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REPORT OF THE ADMINISTRATIVE SECRETARY GENERAL
FOR THE MEETING OF THE OAU COMMISSION
ON REFUGEES HELD IN ADDIS ABABA FROM
17th to 23rd JUNE 1968



CM 0228

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The Council of Ministers meeting at its Second Ordinary Session in Lagos, Nigeria from 24th to 29th February 1964 adopted a Resolution CM/Res.19 (II) which set up an Ad Hoc Commission on Refugee Problems in Africa. The Commission, consisting of Burundi, Cameroon, Congo Kinshasa, Ghana, Nigeria, Rwanda, Senegal, Sudan, Tanzania, and Uganda, was asked to examine;

- (a) The Refugee Problem in Africa and make recommendations to the Council of Ministers on how it can be solved;
- (b) Ways and means of maintaining refugees in their country of asylum.

2. Since its creation the OAU Commission on Refugees has held four full Sessions and its sub-Committee of Legal Experts has met thrice.

3. Towards the end of 1964, the Commission, on the invitation of the Governments concerned, made a tour of refugee settlements in Burundi, Uganda and Tanzania. As a result of its examination of the Problem of Refugees in these countries of asylum and of its consultation with the Governments concerned, the Commission made certain recommendations to the Council of Ministers in accordance with the mandate given to it in Resolution CM/Res.19 (II). It was later decided that the 1951 universal Convention on the Status of Refugees did not cover certain aspects of Refugee Problems in Africa and therefore an OAU Convention relating to the Status of Refugees in Africa would be required. Consequently the Commission drew up a Draft Convention often referred to as the Kampala Draft which was presented with its second report to the Fourth Ordinary Session of the Council of Ministers which met in Nairobi from 26th February to 9th March 1965. By Resolution CM/Res.52(IV) the Council of Ministers established a Committee of Legal Experts nominated from Member States of the Ad Hoc Commission for the Problem of Refugees in Africa and requested the Committee to meet before 30th July 1965 for the purpose of examining the Draft Convention in the light of comments and remarks of Member States and to prepare a final Draft Convention for submission to the Fifth Ordinary Session of the Council of Ministers.

4. In compliance with resolution CM/Res.52 (IV) the Committee of Legal Experts of the OAU Commission on Refugees met in Congo-Kinshasa in July 1965 to review the Kampala Draft Convention which was considered to be a duplicate of the 1951 Convention. This revised Draft Convention known as the Leo-Draft, because it was prepared in Leopoldville now known as Kinshasa, was presented to the Fifth Ordinary Session of the Council of Ministers and the Second Assembly of Heads of State and Government held in Accra in October 1965. After careful consideration of the refugee problem in Africa as a whole, particularly the problem of subversion, and after noting the differences which still existed between the Draft Convention prepared by the OAU and the 1951 United Nations Convention to which 24 members of the OAU had already subscribed, the Assembly of Heads of State and Government adopted resolution AHG/Res.26 (II) on the Problem of Refugees in general and also resolution AHG/Res.27 (II) which was a Declaration on the problem of subversion. But because the OAU Draft Convention was still not considered satisfactory, operative paragraphs 6 and 7 of resolution AHG/Res.26 (II) stated as follows:

6. "Asks Members of the Refugee Commission established by resolution CM/Res.19 (II) to provide legal experts at the highest level possible to re-examine the draft OAU Convention on the status of refugees having regard to the views expressed by the Assembly at its present session and to report back to the Assembly;
7. "Requests Member States of the Organization of African Unity, if they have not already done so, to ratify the United Nations Convention relating to the Status of Refugees and to apply meanwhile the provisions of the said Convention to refugees in Africa."

5. Consequently the Committee of Legal Experts of the OAU Commission on refugees met again in Addis Ababa from 12th to 16th September 1966. After considering all the objections made to the OAU Draft Convention in comparison with the 1951 universal Convention and bearing in mind the views expressed on refugee problems at the Second Ordinary Session of the Assembly of Heads of State and Government in Accra, the Legal Committee prepared a Third OAU Draft Convention on Refugees, as contained in document CM/134, for presentation to the Seventh Ordinary Session of the Council of Ministers and the Third Ordinary Session of the Assembly of Heads of State and Government held in Addis Ababa from October to November 1966.

