

# **ROLE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IN AFRICA**

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TABLE OF CONTENTS

	<u>Paragraphs</u>	<u>Pages</u>
I. INTRODUCTION .....	1 - 8	1 - 2
II. REGIONAL SETTING .....	9 - 23	3 - 6
III. INTERNATIONAL PROTECTION .....	24 - 54	7 - 14
A. Institutional Dispositions .....	25 - 29	7 - 8
B. Application of Protection Principles .....	30 - 40	8 - 11
C. Durable Solutions .....	41 - 54	11 - 14
IV. ASSISTANCE PROGRAMMES .....	55 - 80	15 - 23
A. Emergency Response .....	60 - 66	16 - 19
B. Care and Maintenance Programmes .....	67 - 68	19
C. Long-Term Assistance Projects .....	69 - 71	19 - 21
D. Management .....	72 - 80	21 - 23
V. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS .....	81 - 92	24 - 26
A. Conclusions .....	81 - 85	24
B. Recommendations and Suggestions for Implementation of Recommendations .....	86 - 92	25 - 27
Annex I: Field Staff Posts in Africa		28



## I. INTRODUCTION

1. The African refugee situation has been with us for many years since the United Nations High Commissioner for Refugees (UNHCR) first intervention in the region in 1957 to help solve the Algerian refugee problem. Since then the general situation has turned rapidly for the worse. The number of refugees and displaced persons has grown considerably in the last couple of years, thus presaging the crisis currently afflicting the region. According to UNHCR's statistics, the number of refugees in the region has averaged over three million per annum since 1980, and is estimated at over 30 per cent of the aggregate world refugee population registered by UNHCR in 1985. Approximately 40 per cent of total UNHCR's general programme resources and budgeted field professional staff posts are presently engaged on the African continent.

2. The present report follows an earlier one by the same author on the Role of the Office of the United Nations High Commissioner for Refugees in South-East Asia (1979-1983), which reviewed the field operations, achievements and difficulties of the High Commissioner in fulfilling his mandate in the context of the Indo-Chinese refugee emergency of 1979-1980. The report in hand is also concerned with an emergency situation, albeit of a different type and magnitude. The approach and purpose are basically the same: emphasis is given to field operations with a view to assessing the performance of the Office of the United Nations High Commissioner for Refugees (UNHCR) in its efforts to alleviate or resolve refugee problems in Africa. The report examines ways and means of giving further impulse to the activities of UNHCR within the general framework of current United Nations emergency operations in that region. The focus is therefore on recent developments, especially those registered during the 1984-1985 period. But sight is not lost of the historical perspective, and the background analysis covers a much broader time-frame.

3. However, the gravity of the region's refugee problem is not to be found in figures and percentages, important as these may be, but in the fact that the problem is webbed in a complex of other critical conditions prevailing in the region. What is now generally known as the "African crisis" has brought into focus the interplay of major factors such as natural calamities, armed conflicts within and between nations, regressive economic trends, etc., all of which represent an unrelenting backdrop to the region's refugee problems. These factors, taken individually, are not inherent to Africa alone as cause for large-scale population movements across national boundaries. But what is unique in the African context is that these adverse conditions operate and interact cumulatively to produce a compound crisis of tragic proportions.

4. Thus while this report is chiefly concerned with refugees, it endeavours to analyse the problem in its causal relationships with other critical challenges facing the region. More specifically, the efforts of UNHCR to cope with the refugee component of the crisis are assessed in relation to other responsive measures adopted by the international community, and especially by African countries themselves individually and collectively under the aegis of the Organization of African Unity (OAU).

5. The African refugee situation exhibits one positive feature that deserves an introductory note: "Your guest is king" is a popular maxim in the region that aptly translates the African tradition of hospitality and human solidarity in times of adversity. This principle, long embodied in the region's cultural values, finds concrete expression in the general propensity of African countries, with few exceptions, to provide shelter and resources to those in need, whatever their origin and numbers and however limited the resources to be shared. Needless to add that the Statute and work of UNHCR are based on the same principle of human and intergovernmental solidarity without which refugee situations could not possibly be resolved.

6. The point is not to magnify or minimise any aspect of the reality of African refugees, but to alert the reader that this report is not only about human misery, but also about near-heroic human solidarity as exemplified by African peoples and governments. Although most of them are in the stranglehold of survival problems, they have nevertheless continued steadfastly to honour, in most cases, their tradition of generous hospitality to large numbers of asylum seekers often in the same destitute conditions as the receiving communities. Besides serving as a benchmark for international humanitarian assistance, this aspect of the African experience is worth pressing upon the community of nations for the benefit of refugees the world over, especially at the present time when the work of the High Commissioner's Office is very much constrained by restrictive or selective asylum policies adopted in some countries on grounds of domestic economic difficulties.

7. The Joint Inspection Unit report on the Role of the Office of the United Nations High Commissioner for Refugees in South-East Asia (see paragraph 1) elaborately reviewed the Statute of UNHCR, the 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees; these and a number of weaknesses noted in the first report regarding in particular the staffing and organization of UNHCR's field offices as well as the management problems experienced by these offices, have not been discussed at the same length as in the first report. Frequent references have been made to the findings, conclusions and recommendations of that report.

8. In conducting this study, the Inspector held discussions with senior staff in UNHCR and in other organizations of the United Nations system as well as with members of some permanent missions in New York and Geneva. In addition, a questionnaire was sent to all UNHCR field offices in Africa, followed by field visits to some countries of the region. The questionnaire, however, was completed mostly at UNHCR headquarters, and while the information provided was generally useful, it did not always match with realities on the ground as observed during the field visits. The cooperation of all those consulted in the course of the study is gratefully acknowledge, also the very able assistance received from the Research Officer and Assistant in the drafting and finalization of this report is deeply appreciated.

## II. REGIONAL SETTING

9. Several legislative texts which are generally recognized as the main international instruments governing the protection of refugees and the activities of UNHCR worldwide, have not received further detailed attention in the present report; but reference is made to provisions thereof whenever appropriate. However, given the regional character of the subject under review, the report gives some prominence to the regional policy and institutional framework adopted by the OAU for the resolution of refugee problems in Africa.

10. Having analyzed a number of recent studies and reports produced by OAU and organizations of the United Nations system, reference is made, in particular, to the Lagos Plan for the Economic and Social Development of Africa by the Year 2000, adopted in 1980 by the Heads of State and Government of the OAU; three successive reports by the World Bank: Accelerated Development in Sub-Saharan Africa: An Agenda for Action (1981), Sub-Saharan Africa: Progress Report on Development Prospects and Programmes (1983), and Toward Sustained Development in Sub-Saharan Africa 1984; the Secretary-General's report on the Critical Social and Economic Situation in Africa (E/1984/68); and the Special Memorandum on Africa's Economic and Social Crisis (E/1984/110), adopted by the Conference of Ministers of the Economic Commission for Africa at the nineteenth session of the Commission. Additional relevant reports were presented to the 1984 second regular session of the Economic and Social Council which devoted primary attention to the critical situation in the African region, and to the United Nations Conference on the Emergency Situation in Africa in March 1985. In view, therefore, of the elaborate coverage of this topic in recent past, the salient problems relating to the African refugee situation will be touched upon on a limited scale.

11. Drought and desertification, since the early seventies, have spread dramatically to 34 countries of the region, producing particularly devastating effects in the 1984-1985 period. It is generally estimated that current drought conditions in the region have been the most severe in this century, resulting in rain deficits ranging from between 40 and 80 percent, food shortages and attendant famine, serious disruption of the already fragile national economies and displacement of over two million persons. According to UNDR0 sources <sup>1/</sup>, over one million persons have perished under the effects of persistent drought, while the loss of livestock and material damage have been considerable. Drought-induced mass population movements across national borders are a major phenomenon in the region, especially in the last five years. Approximately two-thirds of the African refugee population, generally referred to as "persons of concern" to UNHCR with "mixed-motives" have been displaced by drought and desertification effects, a notable example being the Sudan which alone shelters close to one million of such "mixed-motives" persons from neighbouring countries. This dramatic situation was aptly summed up by the United Nations Secretary-General at the Conference on the Emergency Situation in Africa in March 1985: "The war we wage on famine in Africa today threatens more lives than ever have been lost in any war in history".

12. Economic and social conditions aggravated by drought and famine, have been further worsened by the recessionary climate observed in the international economic situation since 1973, despite recent signs of an upturn. Adverse trends in the world economy, especially in the industrialized developed countries, have had a severe impact on African economies, leading to a significant decline in official development assistance in real terms, a steep fall in commodity

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<sup>1/</sup> See E/1984/110, paragraph 15.

prices, unprecedented balance of payments problems and the increasing burden of the region's external debt 2/. As a result, governments have had to divert scarce development resources to meet the emergency needs of their populations. Major long-term development investments, especially in the area of transport and communications infrastructure, have ceded priority to the pressing requirements of survival. The inadequacy of the physical and institutional infrastructures of most countries of the region seriously hampers international emergency relief operations, including UNHCR's. It is noteworthy that some of the most seriously affected countries, such as Angola, Ethiopia, Somalia, Sudan and Tanzania together shelter over 70 per cent of the region's caseload of refugees and displaced persons, notwithstanding the additional burdens that these persons place on the socio-economic infrastructures of those countries.

