2 Decolonization in Africa

During the 1960s, UNHCR's focus shifted increasingly away from Europe. Since the end of the Second World War, demands for independence by countries in the colonized world had increased dramatically. By 1960, it was apparent that the end of European colonial rule on the African continent was imminent. In many cases, relatively peaceful transfers of power took place. In other instances, colonial powers refused to yield, resulting in major wars which in turn caused refugee crises.

The precursor to the wars which broke out in Africa in the 1960s and 1970s was the Algerian war of 1954–62. It was one of the bloodiest 'wars of national liberation'. UNHCR's involvement in assisting Algerian refugees in Morocco and Tunisia, and in helping them repatriate at the end of the war, marked the beginning of a much wider involvement in Africa.

UNHCR's experiences in Africa were to transform the organization. In the early 1960s, UNHCR was exposed to many new challenges and dangers as it attempted to provide protection and assistance to Rwandan refugees in the Great Lakes region of central Africa. The Rwandan refugee problem proved very different from the first two major crises in which UNHCR had been involved in Hungary and Algeria. In both those cases, lasting solutions had been found: resettlement for the vast majority of Hungarians and repatriation for the overwhelming majority of the Algerians. Addressing the problems of the Rwandan refugees was to prove far more difficult. Durable solutions had worked for Hungarian and Algerian refugees in no small part because the countries of first asylum, Austria and Yugoslavia in the first case and Morocco and Tunisia in the second, were politically stable. By contrast, in the Great Lakes region, the countries of first asylum for the Rwandan refugees were highly volatile politically, with the solitary exception of Tanzania.

By the end of the 1960s, UNHCR was involved in assisting a number of African states in dealing with refugee problems in sub-Saharan Africa. By 1969, some two-thirds of UNHCR's global programme funds were being spent in African countries, illustrating the enormous shift which had taken place in the organization's focus in the space of a decade. Reflecting the international community's increasing awareness of the global nature of refugee problems, a new Protocol was drawn up in 1967 extending the scope of the 1951 UN Refugee Convention. In another significant development, in 1969 the Organization of African Unity, in consultation with UNHCR, drew up its own regional refugee convention.

The Algerian war of independence

The Algerian war of independence was a savage colonial war in which an estimated 300,000 Algerians were killed and over a million European settlers were forced to flee the country. The French army lost over 24,000 men and around 6,000 French settlers were killed. The war was to cause the fall, directly or indirectly, of six French prime ministers and the collapse of the Fourth Republic. It came close to bringing down President Charles de Gaulle and plunging France into civil war. It was a guerrilla struggle, pitting an indigenous, lightly armed force against a largely foreign intervention force. It was made all the more bitter by the fact that over one million French settlers, or *pieds noirs*, some of whose families had lived in Algeria for over a century, considered the country to be their home and were viscerally opposed to independence.

France had invaded Algeria in 1830 and had declared it a part of metropolitan France in 1848. By the early 20th century, neighbouring Morocco and Tunisia had also come under French domination, but, unlike Algeria, these countries were declared protectorates.

The Algerian war of independence began in November 1954 in the Aurès mountains, 400 kilometres southeast of the capital, Algiers. Within a few years, France had deployed some 500,000 soldiers in the field, roughly the same number that the United States was to send to Viet Nam in the 1960s. The French army was caught between the settler community and an increasingly militant insurgency, led by the *Front de libération nationale* (FLN). The French government focused on counter-insurgency operations, but in spite of some temporary military successes, the armed insurgency continued. Even with the return of General de Gaulle to power in 1958 and the proclamation of the Fifth Republic the following year, it was to be many years before a political solution to the conflict was found.

The widespread use of torture by French forces prompted many Algerians to flee the country.[1] This was of deep concern to the International Committee of the Red Cross (ICRC) which, after some hesitation on the part of the French authorities, was allowed to begin prison visits in 1955. In a leaked report which was published in *Le Monde* on 5 January 1960, the ICRC cited devastating evidence of torture in Algeria. Publication of the report led to much political controversy in France. The visits of the ICRC were suspended for a year. When they resumed, there was some improvement in the situation.

French strategies of counter-revolutionary warfare, which were later to become models to be used in other wars in Indochina, Latin America and Africa, increasingly involved the forced relocation of tens of thousands of peasants thought to be sympathetic to the insurgents. Resettlement, or *regroupement*, cut communities off from the FLN and denied the latter refuge and supplies. More than a million peasants were resettled in barbed wire encampments where privations were often excessive. *Regroupement* undoubtedly made life much more difficult for the militants of the FLN's armed wing, the *Armée de libération nationale* (ALN), but while the French policy was militarily successful, it was politically disastrous. By March 1960, there were more

than 1.2 million people displaced and living in camps in Algeria. A UNHCR representative travelling in eastern Algeria after the end of the war described the conditions in these camps:

We went far into the mountains escorted by an ALN patrol to visit two camps of *regroupés*. Both camps were very similar in that each contained several hundred persons whose houses had been destroyed by military action, and who had been concentrated on the side of a hill for the past few years; they had built huts for shelter, and the whole camp had been encircled with barbed wire and closely overlooked by a fortress. Up to the ceasefire they had not been allowed to leave the camp except once a day, under armed escort, to collect water. They had been confined to the immediate camp area, encircled by barbed wire, and were not permitted access to agricultural land. Food had been distributed irregularly and on an inadequate scale.[2]

Flight to Tunisia and Morocco

To avoid these grim French encampments, thousands of Algerians fled over the border to Tunisia and Morocco. As the *regroupement* programme got under way in 1957, the number of Algerians leaving the country increased. In August 1957, the UNHCR Legal Adviser, Paul Weis, noted that in two years, some 30,000 people had fled the country. All of them appeared to be in need of emergency assistance. Moreover, Weis argued that many were *prima facie* refugees whom UNHCR had a mandate to protect and assist under Article 6B of the Statute on the grounds that 'they had been exposed to measures on the part of the French authorities taken against civilians because of their race or their national and political sympaties or who had reason to believe that such measures might be applied to them in the course of so-called "*ratissage*" operations'.[3]

The governments in Tunisia and Morocco, which had only obtained independence from France in March 1956, were unable to provide adequate assistance. In May 1957, President Habib Bourguiba of Tunisia appealed to the High Commissioner, Auguste Lindt, for assistance.[4] Lindt responded by sending one of his most experienced officers, Arnold Rørholt, to Tunisia. Having established that the French government had no objection to a UNHCR relief operation that was confined to material assistance, Lindt appealed for initial funds to the Swiss government.