6. Although this new Draft Convention was prepared with the full co-operation of the United Nations High Commission for Refugees whose Regional representative in Africa attended all the Sessions of this meeting and although this new Draft contained certain Articles which were not included in the 1951 Convention but were considered to be absolutely essential for dealing with the new refugee situation in Africa; for example, the Articles on asylum, on the prohibition of subversive activities, on repatriation, on co-operation with the United Nations High Commission for Refugees and on settlement of disputes among parties to the OAU Convention which requested Member States to refer any disputes regarding its interpretation or application to the OAU Commission of Mediation, Conciliation and Arbitration, despite all the innovations included in the Draft Convention, the 7th Ordinary Session of the Council of Ministers was still not satisfied with the OAU Draft Convention. After a lengthy debate on the matter, the Council of Ministers, by resolution CM/Res.88 (VII) recommended that:

"Member States should continue their consideration of the various recommendations and of the provisions of the said draft convention and, taking into account the above considerations, convey their comments and observations, in writing, to the OAU Secretariat, with a view to the transmission of a final draft to the next session of the Council of Ministers."

7. Consequently, the General Secretariat again revised the Draft Convention in Document CM/134/annex IV Rev. I for the consideration of the Summit Conference in Kinshasa in September 1967 and presented also a report on the general situation of Refugee Problems in Africa. However, the 9th Ordinary Session of the Council of Ministers adopted resolution CM/Res.104 (IX), the second operative paragraph of which recommended; " That the OAU Commission on Refugees be instructed to adopt an instrument governing the specific aspects of the problem of African Refugees and that the adoption of that instrument by Member States be recommended".

8. The above historical narrative represents therefore what the OAU has done so far on the question of preparing an African Convention or instrument covering the specific aspects of the refugee problems that are peculiar to Africa.

REPORT ON THE FIFTH ORDINARY SESSION OF
THE OAU AD HOC COMMISSION ON REFUGEES
HELD IN ADDIS ABABA FROM
17 TO 22 JUNE 1968.

I. The session of the OAU ad hoc Commission on Refugees was opened on 17 June 1968 at 4.30 p.m by H.E. Mr. H.R. Amonoo, outgoing Chairman of the Commission. H.E. Mr. Diallo Telli, Secretary-General of the OAU, made the opening speech, welcoming the members of the Commission, which is composed of the following countries:

Burundi, Cameroon, Congo Kinshasa, Ghana, Nigeria, Rwanda, Senegal, Sudan, Tanzania and Uganda.

2. After the speech delivered by the Secretary-General of the OAU, the outgoing Chairman declared the meeting open and turned to the agenda, which comprised the following items:

- I. Election of officers
2. Adoption of the agenda (proposed by the General Secretariat)
3. Consideration of the draft instrument covering specific aspects of the African refugee problem
4. Any other business

3. The Commission decided by acclamation to re-elect the outgoing Chairman, H.E. Mr. H.R. Amonoo, Chairman of the Commission. Mr. Ibrahim Sow, delegate of Senegal, was elected Rapporteur.

4. With the agreement of the members of the Commission, it was decided that the Commission would meet from 9.30 a.m. to 1 p.m. and from 3 to 6 p.m.

5. A proposal to consider a given number of articles to be decided upon in advance as the minimum work for each day was rejected. Since it was intended to close the proceedings as early as possible, owing to the fact that some of the delegations had to leave Addis Ababa on Saturday 21 June 1968, it was decided that the Commission should consider the articles of the draft convention successively, without any restriction as to the number.

6. The Commission resumed its work on 18 June 1968, at 10 a.m. It was agreed that the text prepared by the General Secretariat and contained in Annex I to the Report should serve as the basic document for discussion. The Assistant Secretary-General in charge of the Political Department described the historical background of the Convention.

Owing to the rejection of the Convention by the Council of Ministers, in Kinshasa in September 1967, on the ground that it was lengthy and complex, the General Secretariat had prepared a simplified text to supplement the United Nations Convention on the Status of Refugees.

The new text submitted the Commission differs from the previous text in that it has been considerably reduced. Paragraphs 8 and 9 of the Preamble are new. Article I, paragraph 1, has been altered, while a completely new paragraph 2 has been suggested by a Member State. In Article II, only paragraph 6 is new. Article III, paragraph 1, has been slightly amended. Articles V and VI are entirely new.

7. The Commission agreed that it was unnecessary to discuss articles on which a decision had already been reached. Only new articles would be discussed unless there were an imperative need to do otherwise.

