

The Addis Ababa Document on Refugees and Forced Population Displacements in Africa

Adopted by the OAU/UNHCR Symposium on Refugees and Forced Population Displacements in
Africa

8 - 10 September 1994

Addis Ababa, Ethiopia

(Held in Commemoration of the twenty-fifth anniversary of the adoption of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the twentieth year of its entry into force)

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Part One

Introduction

1. The OAU/UNHCR Commemorative Symposium on Refugees and Forced Population Displacements in Africa took place in Addis Ababa, Ethiopia, from 8 to 10 September 1994. The symposium was held to commemorate the twenty-fifth anniversary of the adoption of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (the "1969 OAU Convention") and the twentieth year of its entry into force on 20 June 1974.
2. The Symposium brought together representatives of almost all the Member States of the Organization of African Unity (OAU) and a number of the Member States of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees. Also represented were relevant organizations of the United Nations system, other inter-governmental organizations, non-governmental organizations, and academics from various parts of the world.
3. The participants in the Symposium have noted with satisfaction the important contribution that the 1969 OAU Convention has made to refugee protection and solutions in Africa. It has also inspired other regions of the world. While acknowledging the challenges facing the Convention, the Symposium reaffirmed its belief in the continued validity of the Convention as the regional foundation for providing protection and finding solutions for refugees in Africa. The Symposium also believed that the Convention provided a good basis for developing the legal tools and mechanisms for solving the problems of refugees and forced population displacements as a whole.
4. There have been positive developments in finding solutions for refugees in Africa, such as the successfully completed repatriation of South African refugees in 1993 and the continuing return home of over one million Mozambique refugees. However, new refugee emergencies have also occurred in many parts of the Continent. In fact, the refugee population in Africa has grown more than 10 times, from 700,000 to over 7,000,000, in the twenty-five years since the Convention came into existence in 1969. Moreover, in addition to the 7,000,000 refugees, one third of the world total, there are an estimated 20 million internally displaced persons on the African continent. But while the displacement crisis is growing, the political, financial and material support towards protecting and assisting refugees can no longer be taken for granted, as a result of various global developments.
5. The refugee flows impose intolerable security, social and economic burdens on the countries that have generously provided and continue to provide asylum. More seriously, they are symptomatic of the tragedy of the ethnic conflicts, social disintegration and political anarchy prevailing in some countries in Africa.

6. Thus, the anniversaries of the 1969 OAU Convention provide an opportunity not only to review the achievements of and challenges facing the Convention, but also to draw attention to the continuing urgency of the refugee and displacement crisis in Africa.

7. The recommendations contained in this document do not lose sight of many important initiatives, recommendations, decisions, declarations and plans of action which have preceded this Symposium, in Africa and elsewhere, and which have an important bearing on the refugee issue. Thus, in formulating its recommendations, the Symposium has drawn inspiration from, among others, the Recommendations of the Pan-African Conference on the Situation of Refugees in Africa, (Arusha, Tanzania, 7 - 17 May 1979, "The Arusha Recommendations"); the African Charter on Human and People's Rights of 1981; The Second International Conference on Assistance to Refugees in Africa (1984, "ICARA II Recommendations"); the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa ("SARRED", August 1988); the Khartoum Declaration on Africa's Refugee Crisis Adopted by the Seventeenth Extra-Ordinary Session of the OAU Commission of Fifteen on Refugees (Khartoum, Sudan, 20 - 24 September 1990); the Declaration Framework of Cooperation and Action Programme of the Horn of Africa Summit on Humanitarian Issues (Addis Ababa, Ethiopia, April 1992); the African Humanitarian Initiative for Sustainable Development (1993); the Cairo Declaration on the Establishment Within the OAU of a Mechanism for Conflict Prevention Management and Resolution (Cairo, June 1993); the Addis Ababa PARINAC Conclusions and Recommendations, (March 1994); the Oslo PARINAC Declaration and Plan of Action (Oslo, June 1994); and the Tunis Declaration on the 1969 OAU Convention Governing the Specific Aspects of Refugee - Problems in Africa (Tunis, June 1994).

Part Two

Recommendations

I. Root Causes of Refugee Flows and Other Forced Population Displacements

8. Refugee flows are a symbol of the crises which afflict many societies in Africa. In particular, most of the refugee flows are the result of armed conflicts and civil strife. Ethnic intolerance; the abuse of human rights on a massive scale; the monopolization of political and economic power; refusal to respect democracy or the results of free and fair elections; resistance to popular participation in governance; and poor management of public affairs all play a part in forcing people to flee their normal places of residence.

9. External factors have also played a part in at least contributing to forced population displacements. Historically, the main cause of coerced population displacements has been colonialism. Today, there is no question that international economic forces have contributed to the widespread poverty in Africa and to the widening gap between the poor and the rich. In many African countries, there is competition over scarce resources, and the human and physical environment has suffered degradation. Some States can no longer carry out the critical functions of government, including the control of national territory; oversight over the nation's resources; extraction of revenue; maintenance of an adequate national infrastructure; rendering of basic services such as sanitation, education, and housing; and governance and maintenance of law and order. All these factors contribute in one or another way to the root causes of displacement.