There was inevitably great delicacy with regard to the position of France. Not only was France a member of the UN Security Council and a supporter of UNHCR from its inception, but Algeria was regarded by the French government as part of metropolitan France, and the French government was loathe to recognize those who had fled to Tunisia as being 'refugees'. As the Deputy High Commissioner at the time, James Read, noted: 'To declare the Algerians in Tunisia refugees would mean that they had well-founded fear of persecution by the French authorities in Algeria and would be a slap in the face of the French Government.'[5]

At the United Nations, France had fought a hard struggle to maintain that the conflict in Algeria was an internal affair, and that therefore the United Nations was not competent to deal with it. Lindt himself went to Paris to see the foreign minister to try to allay French suspicions about a UNHCR relief operation. The High Commissioner

Many of the Algerians who took refuge in Morocco and Tunisia in the late 1950s and early 1960s lived in conditions of extreme poverty. (UNHCR/1961)

was also aware, however, that US policy on Algeria was beginning to come under pressure. In September, Lindt wrote to John Foster Dulles, the US Secretary of State, to inform him of his intentions concerning the refugees in Tunisia and to seek Washington's political and financial support. Throughout the Algerian operation, Lindt and his successor, Félix Schnyder, went to considerable lengths to ensure the continuing support of the US administration.[6]

By 1958, tent cities had been erected amongst the dunes in Morocco and Tunisia. They were home to thousands of refugees, who were given assistance by the League of Red Cross Societies (through local Red Crescent societies) and UNHCR. With funding from the Swiss government and material assistance from the United States, the League and UNHCR began the daunting task of providing food, clothing and medical assistance to the refugees. The situation in Tunisia deteriorated further and more people fled Algeria when the French military created an extensive 'no man's land', the 'Morice Line', during the first half of 1958.

The first three years of UNHCR's experience with the Algerian crisis were devoted to helping the League of Red Cross Societies carry out its relief operation. On 5 December 1958, the UN General Assembly had passed Resolution 1286(XIII) requesting the High Commissioner 'to continue his action on behalf of the refugees in Tunisia on a substantial scale and to undertake similar action in Morocco'. The Resolution represented the second time (after Hong Kong in 1957) that UNHCR had been asked to use its 'good offices' on behalf of refugees outside Europe.

The League of Red Cross Societies became UNHCR's formal operational partner in February 1959 and between 1959 and 1962 UNHCR raised US$2 million annually in cash contributions for the relief operation. In September 1959, UNHCR appointed representatives in Tunis and Rabat to liaise with the Tunisian and Moroccan governments respectively and to coordinate international efforts to bring aid to the refugees. By December 1959, there were 110,245 refugees in Morocco and 151,903 in Tunisia.[7]

There were also, however, militants of the FLN's armed wing amongst the refugees.[8] Shooting incidents along the Tunisian–Algerian border were common. In February 1958, in response to FLN artillery firing into Algerian territory, French aircraft attacked Sakiet in Tunisia. Seventy-five civilians were killed in the incident, most of them refugees.[9] The raid was widely condemned internationally. Such incidents contributed to a permanent climate of insecurity in the camps and made the refugees even more sympathetic to the FLN. It also produced a problem that was to haunt UNHCR for a long time, that of differentiating between genuine refugees and armed groups interspersed amongst the refugees.

In Morocco and Tunisia, the problem of fighters within the refugee camps increased as the war escalated. In February 1961, the UNHCR Representative for Morocco wrote that many of those in the camps were either ALN guerrillas or were being drafted into its forces.[10] In a subsequent memorandum he noted:

The mobilisation is openly in progress and appears to have been going on for some weeks. The press-gang method is used for reluctant persons. A small green truck known as the 'salad basket' circulates in the streets of Oujda City and young men are suddenly knocked on the head and popped into the bus. In some cases of reluctance extreme measures have been used and I have been informed of three persons found with their throats cut. The extent of the mobilisation in actual numbers is quite impossible for me to judge, but I am convinced that the new recruits must run into thousands.[11]

Ceasefire and repatriation

Following the opening of the first round of peace talks between France and the FLN at Evian, France, in May 1961, the High Commissioner, now Félix Schnyder, went to Morocco and Tunisia to hold talks with the two governments on repatriation and related issues. It was a significant token of the trust and confidence that UNHCR now enjoyed that he was received by both King Hassan II of Morocco and President Bourguiba of Tunisia.

It was to be almost a year, however, before a ceasefire agreement was signed between France and the provisional Algerian authorities on 18 March 1962. Among

the provisions of the agreement were measures concerning the repatriation of the refugees from Morocco and Tunisia in time for a referendum on independence to be held on 1 July 1962. As far as UNHCR was concerned, a formal basis for its involvement had already been established by a General Assembly resolution in December 1961. This requested the High Commissioner to 'use the means at his disposal to assist in the orderly return of Algerian refugees in Morocco and Tunisia to their homes and [to] consider the possibility, when necessary, of facilitating their resettlement in their homeland'.[12]

In April 1962, a joint UNHCR–ICRC mission arrived at the French administrative headquarters at Rocher Noir, outside Algiers, to begin preparations for the repatriation of the refugees. At the same time, Deputy High Commissioner Sadruddin Aga Khan visited Morocco, where he met two members of the Executive Committee of the Popular Revolutionary Government of Algeria as well as the Moroccan authorities. He was concerned that neither the French nor the Algerians had yet appointed their representatives to the tripartite repatriation commissions and events were not moving as fast as they might.[13] It was important for the Algerian authorities that as many of the refugees as possible were repatriated in time for the referendum on self-determination on 1 July 1962.

UNHCR made an urgent appeal to donors for funds. The repatriation proceeded relatively smoothly, though in some areas refugees were reluctant to return to the countryside, as war and displacement had accelerated a process of social change and urbanization. In the eastern part of the country, repatriation was slower and more problematic than in the west. This was because of the degree of destruction caused by the war, and also because of the sudden withdrawal of the French administration. A particular problem, which was to be a recurrent feature of conflicts in the latter part of the century, was the dangers posed by landmines. Nevertheless, a target date of 20 July was set for repatriation of all refugees from Tunisia, and one of 25 July for those from Morocco. The joint Red Cross–UNHCR relief operation in the two countries was to be terminated on 31 July 1962. Relief for the repatriated refugees in Algeria was organized and carried out by the League of Red Cross Societies with financial support from UNHCR.

