



Unevenly Applied, More Often Denied: Refugee Rights in Africa

by Joel Frushone

Introduction

An estimated 2.3 million African refugees have languished in camps, settlements, and urban settings without many basic rights for 5, 10, 15, 20, or more years. Such refugees, originating from 10 different countries, had negligible prospects for durable solutions during 2003 and remained warehoused in some 20 countries at year's end.

As parties to the 1951 UN Convention relating to the Status of Refugees and/or the 1967 Protocol, 46 out of 48 mainland African countries have acknowledged their obligation to protect the rights of the refugees they host. Eritrea and Libya are the only nonparties to both documents. The African countries hosting the continent's more than 2 million warehoused refugees—who are also some of the world's most impoverished—are themselves extremely poor, chronically underdeveloped, and often strife-ridden. Their refugee protection record during the past several decades is mixed.

During the first years of this still new century, the U.S. Committee for Refugees (USCR) closely examined the plight of warehoused refugees in numerous African countries. Many of the warehoused populations USCR visited during the past three years first fled their homeland when Richard Nixon was president of the United States and the late Prince Sadruddin Aga Khan, who passed away in May 2003, was the UN High Commissioner for Refugees (UNHCR).

This article addresses three specific refugee popu-

lations who have struggled to survive in warehoused situations in Zambia, Tanzania, and Algeria.

In Zambia, Angolan refugees have obtained a remarkable level of self-sufficiency by cultivating land local officials provided them upon arrival in Zambia. Conversely, Tanzanian policies to restrict the movement of Burundian refugees have reduced their ability to farm, supplement their diets, or earn income. In Algeria, Sahrawi refugees enjoy all the rights granted in the UN Refugee Convention, but most exercise their right, under Article 26, to choose their place of residence by staying in designated camps.

Providing for Ourselves: Angolan Refugees in Zambia

Zambia has served as a gracious host to hundreds of thousands of Angolan refugees for several decades. Rather than require Angolan refugees to live in camps, local Zambian officials allowed the population to live in settlements in western Zambia and gave them small parcels of land to cultivate. Not only did most Angolans obtain a remarkable level of self-sufficiency during their protracted stay in Zambia, they also contributed to the national economy and are returning home in relatively good health.

Despite Zambia's several reservations to the UN Refugee Convention, including "not wish[ing] to undertake to grant refugees rights of wage-earning employment more favorable than those granted to aliens generally," in practice, Zambian policies respect refugees' rights far better than many other African countries.

Photo: Dakhla refugee camp near Tindouf, Algeria.

Credit: UNHCR/A. Hollman

Background Nearly 30 years of brutal fighting for political control of Angola’s lucrative oil and diamond resources between rebels known as the National Union for the Total Independence of Angola (UNITA) and the government drove 4.5 million Angolans—or 4 out of every 10—from their homes. This includes approximately 500,000 Angolans who fled to neighboring countries, primarily Congo-Kinshasa (also known as the Democratic Republic of Congo) and Zambia.

Angola’s civil war came to a dramatic and abrupt end when UNITA leader Jonas Savimbi was killed in battle in February 2002. UNITA and the Angolan government soon agreed to a cease-fire and signed a comprehensive peace agreement in August 2002, bringing 27 years of warfare to an official end. This triggered the spontaneous and abrupt return home of an estimated 800,000 internally displaced Angolans and some 80,000 Angolan refugees.

Zambia has hosted hundreds of thousands of Angolans during the past three decades. At the end of 2003, some 70,000 Angolans remained in three refugee settlements in western Zambia, where they received protection and humanitarian assistance from UNHCR. An additional

estimated 100,000 Angolans lived outside the designated settlements and in urban areas among the Zambian population, where neither UNHCR nor the Zambian government recognizes, assists, or protects them.

Self-Sufficiency Unique among refugee populations in Africa, settlement-based Angolans in Zambia reached a remarkable level of self-sufficiency and did not become dependant on the international community. Instead, local Zambian officials empowered settlement-based Angolan refugees by giving them 6 to 12 acres (2.5 to 5 hectares) of fertile land to farm. After three years in western Zambia’s Mayukwayukwa and Meheba settlements, refugees no longer received monthly food rations from the World Food Programme (WFP)—except for the elderly, orphans, and single mothers. UNHCR and other international humanitarian organizations provided refugees with basic humanitarian assistance, including water, sanitation, and education services.