8. The title of the proposed text was given careful consideration. It was necessary to find a specific wording which would avoid any confusion with the United Nations Convention on Refugees. One delegation proposed the adoption of the term "instrument", which appeared in the resolution of the Council of Ministers. Senegal considered the term inappropriate. The term "Convention" was proposed by Ghana, who explained that the term "protocol", which had also been suggested, would presuppose the existence of an actual Convention to which it would be attached, while all Member States of the OAU had not acceded to the United Nations Convention. Uganda proposed that it should be left to the Council of Ministers to select a suitable title among those submitted. Several members of the Commission disagreed with the proposal, as they felt that the Commission itself should decide on the title to be adopted. The Commission finally decided in favour of the term "Convention", to be completed by a wording that would make it easy to distinguish from the 1951 Convention on Refugees. Thus the title adopted was "OAU Convention Governing the Specific Aspects of the Problem of Refugees in Africa". Further, the Commission decided to set up a drafting committee composed of Senegal and Ghana, to draw up the final text as a result of the deliberations.

9. On 20 June 1968 the Commission reconvened to consider the new text submitted by the drafting committee. The Preamble was adopted after an exchange of views.

Article I

Article I, paragraph 2, was slightly amended. The word "subversion" was considered ambiguous and replaced by "disorder". After it had been agreed that one could be a refugee only outside one's national territory, some changes were made in the paragraph, which was finally adopted as amended.

Paragraph 4 of the same article, which had been taken from the former text with the addition of new sub-paragraphs (f) and (g), was also adopted with a slight change relating to form.

Paragraph 3, also taken from the former text, was adopted without any discussion.

10. Article II

Paragraphs 4 and 6 were discussed. Paragraph 4 was considered at length by the delegates, who were anxious to find a specific formulation to express the necessity of aiding countries of asylum, whose position was sometimes difficult. An amendment proposed by Uganda was adopted with a slight alteration suggested by Ghana. In paragraph 6, the term "reasonable distance" was deemed ambiguous by some of the delegates, particularly by the delegate of Rwanda. For the sake of clarity, the Commission adopted the suggestion made by Rwanda that the words "for reasons of security" should be introduced at the beginning of the paragraph, with no further amendment.

11. Article III

Article III was adopted with a slight amendment: The words "any state whatsoever" were replaced by "any Member State of the OAU", so as not to jeopardize the activities of freedom fighters.

12. Article IV

After an exchange of views, Article IV was maintained.

13. Article V

Article V was adopted with the deletion of paragraphs 6, 7, 8, 9 and 10, which were considered superfluous.

14. Article VI

Former Article VI concerning extradition was deleted. It was decided that this article would be more appropriate within the context of the Convention on legal Cooperation on Extradition. The new Article VI in respect of travel documents was discussed at length. The representative of the General Secretariat was called upon on several occasions to intervene in the drafting of paragraph 1. Article VI, paragraph 2, on the question of travel documents without a return clause was debated at length. Finally it was decided that when an African country of second asylum accepts a refugee from a country of first asylum, the country of first asylum shall be dispensed from issuing a document with a return clause. The text was adopted as amended.

15. Article VII

Article VII was adopted without discussion.

16. Article VIII

Article VIII in respect of cooperation with the United Nations High Commission for Refugees was also discussed at length. The text prepared by the OAU General Secretariat was made clearer. The parts referring to resolutions AHC/Res. 26 and CM/Res.88 (VIII) were deleted; the substance, however, was maintained.

17. Article IX

After a long discussion Article IX was also adopted. Some delegates were of the opinion that this Article might conflict with Article 38 of the United Nations Convention on the Status of Refugees, because Article IX provides for recourse to the Mediation, Conciliation and Arbitration Commission of the OAU, while Article 38 of the United Nations Convention foresees recourse to the International Court of Justice.

18. Article X

Article X was adopted without discussion.

19. Article XI

Article XI was amended by replacing "two-thirds" of the Member States by "one-third" for the Convention to come into force.

20. Article XII

After an exchange of views, Article XII on the subject of amendment was adopted.

21. Article XIII

It was decided that a new Article XIII dealing with denunciation be drafted.

22. Article XIV

Article XIV, supplemented by a sub-paragraph (d) providing for possible denunciation in accordance with Article XIII, was adopted after a slight amendment.

23. The question of a new article providing for the possibility of Member States to make reservations on one or more articles of the Convention was raised, followed by lengthy discussions. It was decided to submit this question to the Council of Ministers at its next meeting.