Between 4 May and 25 July, more than 61,400 refugees were repatriated from Morocco.[14] In Tunisia, 120,000 refugees were repatriated between 30 May and 20 July. Transport was provided from the Moroccan and Tunisian centres and 12 medical teams examined the refugees before their return home. Some 15,000 tents were distributed to those without shelter. The numbers were much lower than the number of UNHCR-registered refugees. In some instances, refugees had returned spontaneously without assistance, while others had integrated into Moroccan or Tunisian society. The figures had also undoubtedly been somewhat inflated due to double registration by refugees— a phenomenon which UNHCR would often find itself dealing with in subsequent relief operations. The total cost of the repatriation operation was US$1,241,000.

The referendum on independence was held as scheduled on 1 July 1962. Of those who voted, 99.7 per cent (representing 91.2 per cent of the registered electorate) voted in favour of independence, French voters in metropolitan France having given their

approval to the agreement reached in Evian in a referendum on 8 April 1962. General de Gaulle duly declared Algeria to be independent on 3 July 1962.

Integration of returnees in Algeria and new arrivals in France

Within six months, well over a million colonists left Algeria for France. Many left after an outbreak of fighting in late August 1962 between factions within the ALN which contributed to a further haemorrhage of the European population and to deepening economic problems. This was the single largest migration to take place in Europe between the population upheavals at the end of the Second World War and the movements which took place as a result of the dissolution of the Soviet Union and the break-up of Yugoslavia in the 1990s. In addition to those who went to France, some 50,000 *pieds noirs* left for Spain, 12,000 went to Canada and 10,000 to Israel.

Among those who went to France were Algerians who had fought alongside the French forces in the war or who had worked for the French colonial authorities. They were known as *harkis*. Over 160,000 were relocated to France by the French armed forces between 1962 and 1967. They were given French citizenship but many faced and indeed continue to face problems of integration and discrimination. In Algeria, *harkis* were viewed as traitors and faced persecution and death. More than 100,000 are estimated to have been killed in the aftermath of the war.[15]

The problems of reintegration of returnees in Algeria were substantial. They were exacerbated by the widespread destruction caused by the war. In addition, the sudden and abrupt departure of the entire European community, the *pieds noirs*, had gutted the infrastructure of Algerian society. For UNHCR, it was to be the first of many involvements in post-conflict situations. In Algeria, as would so often be the case in subsequent years, peace had come but the commitment of the international community to consolidate that peace with economic and institutional reconstruction was limited. In October, High Commissioner Schnyder wrote to UN Secretary-General U Thant urging widespread international cooperation with the new Algerian government and offering UNHCR's services to the new authorities. He noted, in words which have often been echoed by later holders of his post, 'the fate of the repatriated ex-refugees can no longer be dissociated from that of the Algerian population as a whole without seriously endangering the country's social stability'.[16]

UNHCR's involvement in the Algerian crisis had by no means been axiomatic. Lindt's original decision to become involved in 1957 had not been without controversy. Some senior UNHCR officials had been of the opinion that such a move would risk incurring the wrath of the French government. Lindt had been very clear, however, that the mandate of the organization had universal application and that UNHCR could not concern itself solely with refugees fleeing communism.[17] UNHCR's activities in the Algerian crisis underlined not only the global nature of the refugee problem but also the potential for coordinated and effective international action to protect and assist refugees. Beginning with its involvement in Algeria during the 1960s, UNHCR's work began to take on a much more global character. In succeeding years, as Africa south of the Sahara went through similar types of conflict

and upheaval, the 'good offices' function which had been conferred upon UNHCR by the General Assembly for the first time in 1957 was invoked time and time again.

Decolonization south of the Sahara

At the time of the outbreak of the Algerian war in 1954, the only independent African states were Egypt, Ethiopia, Liberia and South Africa. By the time the war ended in 1962, virtually all the British, French and Belgian colonies had either obtained independence or would do so in the next few years. After 1965, all of Africa was independent with the exception of the Portuguese-governed territories and what was then known as Spanish Sahara. The white minority regimes in Rhodesia (later Zimbabwe), the Republic of South Africa and South West Africa (later Namibia) represented a form of local colonization which was much slower to disappear, majority rule in South Africa only being achieved in 1994. Dozens of new states were formed during the decolonization process, and as the number of UN member states grew, so the balance within the United Nations began to change.

While independence was attained peacefully in some countries, in other cases challenges to new governments took the form of armed conflict, driving people from their homes and often across borders. Political domination of one ethnic group over another and upheavals that followed coups and attempted coups in the new African states also caused refugee flight.

At the beginning of the 1960s, the violence which followed the independence of the Congo, Rwanda and Burundi in the Great Lakes region of central Africa led to widespread slaughter and massive displacement. Elsewhere during the 1960s, thousands of refugees fled from Portuguese-administered Angola, Mozambique and Guinea-Bissau and lesser numbers left the minority-controlled Republic of South Africa, South West Africa and Rhodesia. The largest group were those from the Portuguese territories who fled into neighbouring countries to escape the impact of armed struggles for independence. Those from northern Angola moved into the Republic of the Congo where most settled permanently.[18] Those from the east and south of Angola fled into Zambia and Botswana. Refugees from Guinea-Bissau entered Senegal, where they integrated with their ethnic kin in the south of the country. Refugees from Mozambique flooded into both southern Tanzania and Zambia. The smaller numbers that fled from the Republic of South Africa arrived in Botswana, Zambia and Tanzania. Some moved even further afield to other African states, Europe and the United States.

Other significant refugee movements resulting from internal armed conflict during the 1960s are numerous. Ewe refugees from Ghana entered Togo following the defeat of their efforts to reunite Ewes in Togo and Ghana. In the years following independence, the Republic of the Congo suffered a prolonged civil war which forced people to flee to safety in all nine neighbouring countries, most notably the Central African Republic, Sudan, Uganda, Burundi and Tanzania. The civil war in Sudan caused successive waves of refugees from the south to flood into Uganda, the

Box 2.1 Flight from Rhodesia, return to Zimbabwe

By the mid-1960s, almost all of the United Kingdom's former African colonies were independent. Rhodesia remained an exception. The white minority government there refused to extend the right to vote to the majority of its citizens and in November 1965 Rhodesian Prime Minister Ian Smith issued a Unilateral Declaration of Independence. The lack of a military response from the United Kingdom, the ineffectiveness of externally negotiated settlements, and the brutal suppression of African political activities led the black nationalist movement to resort to armed struggle.

The two opposition parties, the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU), formed military wings and began a guerrilla war. The Rhodesian police and army responded ruthlessly. Earlier that decade, white refugees from the Congo had poured into Rhodesia; now white Rhodesians were determined not to become refugees themselves.