10. The Symposium has focused much of its discussions on the root causes of displacement and the imperative need to carry out preventive measures. Recognizing that conflicts are the major cause of displacement in Africa today, the participants echoed many times over the urgency of talking energetic measures to prevent conflicts or resolve them expeditiously after they have started. They called for decisive national and international measures to create stable, viable and progressive societies. Otherwise, refugee displacements would continue unabated, and prospects for the return of refugees to their countries origin would also remain elusive.

Recommendation One

The Member States of the Organization of African Unity (OAU) and the OAU Secretariat, in collaboration with the relevant inter-governmental and non-governmental organizations, should examine all factors which cause or contribute to civil conflicts, with a view to elaborate a Comprehensive Plan of Action for tackling the root causes of refugee flows and other displacements. Among others, the following issues should be examined: ethnic strife and conflict; the role of the arms trade in causing or exacerbating conflicts in Africa; the establishment of a firm foundation for democratic institutions and governance; the respect of human rights; the promotion of economic development and social progress, the obstacles to providing protection and humanitarian assistance to displaced persons; and the inter-relationship between humanitarian, political and military actions at an international level.

Recommendation Two

The political leadership of Africa should rise up to the challenges of practicing politics of inclusion and popular participation in national affairs, creating a firm foundation for responsible and accountable governance, and promoting social progress, economic development and a just and fair society.

Recommendation Three

In this context, the Symposium notes with satisfaction the activities of the OAU in conflict prevention and resolution. Bearing in mind the beneficial effects of such activities in preventing or reducing displacement, the Symposium:

- (i) recommends that the linkage between the activities of the OAU in conflict prevention, management and resolution and those on behalf of refugees and internally displaced persons should be strengthened.
- (ii) urges organizations involved in refugee and other displacement issues, and the international community at large, to support the activities of the OAU in conflict prevention, management and resolution.
- (iii) in particular, encourages those organizations, and the international community at large, to contribute generously to the OAU Peace Fund and to provide human resources, technical support advisory services and equipment to support the above-mentioned activities, in conformity with the relevant OAU guidelines.

(iv) further encourages them to support the OAU in elaborating and expanding its activities in the fields of human rights monitoring, the promotion of human rights and humanitarian law, election monitoring, the management of political transitions, and the development of early warning systems at national, sub-regional and continental levels.

Recommendation Four

The Symposium urges all parties involved in armed conflicts to respect the principles and norms of humanitarian law, particularly those aimed at protecting civilians from the effects of war, preventing their being subjected to attack, reprisals or starvation, or being displaced in conditions contrary to the provisions of Additional Protocol 11 to the 1949 Geneva Conventions on the laws of war.

II. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

11. As a regional complement of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, the 1969 OAU Convention has been a strong pillar for refugee protection and solutions in Africa. It has enabled the provision of asylum to refugees and the implementation of voluntary repatriation in a way that has consolidated brotherhood and comity among African States. It has also inspired the development of favourable refugee laws, policies and practices in Africa and indeed in other regions of the world, most notably in the Latin American region. The Convention remains the only international legal instrument which contains elaborate principles on the voluntary repatriation of refugees.

Recommendation Five

The Symposium reaffirms its belief in the continuing validity of the 1969 OAU Convention as the cornerstone of refugee protection and solutions in Africa. In this regard, and in order to implement the Convention more effectively, it is recommended that States:

(i) which have not already done so should ratify the Convention.

(ii) should uphold the principles of the Convention on the humanitarian nature of asylum, prohibit activities inconsistent with refugee status, safeguard refugees against refoulement or expulsion, actively promote voluntary repatriation, respect the principle of voluntariness in repatriation, and practice burden-sharing and solidarity among States.

(iii) should enact the necessary legislation and regulations so as to give effect nationally to the Convention and its principles.

(iv) with the support of the OAU, UNHCR, and other relevant organizations, provide training to government officials on the provisions of the 1969 OAU Convention and the principles of refugee protection in general, as well as promote those standards among the refugee and national populations as a whole.

(v) should courageously resist temptations to whittle down, through national policies, laws or practices, obligations and standards contained in the Convention.

Recommendation Six

Those regions of the world in which international or regional legal systems for refugee protection do not exist, or where the applicable regimes are under review, should consider the relevance of the 1969 OAU Convention. In this regard, the Symposium highlights the Convention's broad definition of a refugee, at provisions on the non-projection of refugees at borders and the prohibition of refoulement of refugees, and the respect of the voluntariness of refugee repatriation.

III. Refugee Protection in Africa

12. Most of the African States have acceded to the three major international instruments on refugees. 45 States have acceded to the 1951 Convention; 46 to the 1967 Protocol and 42 to the 1969 OAU Convention. Only 4 States in Africa have not yet acceded to at least one of these instruments. Throughout the continent, countries are generous towards refugees and many practice liberal asylum policies.

