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REFUGEES, DISPLACED PERSONS AND VICTIMS OF NATURAL DISASTERS

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1. Until recently, Africa was known to have the largest refugee population in the world. In June 1984, the global figure was given as within the limits of three millions. 1/

2. To such an undesirable world record, Africa is now adding another one, as the figure of displaced persons and of victims of drought and other natural disasters is daily increasing 'having reached approximately 10 million people'. 2/

### Refugees

3. Concerning refugees, they can be divided into four major categories:

(a) Those who have fled the stranglehold of the apartheid regime in South Africa;

(b) Those who could be taken as the remnants of the struggle against the colonial rule;

(c) Those who are the victims of internal strifes and social unrests; and

(d) Those who crossed boundaries because of inter-State problems. 3/

4. The refugee problem has been given attentive consideration along the years, through adoption of adequate resolutions by the OAU institutional bodies, convening meetings entirely devoted to the review of all aspects of the refugee problem in Africa, adoption and entry into force of an OAU Convention on Refugees, etc., to mention the sustained efforts of UNHCR and its laudable field activities in favour of the refugees in the African region, or the attention given to this problem by the United Nations General Assembly which, inter alia, convened two international conferences on assistance to refugees in Africa.

1/ Cf. Statement by the Secretary-General a.i. of the Organization of African Unity on the occasion of OAU Refugee Day, Addis Ababa, 20 June 1984 (Cyclostyled OAU document without reference).

2/ Cf. Adebayo Adedeji, Statement to the Forty first Session of the Council of Ministers of the Organization of African Unity, 28 February 1985 (Cyclostyled ECA document without reference).

3/ Id., Statement to ICARA II, 10 July 1984, page 2.

5. While a study of the root causes of asylum-seeking in Africa is under way, with whose implementation African countries are invited to closely associate themselves,<sup>4/</sup> consideration should be given to the fact that such a study should ultimately aim at preventing asylum-seeking from becoming one of the permanent features of the social situation in Africa. To that effect, and because of the complexity and delicate nature of the issues at stake, due attention should be given to the following general considerations and principles which should contribute to bringing about a new positive approach to refugee problems and issues in Africa:

(a) To learn to tolerate ideological differences, to resist external influences and to pursue political goals in a legitimate and democratic manner;

(b) To transcend tribalism and adhere to genuine national objectives commonly agreed upon, while allowing, accepting or, at least, tolerating dissent;

(c) To facilitate voluntary repatriation of refugees with a firm, open and, if possible, controllable commitment to settle the returnees without harassment or penalization. <sup>5/</sup>

6. The Second International Conference on Assistance to Refugees in Africa (ICARA II) adopted in July 1984 a Declaration and Programme of Action setting the path for durable solutions to refugee problems in Africa, and establishing, inter alia, that refugee assistance, while initially a humanitarian act, should be related to development assistance. The endorsement of the ICARA II Declaration and Programme of Action would confirm Africa's adherence to the principles laid down therein and its commitment to the implementation of such activities and programmes that could be engendered by or derived from that ICARA II official document.

7. However, attention should be given to the fact that refugees constitute a special group of uprooted persons, as their voluntary repatriation, which is the best solution to their problems, depends primarily on changing those conditions in their countries of origin which have pressed them to seek asylum from persecution.

#### Displaced persons and victims of natural disasters

8. Besides the refugees, there are other asylum-seekers in Africa who, unfortunately for them, are not covered by the existing international or regional instruments (on refugees) and whose living conditions and possible productive activities are

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<sup>4/</sup> Cf. Resolution on the root causes of refugees in Africa, OAU document CM/Res.952(XLI).

<sup>5/</sup> Cf. Strategies and action programmes for the implementation of the social aspects of the Lagos Plan of Action, pages 13 and 14 (Document ECA/OAU/AMSA.IV/7 of January 1965)

are seriously impaired. These are:

- (a) Those who are compelled by poverty or disappointed hopes to expatriate themselves;
- (b) Those who migrate in search of a job, because the general economic conditions in their own countries have so badly deteriorated that they have remained or become unemployed;
- (c) Those who cross internationally-recognized boundaries because the persistent drought has decimated all that was sustaining them in their increasingly impoverished environment; and
- (d) Those victimized by famine or by natural disasters.