13. Armed conflicts within and between States constitute another major source of refugees in the region, besides having other nefarious effects, such as destruction of the national socio-economic fabric, diversion of scarce human and financial resources to military purposes and widespread insecurity that hinders stable national development. Some of these conflicts are civil wars, conducted in the name of national political and territorial integrity. Others are induced or imposed by extraneous forces. Nevertheless, close to half the number of countries currently identified by the United Nations Office of Emergency Operations in Africa (OEOA) as being in need of rehabilitation or relief assistance have recently been, or are still, involved in armed conflicts of one kind or another.

14. These conflicts have several implications for the conduct of relief operations in general, including UNHCR refugee assistance programmes. First, on-the-spot field enquiries about relief needs, and the collection of hard data vital to any objective planning of assistance programmes, are rendered almost impossible because of restrictions on the movements of international personnel in situations of armed insecurity. Second, assistance programmes already operational and even successful have, not infrequently, been abandoned pending the return of normal conditions. This has been the case notably in Angola and Uganda. Third, government implementing agencies, with rare exceptions, usually are not in a position to provide effective leadership for coordinating and implementing assistance programmes, and much less for guaranteeing the protection of refugees, especially in areas disputed with rival groups. This is a serious drawback that adversely affects the ability of UNHCR to mount effective protection and assistance programmes, even in cases such as in Mozambique where the Office has been impelled by circumstances to assume an executing role by proxy. Moreover, the possibility of finding durable solutions for refugees in countries prone to armed confrontations are very slim since the governments concerned are often not in a position to do for refugees and other disaster victims what they cannot for their own citizens. Under such conditions, indefinite care and maintenance activities for refugees are the options open to an effective UNHCR.

15. The Project Management System of UNHCR, being carried out within the guidelines of the implementing agreements with governments, presents certain difficulties to UNHCR, hence the pragmatic approach to these issues often adopted in violation of provisions for accountability reporting, deadlines for evaluations and other information needed to co-ordinate, with headquarters, the field administration part of the refugee programme.

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2/ See reports mentioned in paragraph 10 for a detailed analysis of these problems.



16. Another source of refugees at present in the throes of violent change is South Africa, which is creating a serious refugee problem in neighbouring States. However, well before the current unrest in the country, the South African and Namibian refugee caseloads had been quite prominent; they constitute perhaps the longest unresolved refugee problem on the African continent. The South African regime and its occupation of Namibia are responsible for the vast majority of refugees in Angola, Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe. Precise statistics are hard to come by, owing partly to the policy of some front-line countries not to reveal figures of South African refugees in their territories for fear of reprisals from South Africa and partly to UNHCR's inability to undertake a systematic search for first-hand information on the unfolding drama in this sub-region as noted during field visits in connection with the study.

17. Asylum seekers fleeing apartheid policies and repression in their country find themselves in a unique plight. Those countries surrounded by or bordering on South Africa and Namibia are subjected to military raids, armed subversions, economic destabilization and other belligerent acts, which force those countries to breach international fundamental protection principles relating to refugees and asylum seekers. As such, South African asylum seekers often do not find safe refuge in those countries which are compelled to take cognizance of their geopolitical environment.

18. Since September 1984 which witnessed a sharp escalation of events in Southern Africa, the number of South African asylum seekers has risen sharply even as their vulnerable situation has worsened in first asylum countries. Hundreds of refugees have perished under South African military raids into Angola, Botswana, Lesotho and Mozambique. According to some NGO sources in the front-line States, many asylum seekers attempting to leave South Africa are either repelled, jailed or summarily killed by border patrols. The first asylum countries cannot protect the refugees any more than they can protect their own citizens against South African repression. Consequently, of the large numbers of asylum seekers in flight for freedom only very few successfully make it through the borders and fewer still avail themselves of UNHCR assistance, often thanks to the intermediary role of religious organizations in the front-line States. Thus, the situation of South African asylum seekers and refugees is at present nothing short of a crisis which the High Commissioner for Refugees is still to address with the seriousness and promptitude it deserves.

19. UNHCR field offices in Southern Africa are making valiant efforts to assist asylum seekers in various ways, notably by setting up transit arrangements enabling the prompt transfer of such persons to countries such as Tanzania, reasonably remote from South Africa.

20. In general, however, these offices seem to lack the means and headquarters active policy support to provide more than token assistance to large numbers of refugees in obviously critical conditions. Until May 1984, the UNHCR branch office in Maputo, for example, had only one professional staff in the person of the representative, despite the critical situation of South African refugees in Mozambique at the time.

21. Regarding the refugee situation in Southern Africa, no special measures have been adopted by the High Commissioner to alleviate that situation. This is regrettable, considering that most South African refugees cannot effectively be protected by countries of first asylum and that they represent perhaps the single large-scale refugee group in the region falling squarely within the mandate of UNHCR, in comparison with persons displaced by drought, who are of concern to other agencies besides UNHCR.

22. Furthermore, UNHCR field offices in southern and other parts of Africa generally operate in isolation from one another. The few ad hoc contacts between them essentially concern administrative matters such as procurement of goods or travel arrangements. There seems to be no explicit strategy of active information exchange and coordination of approaches for the benefit of the hard-pressed front-line States, asylum seekers and UNHCR's interventions.

23. For instance, there is little indication that the Office has as yet initiated systematic prospection of resettlement possibilities for South African asylum seekers outside the front-line countries, especially in Central and West Africa. The branch offices focus attention almost exclusively on refugee situations within their countries of assignment and their working and diplomatic contacts with governments are hardly used for the benefit of refugees in other countries. This deficiency which is further discussed in the next chapter has further contributed to weakening the role of UNHCR in Southern Africa.

### III. INTERNATIONAL PROTECTION

24. Under the multilateral refugee instruments briefly examined in the preceding chapter, international protection consists essentially in the promotion and application of national and international legislation and policies designed to safeguard refugee rights as defined in the aforementioned texts, such as the right to asylum, to freedom of movement, to education and employment; and above all in seeking permanent solutions to refugee problems through voluntary repatriation, local integration or resettlement in a third country. The centre-piece of international protection is the principle of non-refoulement by which no State party to the Convention and Protocol shall send back a refugee to a country where he has valid grounds to fear persecution. UNHCR has provided valuable legal expertise and financial support to many countries of the region in order to promote their accession to the universal and OAU refugee conventions, and to help develop and apply national refugee laws and policies, notwithstanding these provisions in the international instruments aforementioned, there have been cases of refoulement, brought to the knowledge of UNHCR.

#### A. Institutional dispositions

25. Accession to multilateral refugee instruments. Forty-four countries (or 88 per cent) of the region have so far acceded to the 1951 United Nations Convention and/or 1967 Protocol relating to the Status of Refugees. In addition, 27 countries (or 54 per cent) of the region have ratified the OAU Convention. However, some of the key provisions of the latter Convention are generally observed by some of the countries that have not yet ratified it, such as Zimbabwe which has incorporated the spirit and letter of OAU Convention into its national Refugee Act. Furthermore, only very few countries have entered reservations to some of the clauses of these instruments; for example, Ethiopia and Mozambique with regard to refugee right to education and employment, or Sudan in connection with the freedom of movement of refugees.

26. National refugee laws and policies serve to strengthen the rights and protection of refugees in the territories of States parties to the multilateral refugee instruments. Thanks to commendable technical assistance extended by UNHCR, most countries, especially those hosting large numbers of refugees, have established national legislation and related measures for the effective protection of refugees and asylum seekers resident within their frontiers. Such legislation without exception internalize the major protection principles stipulated in global and regional conventions and in a few cases are reflected in national constitutions (Tanzania and Tunisia for example).

27. Administrative arrangements have also been set up with the active support of UNHCR, particularly in countries with significant refugee problems. Virtually all countries in the North and the Horn of the continent, in East and Southern Africa, have established inter-departmental Refugee Committees having different names, but essentially the same terms of reference: to screen applications for refugee status and co-ordinate all matters relating to refugees and asylum seekers in the country.

28. These committees vary from one country and even subregion to another in terms of their composition, main responsibility and authority. For instance, the Standing Committee on Refugee Assistance (COPAR) of Burkina Faso and the Political Asylum Committee of Swaziland include representatives from no less than eight Ministries. Ghana's Joint Refugee Advisory Board and Senegal's Refugee Eligibility Commission include fewer Ministries but seemingly have broader authority to rule on refugee matters. In West and Southern Africa,

the committees deal mostly with refugee screening and protection questions, while in Algeria, Djibouti, Ethiopia, Somalia and Sudan the most important activity by far is the implementation of refugee assistance programmes. The national refugee committees in these countries operate as UNHCR's government implementing partners, financed partly or totally by UNHCR in some cases such as Djibouti, Ethiopia, Somalia and Zimbabwe, in order to enhance their operational capacity to administer substantial assistance programmes.