Access to land enabled refugees to supplement their diets and to eventually support themselves, reducing the burden on international donors and limited national



An Angolan refugee woman and her child in Meheba refugee settlement in western Zambia. Unique among refugee populations in Africa, settlement-based Angolans in Zambia obtained a remarkable level of self-sufficiency and did not become dependent on the international community.

Photo: USCR/J. Frushone



Select Crops Grown	2002 Yield in Metric Tons	2003 Yield in Metric Tons	Decrease in Production
Maize	12,698	9,605*	24.4%
Cassava	15,470	13,693	11.5%
Sweet Potatoes	7,135	1,171	83.5%
Sugar Beans	321	70	78.0%

and local resources. This policy and a strong work ethic among the refugee population made most Angolans living in the settlements productive and successful farmers.

More typically in Africa, governments deny refugees the right to earn a livelihood. Ethiopia, for example, denies land to the majority of Sudanese refugees living in western Ethiopia, where they have resided for more than 20 years in circumstances nearly identical to those of Angolan refugees in western Zambia. As a result, Sudanese refugees are solely dependent on the international community for food and other basic humanitarian needs. Many had supported themselves as farmers in Sudan, but Ethiopia refused to make more land available to the refugee population, limiting their opportunities to become self-sufficient. Unlike in western Zambia, Ethiopian authorities harass Sudanese refugees who move beyond camp boundaries to cultivate with local people. Burundian refugees living in western Tanzania are also denied access to agricultural land and suffer as a result (see below).

Contributors to the National Economy In addition to empowering refugees, the Zambian land-distribution policy

benefited the Zambian economy. The settlement-based Angolan refugee population served as a formidable agricultural labor force that produced locally, nationally, and internationally marketable vegetables. Some refugees sold their vegetables to local Zambians in Solwezi, the town nearest Meheba, and as far away as Lusaka, the Zambian capital. Some refugees' owned vehicles, which they used to transport their vegetables, and vegetables purchased from other refugees, to markets. Others relied on a vehicle donated by the Danish government. The Zambian government issued 30- to 60-day permits to refugees who traveled outside of the settlements to sell their vegetables. Through partnerships with Zambian businessmen and women, refugees also successfully marketed their surplus sweet potatoes to Botswana, and maize they grew and harvested to both neighboring Congo-Kinshasa and to millers in Zambian Copperbelt towns.

With the repatriation of about 220,000 Angolan refugees since the end of the civil war in Angola in early 2002, crop yields in and around Meheba refugee settlement have decreased significantly. The loss of the Angolan workforce was the main contributing factor to the reduc-

tion, according to the UN.

In December 2002, a University of Bath study identified a number of factors in the success of Zambia's land distribution policy:

- Local chiefs controlled an abundance of land and water, which they allowed refugees to use.
- People on both sides of the Zambia-Angola border shared the same culture, language, and history.
- The government of Zambia had little capacity to implement Zambian law in the Angolan refugee settlements, which are in remote border areas, leaving to local chiefs the responsibility to determine what was best for the region.

Citizenship More than 170,000 Angolans were still in Zambia at the end of 2003. Although Angola remains relatively stable and refugees will continue to repatriate, as many as 30,000 to 50,000 Angolans will likely choose to remain in Zambia rather than return home.

In most cases, the rationale behind Angolans unwilling to repatriate is rooted in the duration of their asylum in Zambia. After visiting Zambia in November 2003, USCR reported that this group primarily includes:

- Adult refugees who believe that conditions in returnee areas in Angola will prevent them from providing for their families as they have in Zambia.
- Young adults and children born and raised in Zambia, many of whom have never visited Angola and are unfamiliar with the country.

“The government of Zambia recognizes that thousands of Angolan refugees will choose to remain in Zambia and is considering amending the Constitution of Zambia, the Refugees Control Act, and other Zambian laws to create a legal framework so that Angolan refugees unwilling to move to Angola will have the opportunity to apply for Zambian citizenship,” USCR concluded.

