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NGO Statement on Africa

Agenda Item 3. a) i.

This statement has been drafted in consultation with, and is delivered on behalf of, a wide range of NGOs and attempts to reflect the diversity of views within the NGO community.

Madam Chair,

The year saw ongoing conflicts in the DRC, Somalia, Chad-CAR-Darfur, Sudan, and Eritrea-Ethiopia, and other situations such as the unfolding political events in Zimbabwe have caused new forced displacement and hampered efforts for individuals to find durable solutions.

Major developments during the year

In DRC, an estimated 24,000 people fled their homes in North Kivu in January of this year. Many of the estimated 809,000 displaced in North Kivu are reluctant to return home. People have fled in response to fighting and warning of combat, adding to 1.2 million people who have been internally displaced or who have crossed borders in earlier waves of fighting. This includes 4,500 refugees who fled to Uganda, and more who have fled their homes in Lubero and Masisi territories in North Kivu. Some of the displaced have since returned, but the situation remains volatile and further displacement is expected. NGOs call on UNHCR to continue its efforts to find durable solutions for the displaced in DRC. NGOs also urge the strengthening of the MONUC mission and reiterate that the protection of civilians during military operations must be a top priority. NGOs support the continuation of the Nairobi peace talks and request the investigation of human rights violations, including sexual and gender-based violence experienced by the displaced.

For the first time in two years, Somalis displaced by general violence in Mogadishu have been returning to their homes. Over 15,000 IDPs who fled to various parts of Somalia are returning to their homes following the withdrawal of Ethiopian troops from Mogadishu. Despite the returns, the security situation remains highly volatile. Sexual and gender-based crimes, as well as the failure to prosecute rape continue to be a critical problem in Somalia. Attacks against NGO workers and journalists in Somalia hamper the humanitarian response to people in need and the dissemination of timely information.

Some 6,000 civilians fled Central African Republic for Chad starting in December 2008 to escape attacks by rebel groups and fighting between rebels and CAR government forces. In the first ten months of 2008, there were 77 security incidents against NGO colleagues in Chad,

impeding assistance to people in need. Because of the continuing insecurity in Sudan and CAR and the continuing flow of refugees seeking shelter in Chad, the return of refugees in 2009 seems unlikely. Eastern CAR could also witness new population displacement due to escalating tensions. Some 3,000 Central African IDP families returned to their place of origin in 2008. However, in the context of continuing instability in the Central African Republic, UNHCR and NGO partners need urgently to reinforce their capacity to monitor the situation of both IDPs and returnees and to provide reintegration and early recovery services.

In 2008, 1,714 individuals were repatriated from Eritrea to Ethiopia. However, NGOs have noted that despite the Algiers Peace Agreement and the decision of the Ethiopia-Eritrea Border Commission, there is a continuing impasse over the demarcation of the border between the two countries and the status of the town of Badme. The peace agreement led to the return and resettlement of IDPs in home areas and resettlement villages, but the possibility of another displacement remains. Approximately 10,000 new Somali asylum seekers fleeing insecurity have arrived in Dolo-Ado in southeast Ethiopia where approximately 150 individuals have been arriving each day since the beginning of the year. NGOs applaud the efforts of UNHCR to dispatch staff and relief supplies to this area and hope that the operation of a new camp in Dolo-Ado will provide security for these individuals.

The insecurity of Sudan's Darfur region has increased the difficulty of providing humanitarian aid. Violence between Khartoum and rebel groups in Darfur has resulted in the arrival of 3,000 people in Zam Zam camp for IDPs in North Darfur in February 2009. NGOs hope that recent efforts of peacekeeping forces will increase security and improve the humanitarian conditions for the displaced in Darfur.

In Uganda, the number of IDPs in the north has steadily declined due to government-led return programmes. However, the long-awaited peace agreement between the Government of Uganda and the Lord's Resistance Army has not been signed. The Lord's Resistance Army (LRA) has waged recent attacks against Congolese civilians and the Government of Uganda bombed LRA bases at the end of 2008. Monitoring of the conditions of those who have returned will be particularly important in the context of the lack of a negotiated settlement.

Following the latest wave of LRA attacks in the town of Aba in the DRC, some 7,000 refugees crossed into Lasu in southern Sudan. The number of Congolese refugees seeking safety in southern Sudan since attacks by the rebel Lord's Resistance Army (LRA) is now over 15,000. The Congolese refugee population of 2,000 in Lasu has swelled to 6,000 in February of this year. The same attacks have also led to the displacement of close to 30,000 IDPs in southern Sudan. NGOs applaud UNHCR's initiatives to provide support to displaced individuals in Central and Western Equatoria. We note, however, that the government of southern Sudan has not provided a framework for the reception of these individuals. NGOs urge UNHCR to engage the government of southern Sudan in order to clarify the legal status of these individual.