At first, prospects for a negotiated settlement were bleak. Rhodesian security forces were able to contain the insurgency, while the small numbers who left for neighbouring countries were primarily people who wanted to join the national liberation struggle. But by the late 1960s, people were fleeing Rhodesia because of government-sanctioned brutality. From 1973, harsh Rhodesian legislation targeted black people accused of supporting the guerrilla war. Thousands of villagers were forced to relocate to fenced 'protected villages' under the watch of special security forces. Violence and abuses by the Rhodesian security forces were rife. In 1975, Rhodesia passed an Indemnity and Compensation Act, with retrospective effect from December 1972, to protect the security forces from liability for killing, torture or destruction of property in the war. In response, the insurgency intensified and many more people joined the guerrillas. Throughout the 1970s, the guerrillas became better trained and equipped, and they began operating from bases in Mozambique and Zambia.

Flight to Mozambique, Botswana and Zambia

The main refugee flows began in the mid-1970s, as the fighting intensified. By the end of 1975, UNHCR estimated that there were some 14,500 refugees from Rhodesia in Mozambique. This number increased rapidly over the next few years and by 1979 there were estimated to be over 210,000 such refugees in Mozambique, Botswana and Zambia.

Along the eastern border with Mozambique, many fled only a short distance, crossing the frontier but remaining among kinsfolk. Many others went to large camps deeper inside Mozambique, in places like Chimoio and Nyadzonia, which were run by ZANU. These camps held not only large numbers of refugees, but also trainee guerrillas. As a result, the camps became vulnerable to raids by Rhodesian armed forces. For example, on 9 August 1976 in an attack on the Nyadzonia camp, hundreds of refugees were killed. Camps in Zambia also accommodated both refugees and guerrillas, and there were transit camps in Botswana for people on their way to Zambia. In Rhodesia itself, thousands of people fled their homes in the countryside to live in makeshift encampments around bigger towns and cities.

With camps in neighbouring countries so blatantly militarized, relief organizations and governments had difficulty providing assistance to refugees without simultaneously aiding the combatants. The medical aid and food sent into Mozambique to assist refugees inevitably also found its way to the guerrillas. Church groups attempting to trace abducted children found that many were now well-trained fighters. UNHCR provided assistance to refugees and operated in some of the camps, but found it increasingly difficult to distinguish between refugees and guerrilla fighters. In 1978, UNHCR stopped assisting ZAPU-affiliated camps, though it did provide emergency aid. The many political and security problems associated with these camps meant that international assistance to refugees in all three of the refugee-hosting countries was minimal. Many of the camps suffered chronic food shortages.
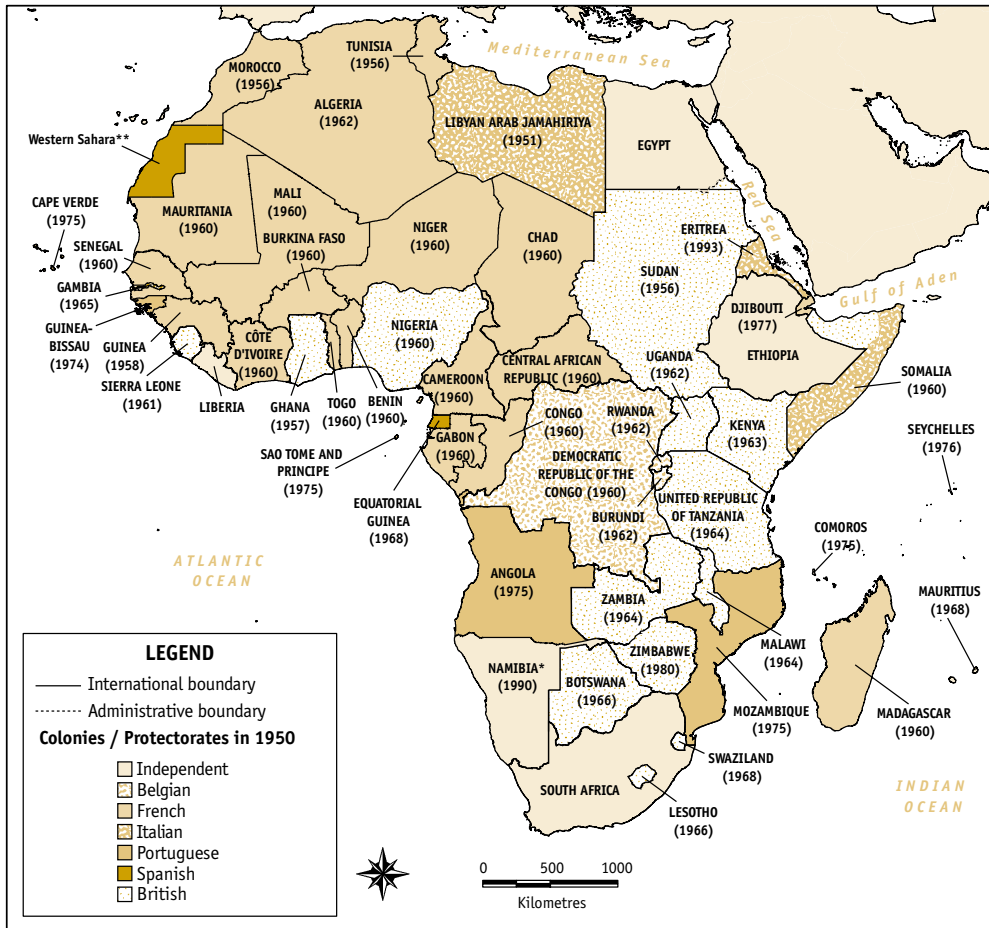
Repatriation and reconstruction

In 1976, ZANU and ZAPU merged, forming the Patriotic Front alliance and putting further pressure on the Rhodesian security forces. Weakening Rhodesian resolve brought the parties to the negotiating table in 1978 and at the Lancaster House talks in London in September-December 1979 an agreement was reached. This included provisions for the early repatriation of refugees to take part in elections. UNHCR participated in the US$140 million repatriation programme on condition that repatriation was voluntary, that there was agreement between the country of origin and the countries of asylum on modalities of movement and reception, and that refugees were allowed to return to their former homes and villages.