29. The refugee committees have, however, not always proved wholly effective in the wake of serious refugee problems such as occurred recently in Ethiopia, Sudan and Zimbabwe where much precious time was lost by UNHCR in trying to persuade the governments concerned to adopt prompt measures in the face of urgent refugee problems in their territories. It would seem that in times of emergency the decision-making powers of national refugee committees are limited by the fact that almost invariably in such cases policy decisions are taken at the highest level, which inhibits speedy action by UNHCR.

#### B. Application of Protection Principles

30. Asylum and non-refoulement. On the whole African States apply a generous asylum policy in keeping with the tradition of hospitality typical of the region, as noted in chapter I. This observation holds true especially in cases of mass influxes such as occurred recently from Chad into Cameroon, Central African Republic and Sudan, or from Ethiopia into Somalia and Sudan, and Mozambique into Zimbabwe. The fact that national frontiers in Africa very often cut across the same ethnic communities bound by the same language and culture facilitates the spontaneous integration of displaced groups seeking refuge across national frontiers. As a result, no major incident has so far been registered of mass "refoulement" or systematic denial of asylum in Africa, such as occurred in other regions during refugee emergency.

31. Nevertheless, some problems do exist in the application of the asylum principle in the region.

(a) States bordering on or surrounded by South Africa (Botswana, Mozambique, Lesotho and Swaziland) are forced by geopolitical considerations to act at variance with this principle, despite the exceptional courage sometimes displayed by these countries in upholding their commitments to international refugee instruments. Thus, following the Nkomati Accord with South Africa in 1984, Mozambique though an ardent defender of refugee rights, expelled hundreds of South African refugees on its territory. In a less severe vein, Lesotho and Swaziland allow only transit facilities for South African asylum seekers who have to be resettled elsewhere both in the security interest of the countries and of the asylum seekers. However, it would seem that only very few asylum seekers are able to avail themselves of such transit facilities for a variety of reasons, especially fear of deportation back to South Africa. The situation seems even more confused along the Mozambican and South African border where armed patrols on both sides hardly distinguish asylum seekers from guerilla suspects in view of the armed insecurity prevailing in both countries. Thousands of Mozambican refugees fleeing civil war in their country are reported by NGO sources to be stranded in South African territory, where they are subjected to inhuman treatment and in some cases obliged to form part of insurgent groups. It would seem that UNHCR headquarters has been made aware of this situation, but no action or public statement to this effect by the High Commissioner has been reported to the international community to date.

(b) Some of the small countries with limited resources and/or high population density, such as Djibouti and Rwanda, have made it a policy not to grant permanent asylum to refugees; however, they are permitted to stay pending repatriation or resettlement.

(c) Although the OAU Refugee Convention in Article 2(2) provides that the grant of asylum is a peaceful humanitarian act which should not be considered by any State as an unfriendly act, some countries have made it a policy not to grant asylum to nationals from friendly countries. For example, Gabon does not admit asylum seekers from UDEAC 3/ countries and Djibouti does not recognize Somali refugees. This policy which is overtly or covertly reflected in bilateral or multilateral subregional pacts, was roundly condemned by the 1969 Arusha Refugee Conference. More recently, a UNHCR background paper presented to the Seminar on the Situation of Refugees in West Africa (Dakar, June 1983) deplored this policy in the following terms. "Sometimes refugees are refused even temporary asylum or access to the procedure to apply for refugees status, and sometimes they are denied identity and travel documents. Even worse is the attitude of some States which prefer to treat them as 'brothers' rather than as refugees, in order to avoid uncomfortable political situation with friends...".

32. Determination of refugee status is an important requirement not only for the effective protection of recognized refugees but also for the objective planning of material assistance by UNHCR and other bodies. In the cases of mass influxes of asylum seekers or the spontaneous settlement of large numbers of displaced persons or of "mixed-motives" persons of rural origin amidst local communities with similar language and cultural background, attribution of refugee or even refugee-like situations is usually rendered extremely difficult. This is true for thousands of Ethiopians on Somali territory and of Mozambicans in Zimbabwe. Because of the difficulty on identifying between new comers and residents of the local population, head-counts, or statistical estimates become irrelevant, because of the conflicting estimates depending on the source. According to the Somali Government figures there are about 1.4 million refugees in Somalia. The estimated figure from other sources has indicated that the refugee population is much lower than the official Government's figure. A frozen number of 700,000 refugees has had to be agreed with the government as a basis for planning and implementing refugee assistance programmes.

33. A similar situation prevailed in Zimbabwe in 1984 following the mass influx of Mozambicans of rural background into Zimbabwe. While about 15,000 of them were identified to be in hapless conditions and were provided with shelter and relief assistance, the actual number of the displaced population could not be determined because of their spontaneous settlement amidst their kith and kin in Zimbabwe. Some estimates put the displaced population as high as 50,000.

34. In other parts of the continent, especially in Central and West Africa, determination of refugees or others has very rarely been attempted, partly because of the practice of "spontaneous integration" encouraged by the hospitality of the receiving communities and partly because of governments' policy to consider asylum seekers as "brothers" rather than as refugees. This policy somehow has its merits as long as the new comers enjoy the same basic rights as nationals, which is not always true in other parts of the region. The problem of identifying "refugee status" suggests that the actual number of refugees in the region, especially in West Africa, is in fact not known to UNHCR, and that the rough estimate of three million refugees currently attributed by the Office to the region may be considered different from reality.

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3/ "Union Douanière des Etats d'Afrique Centrale", which includes Cameroon, Central African Republic, Chad, Congo and Equatorial Guinea.

35. As regards individual applications for refugee status, each State is expected to devise the procedures and mechanisms it deems best for the attribution of such status. To this end, UNHCR has extended technical and legal support to a good number of countries, with workable results; in countries of the Horn of the continent, Eastern and Southern Africa, and to a lesser degree in Central and West Africa. In these latter subregions, refugee screening or eligibility committees are operational only in a few countries, such as Benin, Ghana, Senegal and Sierra Leone. In view of the financial and manpower requirements entailed in the establishment and operation of such committees, countries not experiencing serious refugee problems do not always consider refugee issues as a worthwhile priority among other pressing problems needing governments' attention and resources. As such, countries like Ivory Coast and Nigeria, rather than institute formal government procedures for the examination of applications for refugee status, are prepared to grant such status on the strength of a recommendation by UNHCR and the national Red Cross Societies.

36. Where formal screening procedures have been established, they operate satisfactorily. UNHCR is usually granted observer status on the screening committees, which may work towards attaining objectivity in final decisions. In almost all cases asylum seekers can appeal against negative decisions. However considerable delays are often experienced by asylum seekers in the processing of their applications. Also, refugee status granted in one country is not always automatically recognized in another, which points to an area where the diplomatic capability of UNHCR is needed with a view to contributing to the harmonization of national refugee legislations and policies.

37. Identity and travel documents should normally be issued by host governments to recognized refugees resident in their territory enabling these to have freedom of movement within and outside the country of asylum. However, UNHCR experience in the region suggests that this aspect of international protection has proved as difficult as the determination of refugee status in mass influx situations. According to UNHCR "certain Governments do not issue Convention Travel Documents to refugees, or only do so with considerable reluctance. Other Governments, even though willing to issue Convention Travel Documents, have done so subject to various restrictions relating to the period of validity of the document itself, its geographical validity and the right of the holder to return to the issuing country. In certain cases, refugees have encountered difficulties in obtaining renewal or extensions of their Convention Travel Document, or the issue of a new travel document by States to which they may be considered to have transferred their residence. Such restrictive practices have frequently had the undesirable effect of impeding the refugee's freedom of movement which ...may be of special importance in his or her case..." 4/.

38. The issue of identity and travel documents is closely tied to recognition of refugee status; for example, most of the countries in Central and West Africa that are reluctant to grant refugee status, such as Cape Verde, Gabon, Ivory Coast or Rwanda do not issue identification and travel papers to asylum seekers on their territory, since such documents may be issued only to persons formally recognized as refugees. In other countries (Cameroon, Mozambique, Sudan and Uganda for example) internal security considerations tend to dictate government policy to restrict the freedom of movement of refugees.

39. Education and employment. Under the terms of international refugee law, host governments are expected to provide education and employment to refugees in the same way as to nationals. However, as noted in the preceding chapter, the

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4/ UNHCR "Note on Travel Documents for Refugees" in Seminar on International Protection of Refugees in Southern Africa, Addis Ababa, February 1985, page 121.

countries hosting the largest numbers of refugees, such as Angola, Ethiopia, Somalia, Sudan and Tanzania, also happen to be among the hardest hit by the pervasive socio-economic problems in the region. These countries are not only faced with the problem of mass unemployment but also, in some cases, with the challenge of ensuring the survival of their drought-stricken populations. Under these conditions, UNHCR's material assistance of a "developmental" nature for urban and rural refugees can make a major contribution towards alleviating their burden on the economies of the asylum countries. This statement will be further elaborated in the following chapter.