At the same time, southern Sudan is receiving large numbers of returnees, both from within Sudan and from neighbouring countries. UNHCR has been helping southern Sudanese return from Kenya, Uganda, and other neighbouring countries following the signing of the CPA, marking the return of over 300,000 Sudanese refugees since the end of the north-south war and

the start of UNHCR's repatriation operation in southern Sudan in 2005. However, NGOs note that the focus in this operation has been on the logistics of return, and that urgent action is needed to ensure that return programs are accompanied by adequate reintegration and recovery programmes.

NGOs welcome the effort initiated by the governments of Tanzania and Burundi, in partnership with UNHCR, to provide durable solutions for Burundian refugees in Tanzania. In particular, NGOs laud the willingness of the Government of Tanzania to extend citizenship to long staying refugees in the country. However, NGO research has indicated that there are a number of procedural problems with the process that are limiting the access of refugees to naturalisation in practice. UNHCR should urgently engage with the Government of Tanzania to ensure that these problems are rectified. At the same time, the repatriation of Burundian refugees from Tanzania has continued. Within months of the start of repatriation in 2008, there were reports of fighting in Burundi involving FNL Palipehutu and government forces, causing instability and the possibility of further refugee outflows from Burundi. In addition, tension over efforts of returnees to regain access to their land in Burundi and limited capacity on the part of the government of Burundi are straining Burundi's ability to reintegrate these returnees. NGOs call on UNHCR to ensure that the pace of returns and the assistance provided are adequate to ensure successful reintegration. NGOs request further monitoring of returnees' situations, as well as an assessment of their property rights. NGO research has suggested that the repatriation process of Burundian refugees was not entirely conducted in safety, dignity, and in a voluntary manner, particularly in the lack of medical screening, transport of the vulnerable in flatbed trucks, and exertion of pressure by the Tanzanian government by restricting religious gatherings, secondary schooling, and movement outside camps. NGOs urge UNHCR to monitor the repatriation process in Tanzania and to ensure it is conducted in a voluntary way and in safety and dignity.

In Kenya, there have been confirmed cases of cholera in Hagadera refugee camp in Dadaab, western Kenya. NGOs fear the potential of its spread due to the inflow of approximately 5,000 Somali refugees arriving every month. The camp, designed for 90,000 individuals, currently houses 250,000 refugees. NGOs hope that proposed plans to build another camp in northeastern Kenya to host 50,000 will be operationalised to relieve the current strain on Hagadera camp. NGOs urge UNHCR to ensure that Kakuma Camp be provided with the necessary resources to cater for the transfer of refugees from Dadaab to Kakuma and to maintain appropriate levels of services to avoid tension in Kakuma Camp.

In West Africa, since 2007, Mauritania has committed itself to the return of Mauritanian refugees from Senegal and Mali, and though the subsequent *coup* has caused a setback, the process of repatriation is continuing. NGOs urge that UNHCR ensure that the repatriation occur in accordance with the agreement in the Tripartite Accords. NGOs call for the recovery of Mauritanian citizenship of those returning to their homes, the delivery of national ID papers and aid in education, housing, and income-generating projects. In March 2008, Liberian refugees mounted protests in Ghana to oppose the introduction of a repatriation programme following the government's announcement that it planned on invoking the cessation clauses of the 1951 UN and 1969 OAU Refugee Conventions. NGOs urge that UNHCR examine the concerns of the Liberian refugees about the lack of an opportunity to have their cases for continued protection heard.

In May 2008, xenophobic violence in South Africa swept through Johannesburg, Pretoria, Cape Town, and settlements of other cities, killing 62 and displacing approximately 20,000. NGOs spoke out about the need to take comprehensive and proactive measures to avoid future violence. NGOs requested a formal inquiry, the results of which were published in the *Report of the Ad Hoc Inquiry into UNHCR's Response to the 2008 Xenophobic Crisis in the Republic of South Africa*. NGOs urge that the recommendations set forth by the report are realised, in particular future collaboration between UNHCR Pretoria and the South African government to create a contingency plan for further potential outbreaks of xenophobic violence.

An estimated 48,000 refugees have fled from Zimbabwe to South Africa to escape political persecution and extreme deprivation, especially following the flare-up of political violence around the 29 March 2008 elections. Yet, many continue to suffer from a lack of physical and legal protections in South Africa due to the backlog of asylum claims processing and long delays in issuing identity documents. Of particular concern are increasing numbers of unaccompanied children and women fleeing food scarcity and cholera in Zimbabwe to arrive in South Africa's Musina Camp ("showgrounds"). In response to this influx of asylum seekers, South Africa has been issuing roughly 250 temporary asylum documents a day. NGOs believe that UNHCR should work with the South African government to increase the capacity and transparency of the existing RSD and documentation processes. NGOs are also concerned by reports of corruption and sexual and economic exploitation of asylum seekers and refugees by officials at the Refugee Reception Centres. NGOs call on UNHCR to monitor and put a stop to human rights violations of refugees and asylum seekers. Finally, NGOs are concerned by documented instances of *refoulement*.