A ceasefire came into effect at the end of 1979, the country's first full elections were held in February 1980, and the formal independence of the Republic of Zimbabwe was declared in April 1980. By the early 1980s, three-quarters of the Zimbabwean refugees had returned home. With the country no longer run by a white minority government, the returnees were eager not just to rebuild their own lives but to participate in building a new nation. Communities were rebuilt rapidly and UNHCR and other international relief organizations provided reintegration assistance. Then, from the early 1980s, Zimbabwe itself became host to increasing numbers of refugees fleeing the civil war in Mozambique. By 1992, there were over 230,000 Mozambican refugees in the country.

Colonial rule and independence in Africa   Map 2.1

LEGEND
— International boundary
⋯⋯ Administrative boundary
Colonies / Protectorates in 1950
☐ Independent
☐ Belgian
☐ French
☐ Italian
☐ Portuguese
☐ Spanish
☐ British

Notes:
The year given indicates when the country first gained independence for those countries that did so after 1950.
The colonial power indicated refers to the power which ruled in 1950.
The country names and borders are those as of 31 Dec. 1999.
* Namibia, formerly known as South West Africa, was administered by South Africa between 1920 and 1990, when it achieved independence.
** Spain relinquished control of Spanish Sahara in 1975. Since then the status of what has become known as Western Sahara has been in dispute and
   a UN-sponsored referendum on the issue has yet to be held.
Sources: UNHCR; Global Insight Digital Mapping, Europa Technologies Ltd, 1998; J. Scott, *The World Since 1914*, Heinemann Educational, Oxford, 1989;
The Europa World Yearbook 1999, Europa Publications, London, 1999.

Congo, the Central African Republic and Ethiopia. Armed conflict between Ethiopian forces and separatists in the province of Eritrea resulted in a refugee flow into Sudan. After armed assertion of their religious separatism, members of the Lumpa sect fled Zambia to become refugees in the Congo.

Perhaps the most devastating of all was the Biafran war which began in 1967. This war erupted when the predominantly Ibo region of eastern Nigeria proclaimed the independent republic of Biafra in June that year. Civil war broke out the following month as the federal government sought to keep Nigeria united as one country. Two-and-a-half years later, federal forces eventually prevailed, but during the

course of the war at least 600,000 people died, mostly as a result of famine, and some two million people were uprooted from their homes. The famine in Biafra received unprecedented television coverage. Dramatic images of emaciated children were successfully employed by the Biafran leadership to galvanize the international community into action. ICRC, the UN Children's Fund (UNICEF) and a small number of international non-governmental, mainly church-based organizations worked directly with the Biafrans and set up an airlift to the encircled rebel territory. At its peak, the airlift was bringing in 500 tonnes of humanitarian assistance in 40 flights each night. Interestingly, the person the ICRC appointed as their 'High Commissioner for Nigeria' during the crisis was Auguste Lindt, who had been the UN High Commissioner for Refugees in 1957–60.[19]

During the Biafran war, more than 50,000 Nigerians fled to neighbouring countries. UNHCR did not become involved in assisting those displaced inside Nigeria, although it did provide assistance to some 40,000 Ibo refugees in Equatorial Guinea after the latter requested UNHCR's help in March 1969. After the end of the war in January 1970, UNHCR also assisted in repatriations from several countries, including that of over 5,000 children from Gabon and Côte d'Ivoire.

Rwanda and the Great Lakes region

The displacement which took place in the Great Lakes region during the 1960s and the role of UNHCR at that time is of particular significance in view of the crisis which unfolded there some 30 years later [see Chapter 10]. The independence of the Belgian colony of the Congo in 1960, and of the Belgian-administered trusteeship territory of Ruanda–Urundi (which became the two states of Rwanda and Burundi) two years later, was accompanied by widespread bloodletting and a full-blown international crisis. In the 1960s, as in the 1990s, the epicentre of the political violence that spawned refugee movements throughout the region was Rwanda.[20]

Like its southern neighbour Burundi, Rwanda had been a German colony until 1918. After the First World War, Belgium administered the two countries as trusteeship territories on behalf of first the League of Nations and then the United Nations. The root causes of ethnic violence in both Rwanda and Burundi can be found in the extent to which communal identities were activated, mythologized and manipulated for political advantage by international and local actors.

The origins of the 1994 genocide of some 800,000 Rwandan Tutsi go back many years. Colonial rule had rigidified and polarized the two main communities in many ways. Belgian authorities had simplified the complex local system of chiefdoms, giving the Tutsi almost total control over the Hutu peasantry. As early as 1930, they had also introduced identity cards that included an ethnic categorization. In addition, the Roman Catholic church had destroyed many pre-colonial religious customs which had served as a bond between the two ethnic groups. As pressure from the United Nations grew in the 1950s to accelerate moves towards independence, the Belgian

These Rwandan refugees at Kalonge refugee centre, Kivu province, Congo, were among some 150,000 Rwandans who fled to neighbouring countries in the early 1960s. (UNHCR/S. WRIGHT/1961)

authorities abruptly shifted their long-held support for the Tutsi minority to the Hutu majority. This prompted rioting in November 1959 and the overthrow of the Tutsi monarchy. In January 1961, a Belgian-supported *coup d'état* proclaimed what in effect was a Hutu republic. Tutsi were displaced from entrenched political positions and, as a result, the first large displacement of around 120,000 Tutsi into neighbouring countries took place. Some refugees, who had returned to participate in the elections of September 1961, became the victims of widespread reprisals and many fled anew. Nevertheless, the refugees expected they could return *en masse* in July 1962 when Rwanda attained independence and the Belgians withdrew. Many of the refugees,

however, saw return as only possible if Tutsi political hegemony and the monarchy were restored. Repatriation, for most, was only to come three decades later. The failure to address the problems of the Rwandan refugees in the 1960s contributed substantially to the cataclysmic violence of the 1990s.