40. Primary education is considered a human right and is therefore generally supported by UNHCR as a matter of course. At the middle level, increasing emphasis is placed on vocational training designed to equip the refugees with marketable skills necessary for their self-employment in a climate of widespread national unemployment. Since 1965 the Office operates an Educational Account in support of refugee education at secondary and higher levels. It is estimated that about 12,000 students at all levels are at present assisted by UNHCR in the region, 20 per cent of them in technical and vocational institutions. That number represents 0.3 per cent of the total number of refugees registered in the region in 1985 and about one per cent of the eligible group. These percentages indicate that the level of UNHCR support to refugee education in the region falls far short of what would have been desirable, considering the severe paucity of trained manpower in the region and the importance of education for the local integration and self-reliance of the refugees. However, the urgent need for higher education training should be dealt with cautiously and granted only on an exceptional and meritable basis.

#### C. Durable solutions

41. Achieving durable solutions to refugee problems is the ultimate aim of international protection and represents the benchmark for assessing the effectiveness of the work of UNHCR. Durable solutions consist mainly of three types of applications, viz. voluntary repatriation of refugees to their country of origin, their settlement or integration in the country of asylum, or their resettlement in a third country.

42. Voluntary repatriation has been one of the most effective undertakings of UNHCR in Africa since 1980. In the past five years close to 1.5 million refugees or displaced persons have voluntarily chosen repatriation and have benefitted in varying degrees from the logistical and material support of UNHCR. Repatriation movements since 1980 have included the following:

- 1980: 190,000 Zairean refugees return from Angola, Burundi, Tanzania and Zambia;  
200,000 Zimbabwean refugees are repatriated from neighbouring countries following independence;  
130,000 Ugandan refugees in Zaire start returning home;
- 1981-1983: 200,000 Chadians return from neighbouring countries, notably from Cameroon and Nigeria;
- 1983-1984: 30,000 Ethiopians in Djibouti are repatriated;  
100,000 Guineans in exile return home;
- 1985: Over 300,000 Ethiopians displaced by drought spontaneously return from Sudan and another 300,000 are alleged to have returned from Somalia.

43. These repatriation figures underline the dynamic character of the African refugee situation, as well as the potential for further repatriation which would be highly advisable for UNHCR to explore and undertake in a more systematic manner. The return of normal conditions, such as accession to independence, end of armed conflicts or of natural disasters, especially drought, has been the main factor of the repatriation movements noted above. In a few cases, however, in particular the spontaneous return of thousands of Zairean and Ugandan refugees, the indications of these movements were that UNHCR was taken unawares, judging from its initial uncertain reaction. The Office lacked thorough information on the factors motivating the return movement and the number of returnees. As a result its intervention was somewhat belated and the integration programmes for the returnees took a long while to get off the ground.

44. This finding, together with the difficulties noted earlier in obtaining precise refugee statistics in the region, points to a major weakness of UNHCR's operations in Africa, namely the lack of field intelligence or systematic information gathering procedures by the Office to guide its activities. In the absence of reliable first-hand information about some refugee situations and potential ones as well as possible solutions to such situations, the Office too often tends to react to major refugee events which could be anticipated and addressed with a more precise attitude.

45. Local integration, especially for rural refugees, is the next most successful aspect of UNHCR's role in the region. It has been rendered possible by the African tradition of generous hospitality to new comers, as noted in earlier paragraphs. The Office has established about 80 rural settlements for refugee communities in 15 countries of asylum. Although still depending on limited external support by UNHCR, NGOs and host governments, most of these rural settlements have already attained a substantial degree of self-sufficiency, especially in Tanzania and Zaire. Some settlements which had become self-reliant in Angola, Sudan and Uganda have suffered the disrupting effects of civil wars and drought and therefore need to be assisted again to become self-sufficient. At present, local integration schemes claim well over half of the total UNHCR's assistance programmes for the region. About 40 per cent of the total number of refugees registered by UNHCR on the continent no longer depend on direct assistance from the Office. The proportion of self-reliant rural refugee communities varies from one country to another: roughly 80 per cent in Tanzania, 60 per cent in Zaire and much lower percentages in Somalia, Sudan and Uganda.

46. The situation of urban refugees is markedly different, their local integration being much more difficult. This is due to several factors. Firstly, UNHCR until very recently did not have a long-term strategy for training, counselling and orienting urban refugees with the aim of motivating them towards self-reliant status. Only of late was emphasis switched from formal academic education to vocational training, skills-development programmes and small enterprise projects which would seem to be more effective for the self-reliant integration of urban refugees. Secondly, this group of refugees is often prone to unrealistic expectations with typical predilection for purely academic disciplines and tends to consider assistance from UNHCR and other sources as a right rather than as a limited means that must be used to optimum advantage. Thirdly, restrictions imposed by some host countries on the education and employment of foreigners and refugees in a climate of high national unemployment have limited the local integration options available to urban refugees.

47. Notwithstanding these limitations, small enterprise schemes now being experimented in many countries of the region with ILO technical expertise, especially in West Africa, do offer a very promising avenue for the prosperous local settlement of enterprising urban and rural refugees. Such schemes could be expanded into refugee co-operatives geared towards the needs of the host



country. The education and training of refugees would be tailored to provide the technical and managerial manpower required for the efficient operation of such co-operatives.

48. In Eastern Africa (Kenya), this type of enterprise is evident and has the support of UNHCR. It is still too soon to evaluate results. Nevertheless, with prudent supervision from the office of UNHCR, this could prove of benefit, and instituted as a model for further UNHCR monitored schemes.

49. Resettlement within and outside the regions has been much less frequent and widespread, partly because of the impressive record of voluntary repatriation and local settlement and partly because of the rural background of the vast majority (over 80 per cent) of the region's refugee caseload. Almost by definition rural refugee communities cannot easily be resettled, especially in large numbers, in a third asylum country. As noted earlier, most of the mass influxes of peasants across national boundaries hardly extend beyond their ethnic and socio-cultural groups in the country of asylum, some examples being Ethiopians in Somalia, Chadians in Cameroon and Nigeria, Rwandese in Tanzania, or Mozambicans in Zimbabwe. Moreover, proximity of the displaced populations to their countries of origin often facilitates voluntary repatriation once normal conditions of life are assured in their homeland.

50. Much different is the situation of urban refugees, comparatively more mobile, in greater need of supplementary assistance, counselling, training and employment. Although the 1969 OAU Refugee Convention and Arusha Conferences have emphasized the need for "burden-sharing" in resettling refugees in the context of African solidarity and international co-operation, resettlement figures in the region are extremely rare, although it must be recognized that many cases of "spontaneous" resettlement are not registered or known to UNHCR, with the exception of refugee students in receipt of UNHCR's assistance. Resettlement outside the region has been equally very sparse, consisting mainly of Ethiopians resettled in the United States and Canada. The selective refugee admission policies of European and North American countries operates very much to the disadvantage of African refugees compared to refugees from other regions. Conversely, a number of refugees from Asia, Europe and Latin America have been resettled in Africa. The European refugees are to be found mainly in Algeria, Egypt, Morocco and Tunisia, Asians in Ivory Coast and Latin Americans mostly Chileans in Mozambique.

51. The special situation of South African and Namibian refugees must again be underlined with regard to resettlement possibilities far beyond the front-line States. Tanzania, Zambia and Zimbabwe have up to now borne the burden of the resettlement of this category of refugees who often cannot find secure refuge in most of the countries bordering on or surrounded by South Africa. The rest of the continent, especially West Africa, offers immense possibilities - not yet fully explored - for the resettlement of Southern African refugees in relatively large numbers. Unremitting and systematic search for such possibilities could result in relieving the present refugee pressure on the front-line States. It is true that the OAU Bureau for the Placement and Education of African Refugees and UNHCR have already made efforts in this direction, without solid results. But the door remains open for more energetic and better organized diplomatic approaches to governments of potential resettlement countries.

52. In this connection, UNHCR field offices could play a valuable role if they had a pre-designed intercountry perspective for solving refugee problems in the region. The absence of substantive co-ordination between field offices in refugee-laden countries, such as in Southern Africa and other offices in potential resettlement countries, such as in Central and West Africa, removes a

vital communication link in the search for resettlement opportunities for Southern African refugees. As examples, these field offices could negotiate expansion of admission quotas for Southern African refugees to countries like Cameroon and Nigeria, especially for training purposes and for the adoption of similar quotas by other potential resettlement countries. However, the plight of South African and Namibian refugees and of the front-line States is serious enough to require more than simple admission quotas for training purposes. A grand design for tackling this problem head-on seems overdue and the Inspector considers it appropriate to recommend that the United Nations High Commissioner for Refugees, should seek the good offices of the Secretary-General in cooperation with the Organization of African Unity to consider the possibility of convening a regional intergovernmental Conference at Ministerial or higher level devoted exclusively to the South African and Namibian refugee problem.