9. The economic asylum-seekers, as well as the victims of natural disasters are not considered as refugees. However, because they are in a refugee-like situation they deserve, at least, as much attention, sympathy and assistance as the latter". 6/

10. "Estimates of displaced persons up to 1983 were 1,480,000. New drought-induced displacements are tentatively given as in the order of over 10 million people, of which an unknown number is without organized shelter, often near large cities and towns." 7/ Such massive population movements have retained worldwide attention and sympathy, and induced generous international assistance. However, the emergency phase with which Africa is now confronted should not prevent or delay short-, medium- and long-term planning of actions and measures that need to be taken, at the national, regional and international levels, so as to cope with the consequences of the situation obtaining, as well as with the exigencies of any similar situation should it occur again in the future.

11. The emergency stage which follows sudden population movements is always very demanding as it represents a serious disruption of on-going economic and social activities. However, it can be said that, somehow, it is taken care of through co-operation between the official authorities concerned and the humanitarian and aid-giving agencies, with assistance secured from the international donor community. In this respect, attention needs to be given to the following:

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6/ Cf. Adebayo Adedeji, Statement of ICARA II, page 3.

7/ Cf. Preliminary Perspectives for the African Emergency Situation and Rehabilitation Needs for 1985, page 12, para. 23, (Cyclostyled document dated 4 February 1985, prepared by the Special Representative of the Secretary-General on Africa's Economic Crisis in collaboration with relevant United Nations Organizations and Specialized Agencies).

(a) Emergency refugee situations trigger off a series of actions well defined and established in the manuals, handbooks and procedures of the UNHCR whose experience, in this connexion, helps mitigate the impact of the refugee flux. The co-operation of other refugee serving agencies contributes to easing the emergency phase;

(b) Emergency situations provoked by sudden population movements attributable to natural disasters or to deteriorating economic conditions require immediate provision of temporary shelter, relief comfort and survival items. As such situations are unpredictable and therefore difficult to monitor, the major problem that confronts the authorities in the assessment of the magnitude of the displacement and of its immediate requirements. Assistance from UNDRO, other emergency-assistance bodies and the international community contributes to large-scale relief operations that are needed. The second priority, during the emergency phase, is the availability of adequate infrastructure for the transport, settlement and rehabilitation of the displaced populations.

12. The foregoing implies that it is difficult to list a series of measures to be taken during the emergency phase, because each emergency situation has its own specificities that cannot be listed in advance to relate them to actions to be taken. The broad framework for action during this phase is that international solidarity on the one hand, and the reliability of existing, experienced and available humanitarian bodies on the other, contribute, under the responsibility of the local authorities concerned, to assuming and somehow containing the emergency, whatever its disruptive effects.

13. Unpredictable and sudden population movements, once their emergency requirements are covered, call for actions to be taken, at the national, regional and international levels, which are reviewed hereinafter. Almost all such measures were already submitted to, and approved by the Steering Committee entrusted with the preparations for the forthcoming Summit, 8/ However, the present document was conceived as an attempt to up-date, re-arrange and somehow expand the scope of the existing document, to elaborate on its substance and to try and specify measures intended for each one of the three social groups concerned, whose needs do not always coincide. Such an attempt is based, inter alia, on the recommendations adopted on this specific issue by the fourth Conference of African Ministers of Social Affairs, which convened in March 1985. 9/

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8/ Cf. Report of the First Meeting of the Steering Committee, Special Programme of Action for Improvement of the Food Situation and Rehabilitation of Agriculture in Africa, pp. 10 and 11 (cyclostyled OAU document STEERING/CTTEE/Rep.1).

9/ Cf. Draft report of the fourth Conference of African Ministers of Social Affairs, pp. 24-26, para 40, passim (cyclostyled document ECA/OAU/AMSA.IV/L of 26 March 1985).