Far from burdening Zambia, naturalizing Angolan refugees unwilling to repatriate—most of whom are already food self-sufficient—would help it retain a portion of its dwindling agricultural labor force and reverse the trend of decreasing agricultural output. Offering citizenship to this likely residual population would also serve as a positive

example to other nations hosting similarly warehoused refugee populations.

Fenced in and Frustrated: Burundian Refugees in Tanzania

Tanzania's increasingly anti-refugee policies have eroded the ability of most Burundian refugees in western Tanzania to survive. In particular, Tanzanian officials restrict refugees from traveling more than very short distances outside of camp perimeters, reducing their ability to farm or earn income. This policy violates the refugees' work and mobility rights, spelled out in Articles 17 and 26 of the UN Refugee Convention.

Background Tanzania hosts one of Africa's largest refugee populations. Of the approximately 480,000 refugees in Tanzania at the end of 2003, the overwhelming majority were from Burundi.

During the past three decades, Burundians have flooded into Tanzania. In 1993, Tutsi soldiers assassinated



Refugee returnees in Angola separate a net after a day of fishing. Many Angolan refugees who remained in Zambia at the end of 2003 were concerned that conditions at home would prevent them from providing for their families.

Photo: USCR/J. Frushone

Burundi's first democratically elected president, a Hutu, and other high-ranking Hutu officials, triggering a wave of violence that killed approximately 50,000 people of both ethnic groups and began Burundi's civil war. The violence pushed nearly 750,000 Burundians into neighboring East African countries, primarily Tanzania. While tens of thousands of Burundians have repatriated during the past de-



cade, sustained warfare and human rights violations have forced tens of thousands of others to seek refuge in Tanzania.

In 2003, the Tanzanian government recognized about 325,000 Burundian refugees, nearly all of who have lived in western Tanzania for more than 10 years, and required them to live in 10 designated camps along a 150-mile (250-km) stretch of forest near its western border with Rwanda and Burundi.

The Presence of Refugees The presence of Burundian refugees in western Tanzania has dramatically transformed the Kagera and Kigoma Regions during the past decade. Once a remote lushly forested area, more densely populated with wild animals than humans, Kagera and Kigoma Regions are today relatively developed and home to market towns linked by a network of roads and airstrips to greater Tanzania, Burundi, Rwanda, and Uganda.

The improved transportation infrastructure—largely built and maintained by the international community—has facilitated the import of food to formerly deficient areas and the export of goods produced in the Kagera and Kigoma Regions. UNHCR and other international hu-

manitarian organizations have also enhanced and maintained local water, health care, and education services, which benefit local residents as well. Humanitarian operations in the area also provide jobs for local residents and professionals from other areas of Tanzania. The area is also home to a skilled labor force, primarily trained and employed by international organizations.

Tanzanian governmental officials contend that the refugees' presence in western Tanzania during the past decade worsened security in the area. In response, Tanzania has pressured refugees to return home and has restricted their mobility.

Restricted Movement Despite the greater flow of goods and services into western Tanzania, the quality of life for Burundian refugees has worsened, in part, because of violence in and around the camps, food shortages, and government-imposed restrictions. Tanzania insists that, for the security of refugees and local residents, refugees may not travel more than 2.5 miles (4 km) from the camps. Although nowhere stipulated in Tanzania's Refugees Act of 1998, this unwritten but strictly enforced policy has reduced Burundian refugees' ability to survive.



A Burundian woman making bread at Kanembwa refugee camp, western Tanzania, where government restrictions have eliminated virtually all opportunities for refugees to earn income.

Photo: USCR/J. Frushone

Criminals, members of Burundi-based armed militias, Tanzanian security personnel, and some refugees commit murders, rapes, and armed robberies in refugee camps and against local citizens. Tanzanian officials, however, disproportionately blame refugees who commit only some of these crimes, and use the pretext to keep refugees in designated camps and away from farmland and other economic opportunities. This has rendered Burundian refugees completely dependent on dwindling humanitarian aid for survival. Funding shortages have forced WFP to reduce food rations for Burundian refugees many times in the past several years, including from January to September 2003.