53. With the singular exception of the situation created in Southern Africa by the Apartheid regime, this chapter has not uncovered any other largescale or systematic violation of the fundamental protection principle set forth in multilateral refugee instruments, which most countries of the region have ratified and generally apply. This overall record of international protection in the African region is due in a great part to the receptivity that the peoples and governments give to refugees and displaced persons in the region, to the commendable work of the Organization of African Unity and to the role played by the UNHCR in the region in promoting international refugee law and related institutional dispositions at the national and regional levels.

54. Notwithstanding these achievements, however, investigation has revealed a number of weak spots that require the continuing attention of UNHCR, especially in the following areas:

(a) Co-ordination and harmonization of national refugee policies and legislations - notably in the determination and recognition of refugee status and identity and travel documents for refugees - in order to guarantee the protection in other countries of refugee rights acquired in any country of the region;

(b) Further development and consolidation of international refugee law with the aim of preventing or regulating mass expulsions of so-called illegal or economic immigrants on whatever grounds;

(c) Elimination of restrictive or selective asylum policies of several countries, including revisions to bilateral and multilateral pacts unfavourable to the effective application of protection principle in the region;

(d) Intensified emphasis on refugee education, skills-development and specialized manpower training based on an explicit strategy calculated to speed up the local integration and self-reliance of rural and urban refugee communities;

(e) Giving careful study to the expansion of small-enterprise projects, for refugees promoting this, whenever appropriate for programmes of co-operative ventures capable of making a significant contribution to the economies of host countries. UNHCR should give careful study to alternative formulas or sources for financing for such projects and co-operative ventures.

#### IV. ASSISTANCE PROGRAMMES

55. UNHCR helps host governments assess their assistance needs, formulate programmes, and monitor and control projects funded partly or totally by the Office. UNHCR bears final responsibility for accounting to donors for the proper expenditure of their contributions. Implementation is usually done by operational partners, mainly government refugee agencies, local or international non-governmental organizations, in accordance with implementing instruments or tripartite agreements between UNHCR, the government and the implementing agency.

56. The following general considerations govern the level and type of its assistance activities:

(a) UNHCR does not assume the full responsibility for the upkeep of refugees but merely helps governments facing financial difficulties in the discharge of their obligations under the relevant international conventions and in the application of their humanitarian policy;

(b) Eligibility for UNHCR material assistance is determined by two main factors: the absence of personal resources which could enable the refugee to be self-sufficient and the unavailability of governmental or community resources to assist the refugee in becoming self-reliant;

(c) Standards of assistance to refugees are generally defined as the level equivalent to that of the surrounding national population, taking into account that the minimum should not be below the welfare standards generally accepted by the country giving asylum to the refugees;

(d) Programme orientation is based on refugee policies announced by governments and known to UNHCR at the time of planning. Changes in government policies results in a reorientation of activities; for example, from care and maintenance to durable solutions and vice-versa;

(e) By the nature of its mandate, UNHCR's planning for material assistance is made at the project level and based on the identified needs of evolving situations; it does not derive from indicative budgetary decisions based on regional or country quotas;

(f) Budgetary calculations and projections are based on refugee populations as they are known to UNHCR at the time of planning. In the absence of reliable data a notional planning figure is adopted;

(g) Project budgets are formulated in the currency of expenditure and converted into US dollars at the official United Nations rate prevailing at the time of finalizing the budget.

57. These factors help to explain why there are variations between countries and regions in the volume and nature of UNHCR's assistance activities as well as per capita expenditure on refugees. For instance, in South-East and Western Asia where durable solutions are not yet in sight for significant numbers of refugees, UNHCR assistance is concentrated on care and maintenance operations which demand a greater share of resources over the long-term than durable solutions which typify assistance programmes in most refugee-affected countries in Africa. However, as noted in the preceding chapter, a significant proportion of refugees in the African region are not registered or known to the Office, either because of severely limited field data or because of the phenomenon of "spontaneous integration" with receiving communities. For example, of the estimated 50,000 displaced Mozambicans in Zimbabwe, 15,000 or 30 per cent have been assisted by UNHCR. Similarly, in Burundi more than 20 per cent of the 256,000 refugees in the country are in receipt of UNHCR assistance. The

proportion of beneficiary refugees is generally much higher in the Horn because of emergency relief programmes than in other parts of the continent.

58. Total programme expenditure by the Office in the region, from all sources of funds (United Nations regular budget, general and special programmes), amounted to US dollars 156.6 million in 1983, or about 37 per cent of its aggregate expenditure of US dollars 411.2 million in that year. Resource outlays for the region increased to US dollars 181.2 million in 1984, and are projected to remain roughly at that level in 1985 because of large-scale refugee emergencies in some countries (see table 1).

59. The report on UNHCR assistance activities in 1984-1985 (A/AC.96/657) reveals that assistance programmes are currently operational in about 20 countries but are concentrated in Sudan (about USD 70 million), Somalia (USD 50 million), Ethiopia (USD 40 million), Tanzania (USD 10 million) and Zaire (USD 7 million). These programmes are of three main types: emergency relief response to sudden and large influx situations, care and maintenance activities aimed at the material upkeep of refugees awaiting in camps for durable solutions, and long-term assistance projects designed to consolidate the economic self-sufficiency of refugees for whom permanent solutions have been decided and identified. The three types are examined in the following paragraphs.

#### A. Emergency Response

60. The emergency needs of refugees are given priority over other work of UNHCR. Emergency relief operations by the Office in the region in 1984 and 1985 were focused on over 1,200,000 displaced persons in destitute conditions in seven countries as follows: 40,000 Chadians in Central African Republic, 10,000 Ethiopians in Djibouti, 300,000 returnees in Ethiopia, 150,000 new Ethiopian arrivals in Somalia, 60,000 Chadians in Western Sudan, over 700,000 Ethiopians in Eastern Sudan and about 15,000 Mozambicans in Zimbabwe. Relief requirements for these groups rose greatly from US dollars 9 million in November 1984 to over US dollars 100 million in June 1985. Several international appeals were made by the High Commissioner for Refugees and other international entities. These emergency appeals concerned exclusively new refugee situations which had to be addressed concurrently with many on-going assistance programmes in the region. Lessons derived from the management of these emergency relief programmes may be summarized as follows:

61. Timeliness of UNHCR's response: Every emergency situation by definition entails an element of unpredictability and unpreparedness. This situation characterized, to some extent, UNHCR's response to the African refugee emergencies under review, even though the crisis had been looming wide and large since 1983 when the United Nations Secretary-General began sounding the alarm bells. The movement across national borders of persons displaced by drought and armed insecurity had been noticed since 1983, especially in Sudan and countries of the Horn of Africa and along the Mozambican and Zimbabwean common border. UNHCR's tardy reactions, limited to individual cases owing partly to the lack of prompt co-operation by the affected countries, fell short of a coordinated approach for positive relief. Successive sporadic appeals for relief assistance by the High Commissioner as the refugee situations developed into a crisis only served to underscore the state of unpreparedness of the Office as well as its inability to predict the actual scale of the problems. Thus, UNHCR field office personnel proved inadequate 5/ to handle emergency situations, especially in the Central

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5/ See Annex I.

Table 1. Total UNHCR Expenditure by Region - 1980-1984  
(In thousands of US\$)

Year	Africa	Americas and Europe	East and South Asia and Oceania	Middle East and South West Asia	Overall allocations, headquarters regional projects	Total
1980	173,526.0 34%	39,963.8 8%	273,475.8 54%	-	22,704.7 4%	509,670.3
1981	169,312.5 35%	30,839.7 6%	141,614.1 29%	122,961.2 25%	23,113.4 5%	487,840.9
1982	137,831.0 33%	44,969.6 11%	103,423.3 25%	108,384.3 26%	25,563.3 6%	420,171.5
1983	156,564.6 35.5%	46,848.0 10.6%	84,048.3 20.6%	96,359.1 21.8%	27,399.8 11.3%	411,219.8
1984	181,154.7 39.5%	60,912.6 13.3%	82,696.1 18%	104,636.9 22.8%	29,240.4 6.4%	458,640.7
Total	818,388.8	223,533.7	685,257.6	432,341.5	128,021.6	2,287,543.2

Sources: A/AC.96/594, A/AC.96/606, A/AC.96/620, A/AC.96/639, A/AC.96/657.

African Republic, Ethiopia, Sudan and Zimbabwe. Staff reinforcements from headquarters arrived thinly and late. The already well-established involvement of NGOs rendered the subsequent role of UNHCR difficult, especially in the planning, co-ordination, monitoring and control of assistance programmes.

62. The Office for Emergency Operations in Africa (OEOA), established in November 1984, was the institutional culmination of the remarkable efforts made by the United Nations Secretary-General since 1983 to arouse and focus international opinion and humanitarian response to an unfolding African emergency. The OEOA provides a unique framework for a coordinated approach by all elements of the United Nations system to the crisis, including its refugee component which is enormous in statistical terms. Yet UNHCR's involvement first in the establishment of OEOA and second in defining its terms of reference was far from evident. UNHCR Representation in New York appeared to lack explicit instructions concerning its active association with the setting up of OEOA and only six months after the Office had been established a staff member was seconded by UNHCR to the office with guidelines to reflect refugee concerns in the work of OEOA.