14. At the national level:(a) Short-term measures

- (i) Collection and dissemination of reliable information and accurate statistical data on refugees and displaced populations to better monitor the situation, determine the needs, and secure the assistance required;
- (ii) Quantitative and qualitative assessment of the additional burden which population influx represent for the national economy, and of the social and economic implications of such burdens. Such an exercise may include the preparation and rapid implementation of assistance projects;
- (iii) Accelerated implementation of ICARA II humanitarian and developmental projects, for a more effective assistance to refugees (and eventually to other displaced populations);
- (iv) Creation of favourable conditions for the voluntary repatriation of refugees (amnesty laws, pardon proclamations, etc.);
- (v) Conception and definition of rehabilitation and settlement policies, strategies and programmes;
- (vi) Adaptation of existing national legislation to the situations obtaining either through its revision or through enactment of provisional stipulations better suited to cater for the needs of displaced populations;
- (vii) Setting-up of a central body to evolve a national policy of assistance to all groups of displaced persons, and to monitor programme implementation, so as to ensure mobilization of all resources available and to guarantee co-ordination of all activities and inputs contributed towards the relief and rehabilitation of the populations concerned.

(b) Medium-term measures

- (i) Training of personnel responsible for the implementation of programmes in favour of refugees, displaced persons and victims of natural disasters, for counselling and orientation services, for law enforcement (training to include special exposure to emergency situations, to rehabilitation techniques, to the most recent developments of the situation obtaining. It should be carried out on-the-job, and as frequently as needed);

- (ii) Preparation of national manuals/handbooks for the use of the staff involved in emergency situations, based on readily available information on procedures to be followed and actions to be taken, as contained in existing handbooks, after its adaptation to suit local conditions and to conform to the stipulations of national legislation;
- (iii) Adhesion to existing international or regional instruments on refugees, human rights, protection and welfare of the individual, the community, special social groups,
- (iv) Settlement of rural refugees and rural asylum-seekers natural disasters, within the framework of agricultural development programmes and projects to rapidly achieve self-reliance, and eventual osmosis with local populations, if their repatriation is either quite remote or impossible;
- (v) Employment placement of qualified refugees and economic asylum seekers in suitable jobs within the settlements, or in other income-generating activities conceived for the displaced and local populations, in such a way as to avoid competition for scarce employment opportunities, and to enhance harmonious relations between the displaced and local populations.

(c) Long-term measures

- (i) consideration and definition of the role to be assumed by the individual, the community, the various social groups in evolving and implementing national development policies and programmes, to foster genuine popular participation in the development process, thereby mitigating the impact of man-made or natural disasters;
- (ii) enactment of national legislation, or revision of the already existing ones, as the case may be, to define, guarantee and promote the rights of the individual and the community, as well as those of the various social groups, including the refugees, displaced persons and victims of natural disasters.

15. At the regional level

(a) Establishment of an African Centre for research and dissemination of information in matters relating to:

- (i) Refugee problems;
- (ii) Refugee and humanitarian laws;

(iii) The nature and magnitude of population movements attributable to man-made or natural disasters. 10/

(b) Setting up an inter-State machinery for the settlement of disputes, that should also define their socio-economic impact and consequences:

(c) Strengthening the existing regional structures and/or institutional bodies, especially within the OAU secretariat:

(i) to monitor all issues pertaining to refugees, displaced persons and victims of natural disasters, as well as to human and peoples' rights, and to natural disaster prevention and preparedness;

(ii) to evolve policies, strategies and programmes commensurate with the situations obtaining;

(iii) to implement and follow-up on all relevant resolutions adopted with regard to those issues;

(d) Implementation of inter-country or collective programmes and projects related to natural disaster prevention and preparedness.

(e) Comparative study of existing African national legislations pertaining to refugees and displaced persons, towards their harmonization.

#### 16. At the international level:

(a) Concerted efforts towards the identification, preparation and implementation of projects to benefit all segments of displaced (and local) populations, with the active assistance of the international community, IGOs and NGOs

(b) Setting-up of international early-warning systems to help prevent or prepare for natural disasters in Africa

(c) Relief and rehabilitation programmes for the displaced populations and victims of natural disasters, conceived in the light of available local means, as related to available or possible international assistance, and to technical, material and financial contributions from IGOs and NGOs, the basic principle being that assistance should always be development-oriented, and that humanitarian and developmental assistance should be closely inter-related.

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10/ The 1979 Arusha Conference on the Situation of Refugees in Africa adopted a recommendation on Dissemination of Refugee Law, which calls for the establishment of such a centre, under the auspices of OAU, UNHCR, UNESCO and UNCHR. It is suggested to expand the terms of reference of such a centre to serve as a multipurpose clearing house that would cater for the dire need for accurate information on all unpredictable population displacements in Africa, while conducting research on their impacts.