Granting Burundian refugees—the majority of whom are farmers—greater access to agricultural land, which is plentiful in western Tanzania, would provide them with the opportunity to obtain some self-sufficiency and substantially improve their warehoused lives.

Although UNHCR, international humanitarian organizations, and the Tanzanian Ministry of Home Affairs have discussed changing Tanzania's 1998 Refugees Act to render it more compatible with international refugee law in the protection of refugees' rights, no revisions have been made.

Freedom of Choice: Sahrawi Refugees in Algeria

Sheltering one of the world's most isolated refugee populations, the remote desert camps in southern Algeria host approximately 165,000 residents of Western Sahara, known as ethnic Sahrawis. For nearly 30 years, the Algerian government has lived up to its UN Refugee Convention obligations, giving the Sahrawi refugee population considerable financial and political support since their arrival in the mid-1970s.

Most of the Sahrawi camp residents hope to repatriate and, pending a political agreement in their disputed homeland, struggle to survive in trying circumstances. Sahrawi refugees choose their place of residence and may move freely and reside anywhere throughout Algeria, as recognized by Article 26 of the UN Refugee Convention and honored by Algerian authorities. However, the vast majority of the population has chosen to remain in the desert camps

REFUGEE CAMPS AND SETTLEMENTS IN AFRICA
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rather than live elsewhere in Algeria or other nations.

Exile is assumed to be temporary and some refugees see a need to band together for security and social purposes in a new land. Refugees understand that camps make them visible, and keep their plight, and the politics that underpin it, in the world's consciousness. The Sahrawi camps in Algeria are a prime exemplar.

Dr. Randa Farah
Forced Migration Review,
January 2003

Background As Spanish-colonial authorities withdrew from Western Sahara in 1975, an estimated 40,000 Sahrawis fled to neighboring Algeria to escape fighting for control



over the territory. The war initially pitted both Morocco and Mauritania against armed Sahrawis known as the Polisario (Popular Front for the Liberation of Saguia el Hamra and Rio de Oro).

In September 1991, Morocco and Polisario agreed to lay down their arms and hold a UN-organized referendum, asking Sahrawis who had lived in the territory before 1975 and their descendants to decide whether Western Sahara should be an independent country or part of Morocco. A UN peacekeeping force arrived in Western Sahara in late 1991 to monitor the cease-fire and supervise preparations for the scheduled 1992 referendum. Disagreement over voter eligibility stalled the referendum, however, and several UN and other international mediation efforts have failed to end the impasse during the past 12 years.

Today, more than 28 years after the departure of Spain and the subsequent withdrawal of Mauritania, Morocco continues to rule the disputed territory and the number of Sahrawis living in refugee camps near Tindouf has more than quadrupled.

Desert Camps Algeria officially recognizes the Sahrawi Arab Democratic Republic (SADR), a self-proclaimed government-in-exile, which is based in and controls the Sahrawi refugee camps. Algerian authorities allow SADR to function freely in exile and defer to it on matters regarding its refugee camp-based population.

UNHCR, WFP, the Algerian Red Crescent (ARC), the Sahrawi Red Crescent (SRC), and other international donors and humanitarian organizations have provided a wide range of basic assistance to Sahrawi refugees living in the desert camps, which are named after Western Saharan cities. The four camps, Asward, Dakhla, Laayoune, and Smara, are located in a remote corner near the town of Tindouf near the Great Western Erg region of the 3.5 million square mile (8.6 million square kilometers) Sahara desert. The camps are situated approximately 1,000 miles (1,600 km) from Algiers, the Algerian capital, and are only accessible by air or by road-less desert.

According to ARC, approximately 39,000 Sahrawi refugees live in Asward camp, which is some 20 miles (30 km) from Tindouf; some 38,000 live in Dakhla camp, the furthest at about 110 miles (180 km) from Tindouf; an estimated 39,000 refugees live in Laayoune camp, about 5 miles (10 km) from Tindouf; and more than 39,000 Sahrawi refugees live in Smara camp, which is about 30 miles (50 km) from Tindouf.