63. Also, UNHCR's emergency appeals are separate from those of OEOA. At the operational level refugee aspects are hardly an integral part of the United Nations system response to the crisis although refugee needs, as part of total emergency aid requirements, have been underlined in paragraph 15 of the OEOA's February 1985 Report on the Emergency Situation in Africa (SG/CONF.2/1). Governments in receipt of emergency aid tend without exception to give priority to their affected populations, considering refugees on their territories as a UNHCR problem. As observed by one UNHCR field representative, "governments consider that while other United Nations agencies provide them with development assistance UNHCR provides them with refugee problems". In some countries, however, such as in Ethiopia the UNHCR cooperates closely with the Relief and Rehabilitation Center (RRC), a national institution which deals with refugee problems, in implementing their emergency assistance programmes.

64. ICARA is one of the casualties of the state of affairs described above in the context of OEOA operations. The momentum generated by ICARA II, held in July 1984, withered in the heat of the African emergency which not only diverted international attention but also resources from ICARA project proposals. Justification for these proposals has now been further underlined especially in Ethiopia and Sudan where problems identified in the context of ICARA II severely constrained the delivery of relief assistance (ICARA is further discussed below under long-term assistance projects).

65. The Lagos Plan embodies the determination of African countries to avert further crisis similar to the one now ravaging their continent. The major issues identified for priority action in that Plan, such as food production, development of human resources, transport and communications infrastructures, special attention to the least developed countries, etc. have been further underscored by lessons emerging from the field management of relief assistance programmes: desperate logistical jams, crammed seaports in the coastal States of Central and West Africa, poor road and rail networks from the coastal areas to the land-locked, drought-stricken countries, inaccessibility of some affected areas, scarcity of trained local manpower to handle massive emergency programmes, etc.

66. These problems are squarely addressed in the Lagos Plan which the Inspector believes to be the proper framework for the emergency response of the international community as described by the Secretary-General. "There is universal agreement

that all the major causal factors of the crisis, as well as the restorative actions required to deal with them, whether through emergency assistance, recovery efforts, rehabilitation work, structural adjustments in internal policy, reconstruction activities and/or medium and long-term development planning, are all intimately linked and must be treated holistically, within the context of the overall national effort. This fundamental principle must be respected even during the emergency period when the critically urgent need to sustain life so overwhelmingly demands the special focus and determined effort of the international community". <sup>6/</sup>

B. Care and Maintenance Programmes

67. These are presently concentrated in Djibouti, Somalia, Sudan (for emergency reasons) and Zimbabwe where assisted Mozambicans are no longer in a state of emergency. Three significant lessons are provided by this type of assistance in the region. Firstly, UNHCR's emphasis on the need for the refugees to be self-reliant even while awaiting in "tents" for durable solutions contributes to reduced dependency on external assistance. Thus, refugee self-help activities such as horticulture, tailoring, carpentry, etc. are very much in evidence in refugee camps in Zimbabwe and Somalia. Most refugee groups in Djibouti have been dependent on external aid for many years and have consequently developed a "dependency syndrome" as a result of government policy not to encourage their local integration. A similar situation prevails for some refugee groups in Rwanda. Secondly, planning of assistance programmes is rendered difficult because of the unpredictability of evolutions in refugee situations or government policies. In Zimbabwe for instance, it was not easy to determine the type of shelters - temporary or durable - it would be preferable to build for 15,000 Mozambicans in the country without adequate knowledge of the duration of their stay before their repatriation or return home. Thirdly, operational partners and UNHCR field sub-offices, are not always systematically involved in the planning and implementation of care and maintenance programmes. This is also true in the case of emergency relief operations UNHCR headquarters and branch offices play a predominant planning role often in close association with host governments, but not with other potential implementing partners, such as NGOs or United Nations system organizations.

68. Thus, the UNHCR programme for Ethiopian returnees ran into some problems at midstream because the League of Red Cross Societies and the Lutheran World Federation, which were the main implementing partners, had not been closely involved in developing the critical planning premises of the programme. In Zimbabwe, UNICEF developed a separate assistance project emphasizing primary health care and basic skills-development for displaced Mozambicans, using its own emergency funds and reporting direct to UNICEF headquarters. In addition, coordination with WFP and bilateral donors left something to be desired in connection with food supplies which were unbalanced in their nutritional value. The level of UNHCR's assistance to displaced Mozambicans and perhaps to other refugee groups in Somalia and Sudan might have been lower had the Office fully involved all potential sources of assistance such as United Nations system organizations, bilateral donors represented in the host country and local and international NGOs in the planning and execution, whenever possible of assistance programmes.

C. Long-Term Assistance Projects

69. These constitute the centrepiece of UNHCR's assistance activities in the region. They consist of multisectoral projects often including concrete development components like social and health services, access roads, educational

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<sup>6/</sup> OEOA Report on the Emergency Situation in Africa, SG/CONF.2/1, op. cit. paragraph 35.

institutions, etc., aimed at easing the local integration of refugee communities in countries of asylum. Such projects have met with some success in Tanzania and Zaire where the majority of refugees are no longer fully dependent on UNHCR's assistance. Civil wars and drought have ruined long-term settlement programmes in Angola, Sudan and Uganda.

70. UNHCR is faced with some difficulties in the implementation of long-term projects:

(a) Weak government implementing partners constrain UNHCR in most countries of the region to assume direct or indirect operational functions, as attested by the role played by the UNHCR office in Maputo in making possible the construction of a refugee centre at Marracuene, some 50km from Maputo despite internal security problems;

(b) Poor internal transportation networks and considerable distances to be covered give rise to serious procurement problems, raise project costs and render target dates elusive;

(c) The UNHCR project management system and in particular its project self-evaluation component have tried to improve the pattern of project performance reporting. However, the actual field monitoring of project implementation by UNHCR field offices still leaves very much to be desired by way of systematic controls. The field personnel should visit project sites more frequently rather than rely almost entirely on information provided by the operational partners which is in most cases inaccurate;

(d) The record of UNHCR co-ordinating role leaves room for improvements with respect to long-term assistance projects, both for rural and urban refugees such as the scholarship programmes and the ICARA programme where they are involved. With a few exceptions (Somalia and Tanzania) the roles of the operational partners are not always clearly spelt out; this often results from tardy UNHCR intervention as noted in connection with emergency relief operations. Educational programmes for refugees, especially in the urban areas are usually financed from many sources including UNHCR. It would appear that the Office lacks precise overall statistics regarding the funding sources, the nature and beneficiaries of such programme. Sometimes, as in Benin or Nigeria, refugee students sponsored by different organizations receive varying levels of financial support and for continuous periods, the Office could seek to harmonize through effective co-ordination arrangements with sponsoring agencies and otherwise.

71. The ICARA II programme is similarly fragmented in terms of organizational responsibilities, with UNHCR, UNDP and the OAU each having focal point responsibilities for different sets of projects. While collaboration between the Office and other entities of the UN system is reported to be generally satisfactory, especially with WFP, UNDP, ILO and UNICEF, this is not confirmed by the nature of support provided by the rest of the system to ICARA projects falling under UNHCR's responsibility. These projects proposals fall within the sectoral competence of the larger UN agencies (FAO, WHO, UNESCO), which so far have expressed interest in mobilizing support for them. Of some 20 health related projects identified in the programme, WHO has not been approached for support of any, although it is granted that United Nations system involvement is usually predicated on host governments' priorities. Also, the practice whereby donor governments indicate their readiness to finance either parts of projects or to provide funds subject to various conditions, such as support by other donors, may need to be reviewed together with the present tripartite management of ICARA II programme, the same goes for the FAO offices and other agencies within the United Nations system. At any rate, UNHCR must assemble and update data and information on the state of progress regarding the financing and implementation



of all ICARA projects, even those not under its immediate responsibility. The same applies to refugee educational programmes, in particular the United Nations Education and Training Programme for Southern Africa (UNETPSA) which benefits mostly South African and Namibian refugees, this programme could be object of another study.

D. Management

72. The Overall Programme. Since its initial involvement in Africa in 1957, UNHCR's programme has focused on activities planned to achieve durable solutions to refugee problems. Its major programmes are to provide international protection by assuring that the basic rights of refugees are respected and by assisting them on short-term basis with material assistance and in the long-term to enable them to be self-sufficient.

73. As was mentioned in the introduction between the years 1961 and 1971 over 22 million dollars had been spent by UNHCR in Africa. Since then the level of expenditure has increased significantly, in particular during the last quarter of the seventies and the beginning of the eighties, this was following the major refugee crisis caused by civil war and drought. While the total expenditure in the region for the years 1978 and 1979 were US\$ 56m and US\$ 74m respectively; for the years 1980, 1981, 1982, 1983 and 1984, the total expenditure increased to US\$ 174m, US\$ 169m, US\$ 138; US\$ 157m and US\$ 181m (See tables 1 and 2).

74. The programme budgeting aspects of UNHCR's operations tends to differ with that of other departments within the United Nations, because of the difficulties in long-term planning approach, owing to the short-term nature of most of the on-going activities.