General Assembly Resolution 1743(XVI) of 27 February 1962, anticipating independence a few months hence, had indeed called for the return and resettlement of refugees. UN officials tried to put pressure on the government in the Rwandan capital Kigali to allow the refugees to return, but to little avail. A UN report of the period came to a pessimistic conclusion: 'The developments of these last eighteen months have brought about the racial dictatorship of one party. . . An oppressive system has been replaced by another one. . . It is quite possible that some day we will witness violent reactions on the part of the Tutsi.'[21]

In neighbouring Burundi, a UNHCR representative noted a 'psychosis of fear on the part of refugees as far as a safe return to Rwanda is concerned'.[22] Acting on requests from the Belgian and Burundi governments, the High Commissioner was anxious to see if something could be done before independence. In June, the Director of Operations, Thomas Jamieson, visited Burundi and neighbouring countries to make an assessment of the Rwandan refugee problem. The Burundi authorities agreed to settle only 15,000 of the approximately 40,000 Rwandan refugees on their territory and asked that Tanganyika, which became the United Republic of Tanzania in October 1964, and the Republic of the Congo, take the rest. From the beginning, Tanganyika was generous and provided the best example of resettlement of the refugees. The head of state, President Julius Nyerere, took a personal interest in the matter.[23] By this time, some 150,000 Rwandan refugees had taken refuge in neighbouring countries. In addition to the 40,000 in Burundi, there were some 60,000 in the Kivu in eastern Congo, 35,000 in Uganda and 15,000 in Tanganyika.[24]

In the short term, it was the refugees in Burundi who had the most marked political impact. As a result of the influx of the Rwandan Tutsi refugees, the Burundian Tutsi became hardened in their resolve to maintain control of the political system. Above all, they kept tight control of the army. Rwandan refugees wanted a restoration of the former regime in their country. Armed elements among the Rwandan refugees, who were for the most part in two camps close to the Rwandan border, carried out raids into Rwanda itself. These armed groups, known as *inyenzi* (the cockroaches), had the effect of hardening anti-Tutsi sentiment within Rwanda and confirming the Hutu ethnic mythology. Tutsi remaining in Rwanda were frequently the subject of murderous attacks.[25] This was especially the case after the *inyenzi* organized what amounted to an invasion of Rwanda in December 1963. The attempt failed within days. In its aftermath, at least 10,000 Tutsi were killed and a new exodus of Tutsi refugees took place: some 7,500 left for Uganda and another 10,000 for Burundi.

Nor was Burundi itself immune to political upheavals. After the assassination of Hutu Prime Minister Pierre Ngendandumwe in January 1965, a failed Hutu uprising led to an army coup and to the abolition of the monarchy. The new hardline military regime led by Tutsi extremists later organized a massacre of over 100,000 Hutu in 1972, causing the flight of several hundred thousand survivors to Tanzania.[26]

In response to the Rwandan crisis, UNHCR launched a major programme for the Rwandan refugees throughout the central African states where they had taken refuge. Such programmes provided for the distribution of food for at least an initial period so as to give the refugees time to clear and cultivate the land placed at their disposal, so that they could eventually become self-sufficient. Rural settlements were not always successful, however, as they required a degree of social and political stability in the host country which could not be taken for granted. Another recurring problem was the exploitation of refugees in some camps by political leaders who wanted to return the refugees by force to Rwanda. In the 1960s, Rwandan refugees settled most easily in Tanzania, one of the most stable countries in the region. In many other countries to which the Rwandans had fled, however, local settlement was far more difficult. Even Uganda, which at the time enjoyed considerable stability, was plunged into internal turmoil after Prime Minister Obote overthrew President Mutesa in 1966.

### Refugees in the Kivu provinces of the Congo

In the 1960s, the government in Leopoldville struggled to keep the country together against strong secessionist tendencies, most notably in Katanga (later Shaba) province in the south. It also had to cope with large numbers of internally displaced people.[27] Most of the Rwandan refugees who had fled their homeland were living in the provinces of North Kivu and South Kivu in the east of the country. By early 1962, there were already 60,000 Rwandan refugees in the Kivu area. They were principally concentrated around Goma, Bukavu, Nyangezi and Luvungi.[28] Initially well-received by the provincial government, internal political divisions within the Congo produced growing uncertainty for the refugees during 1963. Violence became commonplace and was increasingly directed at the refugees. A UNHCR official working in the Rwandan refugee camps in the Congo, François Preziosi, wrote to the High Commissioner in October 1963 in terms which were to find a chilling echo 30 years later:

I found that the authorities of North Kivu are using this term [Tutsi] as a propaganda stunt. Everything evil in their area is caused by 'Tutsi'. This word seems to be the depository of a blend of subjective fear, hate and frustration, very much like the term 'Jew' in Hitler's Germany. Therefore, anyone looking like a Tutsi is liable to be beaten, killed or imprisoned, likewise anyone who helps them. I saw in Sake a cable emanating from the North Kivu government addressed to the central government in Leopoldville in which all disorders and atrocities in North Kivu were ascribed to the Tutsis.[29]

In November 1963, High Commissioner Schnyder cabled Prime Minister Cyrille Adoula in Leopoldville, urging the central government's intervention to protect the refugees. At the suggestion of Ralph Bunche, the senior political assistant of UN Secretary-General U Thant, a joint UN–Congolese commission was set up to investigate the situation and to try to reduce political tensions. But the rebellion led by Pierre Mulele in the eastern Congo added a new dimension to the problem. The provincial government, supported this time by the central authorities in Leopoldville,

Number of refugees in the Great Lakes region, 1960–2000* **Figure 2.1**
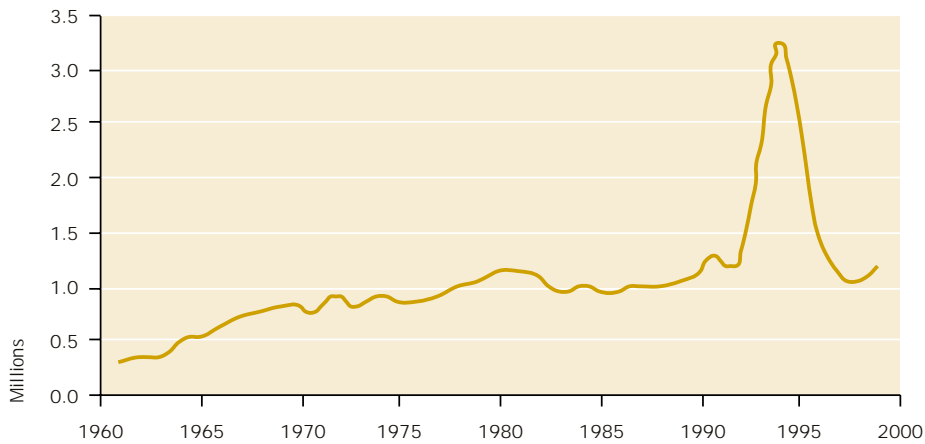
*This comprises Burundi, Rwanda, Tanzania, Uganda and Zaire/Democratic Republic of the Congo

used the threat posed by the rebels to seek the expulsion of the refugees on the grounds that some of them had assisted the rebels.[30] In August 1964, while attempting to assist refugees who were being intimidated by the insurgents at a camp near Kalonge, François Preziosi and an official working for the International Labour Organization (ILO) were brutally murdered [see Box 8.3]. As a result, UNHCR and the ILO temporarily suspended all operations in the Kivu area.