All the provisions of the present Convention were unanimously adopted.

24. The Commission went on to the next item on the agenda: Other Business.

25. The representative of the General Secretariat gave some information concerning the Refugee Bureau recently established under the OAU General Secretariat. A general review of the activities of the Bureau was given. The Assistant Secretary General called upon Member States of the OAU to assist this office in fulfilling its task effectively. The representative of the Bureau then gave a brief account of missions to Geneva, London and Leyden (Netherlands).

26. The Assistant Secretary General then drew the Commissions' attention to resolution CM/Res. 104 (IX) recommending that the OAU Commission for Refugees assist both countries of origin and countries of asylum in drafting terms and conditions for the safe return of refugees to their countries of origin.

27. The Commission considered Recommendation No IV of the International Conference on African Refugees held in October 1967. This Recommendation suggested that practical means be for the return of refugees to their countries of origin. Some of these suggestions were included in the Convention. The remaining suggestions were also considered important and were urgently recommended to Member States and to the Council of Ministers for consideration and implementation.

The Commission having finished the items on its agenda, the meeting was adjourned by the Chairman at 7.30 p.m.

OAU CONVENTION GOVERNING THE SPECIFIC ASPECTS
OF THE PROBLEM OF REFUGEES IN AFRICA.



OAU CONVENTION GOVERNING THE SPECIFIC ASPECTS
OF THE PROBLEM OF REFUGEES IN AFRICA.

PREAMBLE

We the Heads of State and Government assembled in the
city of _____, _____

Noting with concern the existence of the growing
numbers of refugees in Africa and desirous of finding ways and
means of alleviating their misery and suffering as well as
providing them a better life and future,

Recognizing the need for an essentially humanitarian
approach towards solving the problems of refugees,

Aware, however, that refugee problems are a source of
friction among several Member States, and desirous of eliminating
such discord,

Anxious to make a distinction between a refugee who
seeks a peaceful and normal life and a person fleeing his country
in order to subvert it from outside,

Determined that the activities of such subversive elements
should be discouraged, in accordance with the Declaration on the
Problem of Subversion and the Resolution on the Problem of
Refugees adopted at Accra in 1965,

Conscious that the Charter of the United Nations and
the Universal Declaration of Human Rights have affirmed the
principle that human beings shall enjoy fundamental rights and
freedoms without discrimination,

Convinced that all the problems of our continent must
be solved in the spirit of the Charter of the Organization of
African Unity and in the African context,

Recognizing that the United Nations Convention of 28 July 1951, as modified by the Protocol of 31 January 1967, constitutes the basic and universal instrument relating to the status of refugees and reflects the deep concern of States for refugees and their desire to establish common standards for their treatment,

Convinced that the efficiency of the measures recommended by the present Convention to solve the problem of refugees in Africa necessitates close and continuous collaboration between the Organization of African Unity and the United Nations High Commission for Refugees

HAVE AGREED as follows:

Article I

Definition of the term "Refugee"

1. For the purposes of this Convention, the term "refugee" shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or internal disorder affecting either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.
3. In the case of a person who has more than one nationality, the term "a country of which he is a national" shall mean each of the countries of which he is a national and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

4. This Convention shall cease to apply to any refugee if:
- (a) he has voluntarily re-availed himself of the protection of the country of his nationality, or
 - (b) having lost his nationality, he has voluntarily re-acquired it, or
 - (c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality, or
 - (d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;
 - (e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;
 - (f) he has committed a serious non-political crime outside his country of refuge after his admission to that country as a refugee;
 - (g) he has seriously infringed the purposes and objectives of this Convention.
5. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:
- (a) he has committed a crime against peace, a war crime, or a crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
 - (c) he has been guilty of acts contrary to the purposes and principles of the Organization of African Unity;

- (d) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article II

Asylum

1. Member States of the OAU shall use their best endeavours consistent with their laws and constitutions to receive all refugees and to secure the settlement of those refugees who, for well-founded reasons, do not want to return to their country of origin or nationality.
2. The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.
3. No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2.
4. Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the OAU, and such other Member States shall in the spirit of African unity and international co-operation take appropriate measures to lighten the burden of the Member State granting asylum.
5. Where a refugee has not received the right to reside in any country of asylum, he shall have a prior claim to temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangement for his resettlement in accordance with the preceding paragraph.
6. For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.