75. However, UNHCR, has made an attempt to change this pattern, using a more pragmatic approach. This consists in identifying activities of a continuing nature, among others, legal advisory services on multi-year rural settlement projects and to define clearly outputs under all projects.

76. As explained in paragraphs 70-71 of JIU/REP/84/15, the Project Management System established in 1979 and developed in 1983, is a worthwhile management tool which could be further developed and extensively exercised, nevertheless the same as in South-East Asia, in Africa, the field offices has several misgivings, and which in the Inspector opinion shows no sign of immediate improvement. As regards the staffing, the lack of qualified and competent field services personnel, is the root cause of many of the misgivings of the field administration in the UNHCR's administration in Africa, especially those related to the financial controls and reporting capability, with the observation that these shortcomings are more notorious in Africa; therefore it would be repetitious to detail similar cases and the gravity of the ensuing problems in this report.

77. The United Nations Board of Auditors in their report to the General Assembly for the year ending 31 December 1984, relative to the accounts of UNHCR in operations in some parts of Africa for the period made the following statement:

Table 2. Expenditure by Nine Countries Highly Affected from all Sources of Funds  
(In thousands of US\$)

Country	1 9 8 0 <u>1/</u>		1 9 8 1 <u>2/</u>		1 9 8 2 <u>3/</u>		1 9 8 3 <u>4/</u>		1 9 8 4 <u>5/</u>	
	Number of Refugees	Total Expenditure	Number of Refugees	Total Expenditure	Number of Refugees	Total Expenditure	Number of Refugees	Total Expenditure	Number of Refugees	Total Expenditure
Angola	73,000	6,185.8	93,000	5,236.5	96,200	4,744.8	-	6,311.6	92,200	6,709.8
Djibouti	45,000	4,781.1	31,600	5,056.9	35,000	4,071.0	-	4,453.9	23,000	3,868.5
Ethiopia	11,000	3,087.4	11,000	7,524.4	11,000	5,373.5	11,000	11,796.3	59,000	14,439.8
Somalia	-	59,315.3	700,000	49,078.2	-	32,430.3	-	46,558.3	700,000	44,079.8
Sudan	480,000	16,112.5	550,000	20,139.4	637,000	26,845.7	-	31,702.3	690,000	49,162.9
Tanzania	156,000	6,721.2	164,000	7,138.9	159,000	7,144.7	-	6,345.3	179,000	5,837.9
Uganda	113,000	3,191.3	113,000	2,180.0	116,000	1,647.0	-	4,804.3	151,000	5,995.9
Zaire	350,000	8,960.8	365,000	21,501.4	301,200	16,395.4	-	13,840.7	317,000	9,928.3
Zambia	36,000	7,129.1	50,100	3,038.4	89,000	3,526.8	-	3,174.2	96,500	3,709.0
Total		115,484.5		120,894.1		102,179.2		128,986.9		143,731.9

Sources: 1/ A/AC.96/594, 2/ A/AC.96/606, 3/ A/AC.96/620  
4/ A/AC.96/639 and 5/ A/AC.96/657.

Note: These are the expenditures for the nine highly affected countries, e.g. for 1984, out of the total expenditure of US\$ 181,154.7 for the whole region, US\$ 37,422.8 has been distributed between fourteen countries: Algeria, Botswana, Burundi, Cameroon, Central African Republic, Egypt, Kenya, Lesotho, Mozambique, Nigeria, Rwanda, Senegal, Swaziland and Zimbabwe.

"Our review of budgetary control indicated that expenditure control procedures should further be strengthened and effectively applied. We observed that repayments of loans granted over twenty years ago have not been regular and that accounting records maintained for the loans be improved. Similarly, loan balances should be periodically reconciled and confirmed. We further noted that efforts for the collection of outstanding pledges still required to be intensified. Additionally, the audit disclosed that existing internal control procedures for reconciling bank balances should be applied to enhance the effectiveness of cash management. Our examination also disclosed that the accounting system in the field offices should be improved and that recovery of travel advances should be made more effective. Our review of procurement practices disclosed that applicable financial rules were not followed in all cases when the value of the contract was over and above the stipulated limit of US\$ 40,000. Furthermore, there was the need to strengthen the internal control and monitoring system on procurement".

78. The Board of Auditors further stated:

"We observed from our review of project activities that the Administration took steps to improve project management system, however, certain internal control weaknesses still require urgent attention to ensure that project activities are more economically and effectively carried out. The Internal Audit Division of the United Nations noted and reported a case of fraud estimated at US\$ 400,000 which was perpetrated at an implementing agency".

79. The Office of Administration and Management Service (AMS), in their report made the following observations which are as relevant today as they were in 1982:-

"Given the nature of UNHCR programmes, it is seen as the main agent for ensuring timely delivery of services to refugees. The field is responsible for identifying needs, programme formulation, project design, on-the-spot negotiations with host governments; monitoring and evaluating the progress of implementing partners and determining the legal status of refugees. The regional bureaux and field offices are together responsible for operational activities. They should be clear as to the extent of their respective roles in delivering their services to refugees. It is for the Headquarters on the other hand to supply: political support, policy guidance and programme planning; operational support (funding, recruitment, specialist advice and logistics; prompt replies to requests for information) and an attitude of responsiveness in general. The present practice that Headquarters should be informed about everything possible on all operational development in the field is financially expensive and a burden on field staff. With the UNHCR being a field-oriented organization, its whole bureau set up should be seen as a step towards decentralization of programme management to the field".

80. The observations made both by the Board of Auditors and the AMS, one in 1982 and the other in 1984 and the Inspector's observation during the field visit highlights the same weaknesses noted in JIU/REP/84/15 and this present report, therefore we can conclude that very little improvement has been achieved up to the time of this writing.

## V. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

### A. Conclusions

81. The efforts of UNHCR in Africa in recent past, especially at the height of the latest refugee emergency in that region, have contributed significantly in providing relief to hundreds of thousands of persons in distress and in assisting host governments in coping with large-scale refugee situations. The political and diplomatic role of the OAU and of the United Nations Secretary-General, as well as the adequate response provided to the crisis by the international community were all indispensable dimensions to this humanitarian effort.

82. However, the response of UNHCR and the international community to the serious refugee situation created in the front-line States by incursive military actions and the continued occupation of Namibia by South Africa is yet to be resolved, to say the least. UNHCR has by and large fulfilled its mandate with regard to the refugee emergency in the Sudan and the Horn. But the Office is yet to tackle the political refugee emergency already very much advanced in the South of the continent, and which bears most directly on the mandate of the High Commissioner.

83. While most countries of the region have acceded to multilateral refugee instruments and generally apply provisions thereof, with some technical back-stop put by UNHCR, a number of international protection problems do subsist which call for the continuing attention of UNHCR, especially in the area of national asylum policies, determination of refugee status, resettlement openings within and outside the region, the coordination of relief activities with other international agencies, the establishment of secure mechanisms for the proper control and distribution of all material and monetary relief aid under its surveillance and the grant of identity and travel documents to refugees whose status has been determined. In this regard extensive follow up and implementation of the Arusha Conference Recommendations as well as a clear demarcation of the respective roles of UNHCR and the OAU would be needed.

84. The volume and results of assistance programmes have met with some positive results, long-term assistance programmes aimed at consolidating the economic self-sufficiency of refugee communities, are now commencing to bear some fruit. But the ICARA II programme has lost momentum because of the emergency operations, and needs to be revived in the post-emergency effort of the United Nations system. In so doing, refugee education, training and skills development, together with an expansion of refugee enterprise projects and co-operative ventures would seem to hold the best promises for long-term solutions especially for urban refugees.

85. The socio-economic difficulties of many countries of the region especially those hosting large number of refugees, poor transport and communications networks, armed conflicts, ineffectual government co-ordinating role and scarcity of qualified manpower have inhibited the capacity of the field offices to administer and co-ordinate substantial refugee assistance programmes, and maintain proper financial and management controls. The need of a more articulated regional or subregional perspective of refugee problems as reflected in inadequate decentralization of staff and authority to the field level, or the absence of systematic collaboration and information exchange among the field offices, have further contributed to weakening the impact of UNHCR's operations in the continent, particularly in the front-line States and in some of the Horn of Africa.

B. Recommendations and Suggestions for the Implementation of Recommendations

Recommendation No. 1: Southern Africa

(a) In view of the serious refugee situation now developing in Southern Africa, the High Commissioner should despatch a fact-finding mission to the front-line States to undertake an in-depth investigation of the situation of South African asylum seekers and study means and ways of relieving refugee pressure on those States.

(b) The High Commissioner should consider the possibility of suggesting to the Secretary-General the importance of convening a high-level meeting in the African region devoted to the unique plight of South African and Namibian refugees.

Implementation of Recommendation

86. The seriousness and urgency of the refugee situation in Southern Africa and the pressures brought on the front-line States by this situation calls for a first-hand, on site view to evaluate the situation for future strategy.

