognising the importance of the essence of the humanitarian element of the international conventions on refugees, the OAU Member States which have not yet done so, would do well to accede to the UN Convention of 1951, the Protocol of 1967 and the OAU Convention of 1969. All Member States to proceed to enact - or where it may be the case, amend - national legislations according to those international instruments to secure a speedy recognition of refugees as individuals as well as in groups, where necessary.
- b) In connection with such recognition, an identification document should be issued to refugees, to grant them protection and basic rights and to enable governments to assess the extent of the refugee population in their countries.

- c) Noting with concern the increasing number of African refugees, aware of the fact that no programme of assistance for refugees can succeed without clearly defined policies of governments and bearing in mind that agencies desirous of finding ways and means of alleviating the misery and sufferings of refugees as well as providing them with assistance depend on governments to take the lead;
- i) Governments are urged to set up national machinery, where it does not already exist, as soon as possible.
- ii) The mandate of such a national machinery should include:
- A. Defining and implementing under its supervision national policies for assistance to refugees;
 - B. Advising on the enactment and amendment, whenever needed, of national refugee legislation which would constitute an essential instrument for the protection of and assistance to refugees;
 - C. Acting as a focal point for the co-ordination of assistance programmes at the national level in co-operation with all concerned with and involved in refugee problems;
 - D. Promoting and assisting the creation of refugee counselling services or strengthening the refugee counselling services where they already exist.
- d) OAU Member States, the UNHCR, other inter-governmental organizations aid-giving agencies and voluntary agencies involved in refugee work give more assistance and support to the OAU/BPEAR so that it can discharge its responsibilities as originally entrusted to it.

- c) The follow up of the implementation of the recommendations of this Conference, will be the primary responsibility of the OAU working in co-operation with the UNHCR in accordance with the provisions of the agreement of co-operation signed between the two organizations. Member States of the OAU, the UNHCR and other inter-governmental organizations and voluntary agencies who have substantial assistance programmes to African refugees as one of their major functions and who are responsible for the actual implementation of the recommendations shall keep the Secretary General of the OAU constantly informed of their work in this regard. The Secretary General of the OAU may convene as appropriate consultative meetings for agencies concerned with the implementation of the recommendations. He shall also submit periodically progress reports on the implementation of the recommendations to the OAU Council of Ministers.

CLOSING

The Somali delegation, on behalf of the participants and observers, expressed a word of thanks on the appreciation of the able manner in which the Chairman conducted the business and the difficult task of the deliberations of Committee B.

In return the Chairman thanked the distinguished delegates and observers for their co-operation and understanding which helped him to bring the business of Committee B to a successful conclusion. He declared the meeting closed at 20:15 pm. on 16th May 1979.

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CLOSING SPEECH BY THE MINISTER OF EXTERNAL AFFAIRS OF BOTSWANA
AS CHAIRMAN OF THE SOCIAL, ECONOMIC, INSTITUTIONAL, ADMINISTRATIVE
AND FINANCIAL PROBLEMS COMMITTEE B OF THE CONFERENCE ON THE
SITUATION OF REFUGEES IN AFRICA, ARUSHA 7-17 MAY 1979

My Friends,

If I choose not to address you as "Your Excellencies, My Lords, Honourable and Distinguished personages" or some such high sounding and pedantic designation it is because, to mollify some creeping feeling of unhappiness within me, I wish to protract, for as long as possible, the atmosphere of fraternal informality which characterised Committee B from the very first day and has prevailed throughout.

We have now completed our assignment and, although one knew that that had been the objective, one feels a little sad to see this Committee disband and cease to be. Reasons for this somewhat nostalgic feeling are not far to seek - your honest and balanced consideration of the refugee phenomenon, your sympathetic insights into the problem and your understanding of the plight of refugees together with your sincere desire to seek effective ways of alleviating their suffering and improving their lot, transformed what could easily have deteriorated into a matter-of-fact drudgery into a divine mission. This goes some way, albeit a very short way, to enhancing a better image of Africa and the better appreciation of the humanitarianism of voluntary agencies and some non-African government bodies. For all this, my gratitude to you is boundless. Without your co-operation the task would not have been accomplished.

One distressing fact however is that we have been dealing with refugees and not with the causes of refugeeism and their removal. One hopes that history will not indict us nor posterity judge us harshly for our failure to face up to our responsibilities and that the objective and

scientific discussion of that topic will not then constitute a travesty of the sovereignty of the principle of the sovereignty of States and interference in their internal affairs for, conversely, an influx of refugees into foreign states is in itself interference in their peace, tranquility and orderly development. This we leave to the future.

For now, I thank the interpreters and the silent performers, secretaries, technicians, general handy staff and cleaners. Their contribution to the success of our Committee is highly commendable.

I thank you for the kind sentiments about me expressed by Somalia on your behalf. I must say that the honour goes to my country Botswana of which I am but a humble, inadequate but faithful representative.

I look forward to our working together in the future whenever we should be called upon again to perform whatever function and wherever.

I thank you.



1979-07

Report of the Administrative Secretary General on the conference on the situation of Refugees in Africa held in Arusha, Tanzania from 7-17 May 1979

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