13. Nevertheless, the institution of asylum and the system of refugee protection are under tremendous stress in Africa. The large number of refugees seeking asylum in countries already themselves experiencing tremendous social and economic hardships, has brought into question the very capacity of nations to cope with refugees. In a number of countries, the basic principles of refugee protection are not being upheld. Refugees have been arrested and detained without charge. Others have been resumed against their will to places where their lives may be in danger. Yet others have been restricted to refugee camps or to remote, inaccessible locations where they are sometimes exposed to banditry, rape and other forms of criminality. Many have not been able to enjoy social, economic and civil rights.

14. This is partly the result of a combination of political, security, social and economic constraints whereby States are able to abide by their international legal obligations only under the most difficult and burden-some circumstances. Unfortunately, because of a global recession and the increased number of persons seeking asylum and humanitarian assistance world-wide, the international community's financial and material support to lighten the burden on African host countries has diminished.

Recommendation Seven

African States should abide by the letter and spirit of the 1969 OAU Convention and continue to uphold their traditional hospitality rewards refugees and their liberal asylum policies. In particular:

- (i) Refugees seeking admission into the territory of another State should not be rejected at the border or returned to territories where their lives may be endangered. Accordingly, Governments should not close their borders in order to refuse refugees admission.
- (ii) Governments should use their best endeavours to treat refugees according to the standards established under refugee law. In particular, they should ensure the personal

safety of refugees, local them in areas which are accessible, safe and where basic services and amenities can be provided, and enable them to regain a normal way of life.

Recommendation Eight

The international community, the United Nations, the United Nations High Commissioner for Refugees, and other relevant organizations, should support and assist host Governments in fulfilling their responsibilities towards refugees in a manner consistent with the principles of refugee law on the one hand, and legitimate national security, social and economic interests on the other hand. In particular, financial, material and technical assistance should be made available to:

(i) ensure that the social and economic structures, community services, and the environment of host countries or communities are not unduly stretched as a result of having to host massive numbers of refugees.

(ii) provide food, water, shelter, sanitation and medical services on a timely basis so that refugees and local populations alike are not put in a life-endangering situation.

(iii) determine the refugee status of persons seeking asylum, and to ensure that those who do not need or deserve international protection do not abuse the humanitarian institution of asylum.

(iv) enable Governments to respond effectively to situations which may contribute to a deterioration in security, law and order in the refugee-hosting areas. In this regard, priority should be placed on isolating and disarming individuals or groups among the refugee populations who may be armed and threatening the lives of innocent refugees, local citizens, and humanitarian personnel, or engaging in other criminal acts.

(v) further to the preceding recommendation, to trace and impound for safe custody or destruction, dangerous weapons illegally circulating or hidden in refugee-hosting areas.

(vi) create or strengthen national institutions to manage and deal with refugee matters at central, provincial and district levels; build adequate and well-trained human resources capacity; and to have such technical and logistic resources as will enable Governments to respond to and administer all aspects of refugee problems.

IV. Material Assistance to Refugees

15. The principles of international solidarity and burden-sharing have traditionally provided the foundation for the response by the international community to refugee problems. It is now evident that African countries cannot sustain the burdens of hosting refugees on their own. Yet, because of "compassion fatigue" or "donor fatigue", financial and material resources for refugee programmes in Africa from the developed countries are declining. In recent emergency situations, the response of the international community has been hesitant and characterized by poor preparedness and limited resources.

16. Moreover, in all parts of the world, measures taken to meet diverse national interests have not always conformed to the objectives of refugee protection in all cases. To avoid illegal migration and reduce the abuse of asylum procedures, measures such as interdiction on the high seas, visa restrictions and carrier sanctions have been instituted. Likewise, new refugee categorations have been devised along with a more restrictive interpretation of the refugee definition in the 1951 Convention. In addition, concepts such as "safe countries of origin", "temporary protection", safety zones", "in-country processing and "safe return" have been developed.

17. These measures, while taken to safeguard various national interests, have had the effect of imposing restrictive migratory controls and raised concerns that genuine refugees are being deterred from being able to seek and enjoy asylum. On the other hand, in some countries, such measures have the effect of denying entry to refugees.

Recommendation Nine

Donor countries, and relevant intergovernmental and non-governmental organizations, should provide financial, material and technical assistance to the African asylum countries hosting refugee populations. In cases of large-scale influxes, such assistance should necessarily be provided on a timely basis in order that lives are not lost.

Recommendation Ten

The refugee crisis cannot be addressed effectively through rigid and regionalized approaches. The Symposium recommends that this problem be addressed in a global and comprehensive manner, as it will ultimately affect every region of the world. Likewise, countries should strive for effective cooperation and mutual assistance on refugee, displacement and migratory issues, the same way they collaborate on security, economic and environmental matters,

Recommendation Eleven

The Symposium appeals for genuine international solidarity and burden-sharing to be brought back to the centre