Almost simultaneously, the government in Leopoldville ordered the expulsion of all refugees. Although the decree was never systematically applied, it was used henceforth by local authorities to harass Rwandan refugees.[31] The central government now wanted the refugees expelled to Uganda or Tanzania. In November 1964, Rwandan refugees began moving from Goma to Tanzania. It was an arduous journey. Eventually, with assistance from UNHCR, some 5,000 refugees were moved by boat from Bukavu to Goma, from where they were flown in chartered aircraft to Tabora in Tanzania. There they were accommodated by UNHCR in a transit centre. Thence they travelled by train to Mpanda, some 20 hours away. From Mpanda, they proceeded by truck to the Mwezi Highlands where they settled. Over 10,000 other refugees fled of their own volition to Uganda and another 10,000 to Burundi. Although the airlift itself was financed almost entirely by two German religious organizations, UNHCR decided to assist with this operation because it considered that the refugees could no longer be protected in the Congo itself, at least as far as Kivu was concerned.[32] Later, in 1996, a very similar decision was made by UNHCR in the same region.

The refugees who remained in the Congo continued to be assisted by UNHCR. These Kinyarwanda-speakers were assimilated into the wider Congolese Kinyarwanda-speaking community, although they were not granted Congolese citizenship. This community faced considerable hostility, particularly after President Mobutu Sese Seko came to power in 1965. President Mobutu had an antagonistic

relationship with the Kinyarwanda-speakers and it was difficult for the refugees to distance themselves from the rest of this community. As a result, they were drawn into the local politics. Preziosi noted at the time:

The refugees cannot remain neutral. They have to take sides. If they do not take sides they attract upon themselves the enmity of the chiefs and populations where they are. If they do take sides, they are accused of meddling in politics by their adversaries. They stand to lose in either case.[33]

Inevitably, one is forced to ask how the course of subsequent events might have been different if a durable solution had been found for the Rwandan refugees in the 1960s. That the vast majority of refugees wanted to go home was in little doubt. An inquiry into the situation in Kivu in 1963 found an overwhelming desire amongst the refugees to return to their homeland if UNHCR were able to give a 'watertight' guarantee for their well-being in Rwanda.[34] Had repatriation taken place at that time, a new accommodation might have been found between the Tutsi and Hutu, thus avoiding the genocide that occurred 30 years later. Or, it may be argued, if the international community had been more generous in providing the necessary funds, then local settlement in a politically stable environment like Tanzania might have worked. More, too, could no doubt have been done to find regional solutions.

At the time, however, the attention of the international community had been diverted by the war over the mineral-rich, secessionist southern province of Katanga in the Congo. With Belgian forces supporting the secessionists, the United Nations had become involved at the request of the Congolese government and had deployed troops in the United Nations Operation in the Congo (*Opération des Nations Unies pour le Congo*, or ONUC) from 1960 to 1964—a complex peace enforcement operation which faced many problems. Cold War tensions and states' preoccupation with other events—particularly the Cuban missile crisis of 1962—also help to put into context their lack of willingness at the time to address the Rwandan refugee crisis in a more comprehensive and thorough way.

Expanding the international refugee regime

By 1965 there were some 850,000 refugees in Africa. Although many of those who fled during the independence struggles were able to return within a relatively short period, new conflicts created further outflows, and by the end of the decade the number of refugees in Africa had risen to around one million. In size, character and needs, these successive refugee groups were very different from those in Europe and they called for a new approach to the question of how to determine refugee status.

UNHCR had to act with flexibility to assist these new refugees. The large numbers of people involved meant that it was impracticable to screen each individual in order to establish whether or not the person had a well-founded fear of persecution. UNHCR therefore resorted to a *prima facie* group determination of

The 1967 Protocol to the 1951 UN Refugee Convention

The 1967 Protocol Relating to the Status of Refugees removed the time limitation of 'events occurring before 1 January 1951' which had been written into the 1951 UN Refugee Convention's definition of a refugee [see box 1.3]. The Protocol entered into force on 4 October 1967.

The 1967 Protocol is an independent legal instrument, though it is integrally related to the 1951 Convention. In acceding to it, states agree to apply Articles 2–34 of the 1951 Convention to all persons covered by the refugee definition without reference to time or geographical limitations. Acceding to the Protocol alone is sufficient to render most of the Convention's provisions applicable to the acceding state. Most states, however, have preferred to ratify both the Convention and the Protocol, thus reinforcing the two instruments' authority as the basis of international refugee law.

By 31 December 1999, 134 states had acceded to the 1967 Protocol. At that time, the only states which had acceded to the 1951 Convention but not to the 1967 Protocol were Madagascar, Monaco, Namibia, and St Vincent and the Grenadines. The only states which had acceded to the 1967 Protocol but not to the 1951 Convention were Cape Verde, Swaziland, the United States and Venezuela.

refugee status whereby, in the light of circumstances that led to departure from the country of origin, refugees could be identified on a group basis. These refugees were generously received in neighbouring countries, but often required urgent material assistance. In many cases, UNHCR used its 'good offices' to provide emergency relief to support such refugees.

Refugees in Africa, however, did not benefit from the framework of international legal protection applicable to those refugees whom UNHCR had assisted in Europe. The scope of the 1951 UN Refugee Convention remained confined to people who had become refugees as a result of events that took place before 1 January 1951, and signatory states were given the option of limiting its geographical application to Europe. By contrast, UNHCR was given a general competence under its Statute to deal with refugee problems wherever they might arise. In Africa, the Convention's limitations, including in particular the dateline, proved an increasing obstacle. By the mid-1960s, the UN Refugee Convention did not apply to the majority of refugees being assisted by UNHCR.

African governments, which were concerned about the security problems that refugee movements could create, also had their own interests in drawing up a regional convention on refugees. They feared that refugees might use countries of asylum as bases from which to seek the overthrow of the regimes from which they had fled. UNHCR and African states both decided, therefore, that there was a need for new international legal instruments to be drawn up regarding the treatment of refugees.

The drafting of the 1967 Protocol to the 1951 UN Refugee Convention

When the 1951 UN Convention Relating to the Status of Refugees was adopted, those drafting it were aware of its limitations and expressed the hope that nations would extend the treatment provided by the Convention to those 'who would not be covered by the terms of the Convention'.[35] In 1964, this hope materialized when UNHCR's Executive Committee asked the High Commissioner what steps might be taken to expand the temporal scope of the 1951 Convention. The High Commissioner proposed a variety of ways in which the time limitation might be narrowed rather than removed. However, the legal experts from Africa, Europe, and North and South America who had gathered to discuss such proposals recommended that the time was ripe for its complete removal. Moreover, they urged that this be accomplished by means of a new international agreement. Instead of simply amending the Convention by removing the time limitation, this new protocol would also restate it in broader terms so that a state party to the protocol would in effect be bound by the Convention.