Article III

Prohibition of Subversive Activities

1. Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the OAU.

2. Member States shall undertake to prohibit refugees residing in their respective territories from attacking any Member State of the Organization of African Unity, either through press or radio, with arms, or through any other activities which may cause tension between the Member States.

Article IV

Non-Discrimination

Member States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article V

Voluntary Repatriation

1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.

2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of the refugees requesting repatriation.

3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country and subject them to the same obligations.

4. Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the OAU, inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without

fear of being molested or punished, and that the text of such appeal should be given to refugees and properly explained to them by their country of asylum.

5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every necessary assistance by the country of asylum, the country of origin, and by the voluntary agencies, the international and intergovernmental organizations, to facilitate their return.

Article VI

Travel Documents

1. Subject to Article III, Member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto, for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. Member States may issue such a travel document to any other refugee in their territory.

2. Where an African country of second asylum accepts a refugee from a country of first asylum, the country of first asylum shall be dispensed from issuing a document with a return clause.

3. Travel documents issued to refugees under previous international agreements by Parties thereto shall be recognized and treated by Member States in the same way as if they had been issued pursuant to this Article.

Article VII

Co-operation of the National Authorities with the Organization of African Unity

In order to enable the Administrative Secretary-General of the Organization of African Unity to make reports to the competent organs of the Organization of African Unity, Member States undertake to provide the Secretariat in the appropriate form with information and statistical data requested concerning:

- (a) the condition of refugees;
- (b) the implementation of this Convention, and
- (c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article VIIICo-operation with the United Nations High Commission for Refugees

1. Member States shall co-operate with the United Nations High Commission for Refugees.
2. Member States shall apply the provisions of the United Nations Convention of 28 July 1951 relating to the Status of Refugees, as modified by the Protocol on the Status of Refugees of 31 January 1967.
3. The present Convention shall be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugees.

Article IXSettlement of Disputes

Any dispute between Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the Mediation, Conciliation and Arbitration Commission of the Organization of African Unity, at the request of any one of the Parties to the dispute.

Article XSignature, Ratification and Accession

1. This Convention is open for signature to all Member States of the Organization of African Unity and shall be ratified by Member States in accordance with their respective constitutional processes. The instruments of ratification shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
2. The original instrument, done if possible in African languages; in English and French, all texts being equally authentic, should be deposited with the Administrative Secretary-General of the Organization of African Unity.
3. Any independent African State Member of the Organization of African Unity may at any time notify the Administrative Secretary-General of the Organization of African Unity of its accession to this Convention.

Article XIEntry into force

This Convention shall come into force as of the day of deposit of the instrument of ratification by one-third of the Member States of the Organization of African Unity.

Article XIIAmendment

This Convention may be amended or revised if any Member State makes a written request to the Administrative Secretary-General to that effect, provided that the proposed amendment is not submitted to the Assembly of Heads of State and Government for consideration until all Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of the Member States Parties to the present Convention.

Article XIIIDenunciation

1. Any Member State Party to this Convention may denounce its provisions by a written notification to the Administrative Secretary-General.
2. One year from the date of such notification, if not withdrawn, the Convention shall cease to apply with respect to the denouncing State.

Article XIVNotifications by the Administrative Secretary-General of the
Organization of African Unity

The Administrative Secretary-General of the Organization of African Unity shall inform all Members of the Organization:

- (a) of signatures, ratifications and accessions,
in accordance with Article X;
- (b) of entry into force, in accordance with
Article XI;
- (d) of denunciations, in accordance with Article XIII.

IN FAITH WHEREOF WE, the Heads of African State and
Government, have signed this Convention.

DONE in the City of
this day of19.....

RECOMMENDATION IV
VOLUNTARY REPATRIATION AND SETTLEMENT OF
FORMER REFUGEES IN THEIR COUNTRY OF ORIGIN

THE CONFERENCE

HAVING EXAMINED the question of voluntary repatriation of refugees in Africa,

NOTING that voluntary repatriation is the best solution to refugee problems,

RECALLING the efforts and bilateral or multilateral agreements concluded between various African States to facilitate the voluntary repatriation of refugees,

RECOMMENDS that African States continue to be guided by the following principles in regard to repatriation:

1. That the essentially voluntary character of repatriation be respected in all cases and no refugee be repatriated against his will;
2. That the country of asylum, in collaboration with the country of origin, make adequate arrangements for the safe return of the refugees requesting repatriation;
3. That the country of origin, on receiving back refugees facilitate their resettlement and grant them the full rights and privileges of nationals of the country and subject them to the same obligations;
4. That refugees who voluntarily return to their country be in no way penalized for having left it for any of the reasons giving rise to refugee situations. That whenever necessary an appeal should be made through national information media and through the Administrative Secretary General of the OAU inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being molested or punished, and that the text of such appeal should be given to refugees and properly explained to them by their country of refuge;

RECOMMENDATION IV

5. That refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, should be given every necessary assistance by the country of refuge, the country of origin, and by the voluntary agencies, the international and intergovernmental organizations to facilitate their return;

6. That, in conformity with Article 1.C 5 of the United Nations Convention of 1951, refugee status ceases to apply to any person if the circumstances as a result of which he became a refugee have ceased to exist;

7. That every possible step should be taken to eliminate the causes, whatever they may be, which have forced refugees to leave their country;

8. That the country of origin should help returning nationals to resettle and to take up a normal and peaceful life, with the help of international organizations where necessary, and that all the planning and executive facilities contemplated for the intergration of refugees in their country of asylum should, wherever possible, be made equally available to them when they return to their homes.

9. That inter-governmental committees for aid to returning refugees should be set up, consisting of representatives of countries of origin and of countries of asylum and also representatives of refugees and of international organizations, with the approval of the governments concerned.

10. That the United Nations General Assembly should adopt a resolution broadening the terms of reference of the UNHCR to enable it to assist governments in their endeavour to aid former refugees who have returned to their homeland.

11. That an inter-African Committee for African Refugee migration should be set up to deal with the transport of refugees, from one country to another.

ORGANIZATION OF
AFRICAN UNITY
SECRETARIAT
P. O. Box 3243

ADDIS ABABA

ORGANISATION DE L'UNITE
AFRIICAINE
SECRETARIAT
B. P. 3243

COUNCIL OF MINISTERS
Eleventh Ordinary Session
Algiers - September 1968

CM/228/Add.1

REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL
OF THE OAU ON THE ACTIVITIES OF THE OAU BUREAU
FOR THE PLACEMENT AND EDUCATION OF AFRICAN REFUGEES



REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL
OF THE OAU ON THE ACTIVITIES OF THE OAU BUREAU
FOR THE PLACEMENT AND EDUCATION OF AFRICAN REFUGEES

1. In accordance with paragraph 5 of Recommendation I of the Conference on the Legal, Economic and Social Aspects of African Refugee Problems, adopted by Resolution CM/Res.141 in February 1968, in a spirit of African Unity and for humanitarian reasons a Bureau for the Placement and Education of Refugees was established in the OAU. Because of his devotion to the African cause and his experience of public affairs, the General Secretariat of the OAU appointed Mr. M. L. Ba, Head of the Bureau. The Bureau started operations on 1 March 1968. Its activities are numerous and varied, and it is extremely gratifying to be able to announce that there has already been some positive and encouraging response to the Bureau's letters to the Member States of OAU and to international organizations and voluntary agencies.
2. All the voluntary agencies which were informed of the establishment of the Bureau expressed pleasure at seeing it established within the OAU, affirmed their interest in the Bureau, and offered full co-operation in every field. These agencies have all asked to be closely associated with the work of the Standing Committee and the Consultative Board. Some of them have already taken part in the deliberations of the Standing Committee, where their co-operation and their long experience of humanitarian work have proved most valuable and have been deeply appreciated.
3. Pursuant to the provisions of Recommendation XI, a Standing Committee, meeting twice a month, and a Consultative Board meeting twice a year have been added to the Bureau. Both are composed of representatives of the ECA, the UNHCR, the ILO, UNESCO, the OAU and non-governmental organizations. The Committee co-ordinates with the Bureau the various efforts required of inter-governmental organizations with a view to enabling it to carry out its tasks in the most effective way, which the Board, composed of the same members and observers from non-governmental organizations interested in the refugee problem, is required to advise the Bureau on general policy.

- (d) In co-operation with interested national and international organizations, screen and establish dossiers:
 - (a) for existing pockets of individual refugees in Africa, in Zambia, Tanzania, Kenya, Uganda and Ethiopia, receiving financial aid from voluntary organizations, and,
 - (b) for African refugees outside the continent with a view to ascertaining their suitability for
 - (a) education or training,
 - (b) re-training,
 - (c) employment,
 - (c) To establish, in co-operation with voluntary organizations and interested national and international organizations, scholarship programmes in relation to the needs of Africa.