While UNHCR in Zimbabwe continues to assist the government to provide services to refugees from the DRC and elsewhere, NGOs are concerned about the estimated 960,000 Zimbabwean IDPs who currently fall outside of UNHCR's protection mandate. NGOs request that UN and AU human rights monitors investigate human rights violations and the arrest and detention of political dissidents in Zimbabwe.

It is also important that UNHCR's current review of statelessness in the region actively solicit input and periodically share the agency's findings with all relevant international and local NGOs.

The Role of UNHCR

NGOs applaud UNHCR's continued efforts at supporting and building the capacity of national governments to conduct refugee status determination processes and registration. NGOs request that UNHCR ramp up its help to Senegal to establish an updated legal framework for refugees and that it ensure recognition of asylum seekers' due process rights in Senegal, in particular with regard to the right to legal counsel. In addition, NGOs request that UNHCR assist rejected asylum seekers on account of inadequate decision and the low rate of refugee status grants by the Senegalese National Eligibility Commission. In addition, NGOs are concerned about evidence disclosure during mandate RSD and are concerned that current UNHCR evidence policies increase erroneous rejections of refugee claims by UNHCR offices and set poor examples for governments that are creating their own RSD systems. NGOs request UNHCR to consider a

concrete proposal on how to address this concern. For example, current policy prohibits providing asylum seekers with copies of their own interview transcripts, clashing with minimum standards of procedural fairness that UNHCR has promoted elsewhere.

NGOs urge UNHCR to adopt the new urban policy on refugees and asylum seekers and take into account NGO feedback as a matter of urgency. NGOs urge UNHCR to engage the issue of urban refugees in Africa more actively, for example in the large populations of urban refugees in Cairo, Nairobi, Addis Ababa and Kampala. Whilst protracted refugee situations drive many refugees to urban centres, an urban environment exacerbates protection risks such as increased risks of deportation and *refoulement*, detention, difficulties in attaining sustainable livelihoods, and accessing essential services. In Bujumbura, a number of Congolese nationals were rounded up and summarily deported back to DRC. This incident highlights the vulnerability of urban populations and the need for more active outreach and monitoring by UNHCR. NGOs report that almost 800 Kenyans were displaced in Nairobi as late as July of last year following the post-election violence. NGOs urge UNHCR to expand its search for durable solutions and to vigorously encourage and involve host governments and international governments in this regard.

NGOs express support of UNHCR's efforts to build partnerships with African regional and sub-regional organisations, in particular its engagement with ECOWAS. NGOs urge further engagement with the International Conference on the Great Lakes (ICGLR) to create opportunities for collaboration under the Pact on Security, Stability and Development in the Great Lakes Region, in particular in relation to the rights of IDPs.

Normative and Policy Developments

NGOs welcome continued efforts on the part of African States to create and elaborate new legal norms and standards for the protection for IDPs, refugees and returnees. Continuing its work since 2006 on an IDP Convention, the AU is expected to present the Convention on the Prevention of Internal Displacement and the Protection of and Assistance to Internally Displaced Persons in Africa for signature to the AU Special Summit on Forced Displacement in Kampala in April. NGOs encourage continual UNHCR input on the AU IDP Convention and encouragement to reaffirm and respect the UN Guiding Principles on Internal Displacement.

The ICGLR is in the process of signing memoranda of understanding with partners in 2009. The ICGLR started an initial study of legal frameworks for the recovery of land and property by returning refugees and IDPs in January of this year. NGOs call on UNHCR to actively support these regional efforts.

Issues of ethnicity and identity continue to be a motivational factor behind human rights violations and continuous armed conflict as a means of access to power, political control, and access to natural resources, such as in the DRC. NGOs regret the fact that African States by and large still have limited effective legal mechanisms to integrate long-term refugees into local populations as permanent residents with the right to work and freedom of movement. In Kenya, when the high court failed to appoint a judicial panel for a complaint seeking recognition as citizens, Nubians brought an action to the regional African Commission on Human and Peoples'

Rights. Neither communication is complete yet, but Nubian leaders attribute administrative improvements to these lawsuits. UNHCR should support such efforts not only for minorities but also for women, children, and long-staying refugees.

NGOs are pleased that UNHCR is assisting individuals who had been residing as stateless persons and refugees in Senegal who wish to return to their homeland of Mauritania as well as monitoring the Mahamid nomads in Niger who are at risk of becoming stateless. NGOs commend UNHCR's efforts to work with the government of Cote d'Ivoire to educate individuals on their rights and nationality status. While the primary responsibility for ending statelessness rests with governments, NGOs applaud UNHCR for increasing its attention on this issue and expanding such efforts. NGOs urge further engagement with the issue of statelessness in Ethiopia and Eritrea, where conflict once rendered many people in mixed marriage situations or being descendents thereof effectively stateless. NGOs urge that UNHCR also work with minority communities such as the Banyamulenge of South Kivu and the Batwa pygmies dispersed throughout Rwanda, Burundi, Uganda, and the DRC. Attention should also be paid to Madagascar where as many as five percent of the two million Muslims have been adversely affected by an arcane system of citizenship laws.

Thank you, Madam Chair.