87. This could be done by the Office of the High Commissioner sending a mixed high-level mission comprised of Members of the Executive Committee and High officials of UNHCR, i.e. five members of the Executive Committee and one representing each of the regions and two high level officials of UNHCR, namely the Director of the African Bureau and the Head of Administration, whatever support personnel could be used from the nearest field office.

88. These officials will met with the pertinent high level officials of governments of the front-line States, to receive first hand information of the refugee problems facing their respective States, and their proposals for remedial action to be pursued. This wealth of information could then be reported back to the Executive Committee, who in turn will make recommendations to be implemented by the High Commissioner.

89. With the above recommendation as a basis the High Commissioner should then seek the support of the Secretary-General to convene a meeting of the African Heads of State, devoted to the question of the South African and Namibian refugee and the solution to the right of these in their relation with the front-line States and the Government of South Africa.

Recommendation No. 2: International Protection

UNHCR should give due attention to the following areas:

(a) Co-ordination and harmonisation of national refugee policies and legislations;

(b) Further development and consolidation of international refugee law with the aim of preventing or regulating mass expulsions of so-called illegal or economic immigrants on whatever grounds;

(c) Elimination of restrictive or selective asylum policies of several countries, including revisions to bilateral and multilateral pacts unfavourable to the effective application of protection principle in the region.

#### Implementation of Recommendation

90. The mechanisms of implementation lies in the policy planning and co-ordination areas of UNHCR, the implementation of this recommendation is the sole responsibility of the Office of the High Commissioner. Possible avenues for this application should be some of those outlined in paragraphs 4, 44 and 70 in its entirety.

#### Recommendation No. 3: Assistance

(a) Expanded efforts to search and utilize resettlement opportunities in and outside the region especially for urban refugees;

(b) Intensified emphasis on refugee education, skills development and specialized manpower training based on an explicit strategy calculated to speed up the local integration and self-reliance of rural and urban refugees;

(c) Expansion of small enterprise projects for refugees and promotion of co-operative ventures likely to make significant contributions to national economies;

(d) UNHCR should conduct a thorough review of its co-ordinate mechanisms with other organizations within and outside the United Nations system with a view to further strengthening and harmonizing their support for refugee educational programmes. The Office should maintain an up-to-date central data base on these programmes.

#### Implementation of Recommendation

91. The recommendation itself spells out clearly the general guidelines, all other activity toward implementation, rests with the Bureau of Africa in UNHCR.

#### Recommendation No. 4: Administration

(a) Recommendation 1-4 contained in the previous JIU report on the Role of UNHCR in South-East Asia (JIU/REP/84/15) apply fully in the context of the present report, mutatis mutandis;

##### i. Organization and staffing of field offices

(a) With due regard to differences in refugee situations in the various countries and regions, UNHCR field offices in Africa should be adequately equipped to perform the basic responsibilities and functions of UNHCR in the areas of international protection, programming and co-ordination of assistance activities, administration and financial management, and public information.

(b) The administrative and financial management functions of the field offices should be upgraded and performed by qualified and experienced UNHCR regular staff.

(c) Financial control and management functions should be established at the field office level and performed by qualified professional staff with specific

responsibility to monitor all financial operations and maintain permanent control over disbursements, banking and bidding procedures. For relatively small offices, this function could be centralized at the subregional or regional level under the direct authority of a central comptroller. The above measures should be implemented preferably through decentralization from Headquarters as recommended below.

ii. Decentralization

A new field staffing policy should afford the High Commissioner sufficient flexibility and leeway to decentralize experienced Headquarters staff to reinforce the UNHCR field establishment in those countries and regions such as in Africa and South East Asia and perhaps other areas where the magnitude of refugee situations and UNHCR expenditure levels warrant adequate UNHCR field presence as suggested in Recommendation No. 1.

iii. Regional emphasis

As a corollary to decentralization of Headquarters staff to the field, the High Commissioner should give due emphasis to the strengthening of the field regional structures of UNHCR, coupled with appropriate resources and authority. New arrangements should include the pooling of some specialist functions at the regional level, such as legal services, public information, project evaluation, financial monitoring and control functions, etc. Regional Representatives should have sufficient authority to articulate an integrated regional perspective of refugee problems, foster active collaboration among country offices and redeploy staff resources from one country to another to meet evolving requirements.

iv. National officer scheme

As an additional means of strengthening the field offices UNHCR should intensify the use of experienced, senior-level national staff, preferably seconded from Governments for specific periods, but selected and paid by UNHCR.

(b) The particular staff situation of field offices in the front-line States should be reviewed in light of the new refugee situations in those countries;

(c) UNHCR should institute a policy of active co-ordination and information exchange among field offices in the region, especially among field offices in subregions facing similar refugee situations. In addition UNHCR field representatives and protection officers in the Horn, East and Southern Africa should meet as regular as time permits, and all Representatives in the region should meet as needed to review, devise and implement co-ordinated strategies for the solution of refugee problems.

Implementation of Recommendation

92. With respect to (a) and (b), UNHCR should consider redeploying from headquarters more staff to handle operationally, the affairs of the region, as to the lack of financial controls, a great portion of the office experience in headquarters should have field assignments, availing itself to redeployed staff internally to fill whatever gaps that could arise at the main offices. Part (c) could be implemented on the same pattern and along the lines used by UNDP regional officials, with regular meetings to review problems common to all and establish criteria, conducive to a more co-ordinated approach to the overall field work especially if a widened role of UNHCR's activities in the near future, may include those which are now being undertaken by the OEOA.

Annex I. Field Staff Posts in Africa\*

C O U N T R Y	1 9 8 0	1 9 8 1	1 9 8 2	1 9 8 3	1 9 8 4
Angola	P = 4 GS = 10 JPO = $\frac{1.5}{15.5}$	P = 4.3 GS = 8.5 JPO = $\frac{1}{13.8}$	P = 5 GS = 10 JPO = $\frac{1}{16}$	P = 4 GS = 10 JPO = $\frac{1}{15}$	P = 4 GS = 10 JPO = $\frac{1}{15}$
Djibouti	P = 2 GS = 5.3 JPO = $\frac{2}{9.3}$	P = 2.5 GS = 9 JPO = $\frac{2}{13.5}$	P = 3 GS = 12 JPO = $\frac{2}{17}$	P = 3 GS = 12 JPO = $\frac{2}{17}$	P = 3 GS = 10 JPO = $\frac{1}{14}$
Ethiopia	P = 3 GS = 8 JPO = $\frac{-}{11}$	P = 2 GS = 6 JPO = $\frac{-}{8}$	P = 7 GS = 15 JPO = $\frac{-}{22}$	P = 9 GS = 20 JPO = $\frac{-}{29}$	P = 8 GS = 17 JPO = $\frac{1}{26}$
Somalia	P = 5.3 GS = 24 JPO = $\frac{-}{29.3}$	P = 8.5 GS = 43.3 JPO = $\frac{-}{51.8}$	P = 13 GS = 36 JPO = $\frac{-}{49}$	P = 14 GS = 36 JPO = $\frac{-}{50}$	P = 14 GS = 32 JPO = $\frac{-}{46}$
Sudan	P = 8.3 GS = 19 JPO = $\frac{3}{30.3}$	P = 12.6 GS = 18.2 JPO = $\frac{2.8}{33.6}$	P = 15 GS = 31 JPO = $\frac{5}{51}$	P = 15 GS = 29 JPO = $\frac{5}{49}$	P = 15 GS = 26 JPO = $\frac{7}{48}$
Tanzania	P = 3 GS = 6 JPO = $\frac{1}{10}$	P = 3 GS = 6 JPO = $\frac{0.9}{9.9}$	P = 3 GS = 7 JPO = $\frac{1}{11}$	P = 4 GS = 7 JPO = $\frac{1}{12}$	P = 4 GS = 7 JPO = $\frac{1}{12}$
Uganda	P = 4 GS = 8.5 JPO = $\frac{0.5}{13}$	P = 2.8 GS = 7 JPO = $\frac{0.5}{10.3}$	P = 4 GS = 8 JPO = $\frac{-}{12}$	P = 6 GS = 10 JPO = $\frac{-}{16}$	P = 6 GS = 10 JPO = $\frac{1}{17}$
Zaire	P = 9.5 GS = 22.4 JPO = $\frac{1}{32.9}$	P = 5.8 GS = 12.5 JPO = $\frac{1}{19.3}$	P = 8 GS = 15 JPO = $\frac{1}{24}$	P = 9 GS = 15 JPO = $\frac{1}{25}$	P = 8 GS = 12 JPO = $\frac{1}{21}$
Zambia	P = 2 GS = 6 JPO = $\frac{1.9}{9.9}$	P = 2 GS = 6 JPO = $\frac{1.3}{9.3}$	P = 2 GS = 8 JPO = $\frac{2}{12}$	P = 3 GS = 8 JPO = $\frac{2}{13}$	P = 3 GS = 8 JPO = $\frac{2}{13}$

Sources: A/AC/96/506, A/AC/96/620, A/AC/96/639 and A/AC/96/657.

\*Highly affected countries.