General Policy

The Bureau's policy on placement must take into consideration the actual capacities of refugees for whom work or training must be found in a country other than the country of first asylum, and the actual conditions of the refugees in their second country of asylum, particularly as regards the legal rights and the social benefits to which they may be entitled.

The budget makes provision for two-level organizations:

- (a) the Bureau in Addis Ababa;
- (b) correspondents in each African country.

Correspondents shall, as far as possible, be chosen from among high national officials whose administrative responsibilities have a bearing on the questions of employment and training. In some cases, the Bureau may appoint as correspondents a representative of the national Red Cross or Red Crescent Society. The correspondents will be associated with the national or local committees already existing in some African countries, whose work is to ensure collaboration on education and employment between governmental depart-

ments and representatives of the inter-governmental and non-governmental organizations concerned.

7. Categories of Refugees

The budget covers three categories of refugees which the Bureau is called upon to assist, i.e.:

- (a) refugees who have completed their training and must find work;
- (b) refugees who must either finish their training or re-train for different jobs so as to find work more easily;
- (c) refugees in special positions in the country of first asylum, who must seek refuge in another country as quickly as possible. These refugees sometimes have to find a provisional transit country and must be supported while a long-term solution is being sought. It should be noted that in some cases the problem of transit may also arise for refugees in the first two categories.

8. Work of the Bureau on Education and Vocational Training

In accordance with Recommendation XI of the conference on the Legal, Economic and Social Aspects of the African Refugee problem, the Bureau will collect information on possibilities for education and vocational training in Africa, and supply it to interested organizations. In this connection the Bureau will take as a basis the provisions of Recommendation X on education and training.

9. Work of the Bureau on Employment

The Bureau will operate as a labour exchange to find work for refugees who have already been trained or who have certain qualifications. To this end the Bureau may make a survey of current employment needs in African countries. It will set up a card-index of names of refugees who have either finished their studies or are about to do so, and are looking for work. The Bureau will take as a basis the provisions of Recommendation X on placement and manpower. Four applications for employment received from South African University students were conveyed to the Member States. One of them is favourably considered by two States.

10. Budget

The overall budget of the Bureau for the Placement and Education of Refugees is composed of two separate parts the administrative costs of the Bureau in Addis Ababa and the operational costs. The O.A.U. has planned to meet all the administrative costs out of the budget of the General Secretariat, as follows:

- I. (a) Personnel in charge of the Bureau (Head of Bureau, Assistant and Secretary)
- (b) Postage and stationery

II. Operational expenditure

- (a) Correspondents (cost of their Secretariat)
- (b) Inland missions of members of the Bureau
- (c) Education
 - (i) University level,
 - (ii) Technical education
 - (iii) Travel of scholars
- (d) Resettlement

The Bureau has appealed to the UNHCR and to voluntary agencies in regard to financing. The contacts made are very promising.

11. As an indication, it is interesting to note the contributions made by the international and inter-governmental organizations which are members of the Standing Committee or of the Consultative Board.

The All-African Conference of Churches has already contributed US \$ 5,000.

12. The Office of the High Commissioner for Refugees has given definite assurances regarding its financial contribution and also in the matter of transport and education. Moreover, it has decided to increase the staff of its Addis Ababa regional office by sending out one of its officials an expert in resettlement, who will help the Bureau in matters of this kind.

13. The International Labour Organization has pledged itself to give grants for vocational training in ILO centres and, whenever necessary, to provide the Bureau with experts for studying the African manpower and employment situation.

14. UNESCO is to give study grants as part of its educational work for refugees.
15. The Economic Commission for Africa is already working very closely with the Bureau by providing the results of its expert studies on the needs of African States for managerial staff and skilled and semi-skilled labour.
16. The Secretary-General of the United Nations has responded very favourably to all the letters written to him on the subject of the BPE, which has his full support and co-operation.
17. The Administrative Secretary-General of the O.A.U. urgently appeals to all Member States to help the Bureau carry out its tasks in the most efficient way, and relies on all governments to supply it with the essential resources necessary for its activities.



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Report of the Administrative Secretary-General for the Meeting of the OAU Commission on Refugees held in Addis Ababa from 17th to 23rd June 1968

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