Refugee Rights As a party to the UN Refugee Convention and its 1967 Protocol, the government of Algeria acknowledges the rights of the Sahrawi refugees they host. Although SADR is not a party to the UN Refugee Convention or to its protocol, by nature of its relationship with Algeria, it is responsible for matters regarding the camp-based population.

Some of those rights include:

The Right to Own Property Sahrawi refugees own their tents and other permanent structures, but do not have title to the land on which they are built. Nevertheless, they have the legal right to own land anywhere in Algeria. They also own tools and other assets to earn a livelihood. Rarely are

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any property crimes committed in the camps, which have police with vehicles but no weapons.

Access to Courts SADR maintains a criminal and civil justice system administered by its own Ministry of Justice. Sahrawis may also bring legal actions in any Algerian court.

The Right to Earn a Living Sahrawis are free to seek employment throughout Algeria with the same standing as nationals, as provided by Articles 17, 18, and 19 of the UN Refugee Convention. Employment opportunities in the camps are limited, however. UNHCR and other humanitarian organizations working in the camps employ a handful of refugees. About 100 refugees work for SRC, primarily distributing food. International humanitarian organizations also offer the refugees income generation programs, such as carpet making, and micro-credit loans, which are generally used to initiate and support small businesses.

Very few refugees work in Tindouf, the only Algerian town within hundreds of miles of the camps. Employment opportunities in Tindouf are limited and transportation from the remote camps to the remote town is unreliable at best.

The few refugees who own small businesses produce negligible profits. High overhead costs, the cost of transporting goods long distances to the remote camps, and refugee customers with no money have hampered the development of any sort of market economy. Nevertheless, Sahrawi refugees are legally entitled to own and operate any business anywhere in Algeria. Officials do not discrimi-

nate against Sahrawi refugees in granting licenses, permits, or other business requirements. Refugees may also practice any profession for which they are qualified throughout Algeria on the same basis as nationals.

Freedom of Movement There are no formal restrictions against Sahrawi refugees' movement and choice of residence in Algeria. Most refugees possess identification documents issued by the UN Mission for the Referendum in Western Sahara (MINURSO) and SADR. Refugees who desire to visit other countries must obtain an Algerian passport and receive permission from SADR to travel. Several thousand Sahrawi refugees, including Polisario and SADR representatives, reside and work in Algiers and other urban areas, but the majority of the refugee population has rarely traveled outside the camps. Accurate data regarding how refugees living in greater Algeria support themselves is unavailable.

Conclusion

While the protection of refugee rights varies throughout Africa, when countries honor the rights acknowledged in the UN Refugee Convention, a refugee's quality of life may improve considerably, especially in protracted situations. When denied their rights, refugees in Africa are often reduced to absolute penury and enforced dependency.

As some protracted refugee situations in Africa seem to drag on hopelessly, national and international financial constraints; local, regional, and international politics; and other limiting factors often erode support of refugees' rights. The international community should not accept this as business as usual on the African continent, nor should it accept these constraints as insurmountable obstacles.

Most of the basic UN Refugee Convention rights do not require funding to support and host countries, like Zambia, may even realize economic benefits. The international community should continue to help financially support services that honor refugee rights, such as education and assistance to vulnerable populations, and consider directly compensating host countries to implement such services where appropriate.

In the absence of political solutions to end Africa's



A Sahrawi woman and her son in Dakhla refugee camp near Tindouf, Algeria. The estimated 165,000 Sahrawi refugees in Algeria are some of the longest-exiled refugees in Africa.

Photo: USCR/J.Frushone

protracted conflicts, which have forced more than 2 million civilians to remain refugees for a decade or more, it is far better for countries to respect the rights of the refugees they host. Moreover, it is the international community's responsibility to help them to do so.

There are countries in Africa, other than Zambia and Algeria, that uphold their UN Refugee Convention obligations. Similarly, there are countries, in addition to Tanzania, that deliberately deny refugees their basic rights. Although often viewed as academic and legal abstractions, the UN Refugee Convention rights, when honored, do make a difference where they matter most: in the life of a refugee.