The legal experts suggested ways in which the protocol might be made more acceptable to states hesitant to accept responsibility for future refugees. The optional geographic restriction of the Convention would be retained, but only for those states that had invoked it when signing the 1951 Convention. Furthermore, parties to the protocol would be allowed to make a reservation refusing the compulsory jurisdiction of the International Court of Justice over disputes arising out of the protocol. Although only

During the 1960s, UNHCR assisted with the integration of African refugees in countries of asylum, as in the case of these Mozambicans in Rutamba, Tanzania.
(UNHCR/J. MOHR 1968)

Box 2.3 The 1969 OAU Refugee Convention

In 1969, the Organization of African Unity (OAU) adopted the Convention Governing the Specific Aspects of Refugee Problems in Africa. While acknowledging the 1951 UN Refugee Convention as 'the basic and universal instrument relating to the status of refugees', and reiterating the UN Convention's definition of a refugee, the OAU Refugee Convention broadens that definition and contains other important provisions which are not explicit in the UN Convention. These include provisions relating to non-rejection at the frontier, asylum, the location of refugee settlements, the prohibition of subversive activities by refugees, and voluntary repatriation.

Article I—Definition of the term 'refugee'

1. [Definition as in Article 1 A(2) of the 1951 Convention]
2. The term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality . . .

Article II—Asylum

1. Member States of the OAU shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.
2. The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.
3. No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2.
4. Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the OAU, and such other Member States shall in the spirit of African solidarity and international cooperation take appropriate measures to lighten the burden on the Member State granting asylum . . .
6. For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.

Article III—Prohibition of subversive activities

1. Every refugee . . . shall also abstain from any subversive activities against any Member State of the OAU.
2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the OAU, by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio . . .

Article V—Voluntary repatriation

1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will . . .

The OAU Refugee Convention entered into force on 20 June 1974. By 31 December 1999, a total of 45 out of the 53 states in Africa were party to the Convention.

opened for accession in January 1967, by September the necessary six states had accepted the Protocol, thereby bringing it into force on 4 October 1967.

The procedure used to move the 1967 Protocol so quickly from idea to reality involved innovations in international law and strong personal direction by High Commissioner Sadruddin Aga Khan. It avoided the traditional amendment process which would have required calling an international conference of representatives of every government that was a party to the Convention—a process that would have taken a long time. The resulting 1967 Protocol to the 1951 UN Refugee Convention was short and direct and as an independent international instrument came into effect after accession by only a small number of states. The most important innovation, however, was opening the Protocol for acceptance by states which had not thus far ratified the Convention. This move resulted in the accession of the United States, which had not signed or ratified the 1951 Convention.

The steadily increasing acceptance of the 1967 Protocol has been of great importance to UNHCR. The Protocol expands the scope of obligations undertaken by states and has reaffirmed the obligation of states to cooperate with UNHCR [see Box 2.2].

The drafting of the 1969 OAU Refugee Convention

The High Commissioner's interest in seeking the rapid adoption of the Protocol was partly stimulated by the efforts of the member states of the Organization of African Unity (OAU) to draft their own regional convention on refugees.[36] As early as 1963, the OAU had decided that a regional treaty was needed to take account of the special characteristics of the refugee situation in Africa. While OAU member states were quick to welcome the 1967 Protocol, they still felt that a regional convention was necessary. The decision of the OAU to draft a separate instrument initially posed a problem for UNHCR. The emergence of an instrument that in any sense competed with the 1951 Convention would impair the universal character of the Convention that UNHCR had been working to achieve since its inception. Moreover, if an OAU refugee convention did not also set the high standards of the 1951 Convention, refugees in Africa would not receive the same standards of protection.

Such concerns were allayed as UNHCR was invited to be part of the drafting process. The OAU Secretariat agreed with UNHCR that the African instrument should be a regional complement to the 1951 Convention. The Preamble to the 1969 OAU Convention Governing the Specific Aspects of Refuge Problems in Africa therefore recognizes the 1951 Convention as constituting 'the basic and universal instrument relating to the status of refugees'. As such, the OAU Refugee Convention, like the UN Refugee Convention, defines a refugee as someone who has 'a well-founded fear of persecution'. It also includes those who have fled as a result of external aggression, foreign occupation or domination, or events disturbing public order in their country of origin. Persons fleeing civil disturbances, violence and war were now entitled to claim the status of refugees in states party to the OAU Refugee Convention, irrespective of whether or not they could establish a well-founded fear of persecution.

Further important additions were made. First, although no international convention had recognized an individual right to asylum, the OAU Refugee Convention affirms that states shall use their 'best endeavours . . . to receive refugees and to secure [their] settlement'. Second, it expands on the guarantee of *non-refoulement* contained in the 1951 Convention. It mentions an absolute and unqualified requirement that no refugee shall be subjected 'to measures such as rejection at the frontier, return or expulsion, which would compel him to return or remain in a territory where his life, physical integrity or liberty would be threatened'. Third, it gives unqualified expression to the principle of voluntary repatriation in an international legal context for the first time. Fourth, it defines the duties of the countries of asylum and origin, stipulating that refugees shall not be penalized for having fled and that they shall be given every possible assistance to facilitate their return. Fifth, in cases where large numbers of refugees are involved, states are encouraged to adopt a system of burden-sharing.

African governments were also determined to ensure that the security concerns of both countries of asylum and of origin were taken into account. The OAU Refugee Convention therefore states that 'the grant of asylum . . . shall not be regarded as an unfriendly act by any Member State'. The Preamble of the Convention discusses the need to 'make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside'. It also contains a pledge by state parties 'to prohibit refugees residing in their respective territories from attacking any Member State of the OAU'. A further provision requires that refugees be settled 'at a reasonable distance from the frontier of their country of origin' and that they 'abstain from any subversive activities against any Member State of the OAU' [see Box 2.3].

The OAU Refugee Convention came into effect in June 1974. Since then, it has, together with the 1951 UN Refugee Convention and its 1967 Protocol, provided an important legal framework for all UNHCR activities in Africa. Although it was inspired by events in Africa, the norms and principles contained in the OAU Refugee Convention have set important standards for the protection of refugees in general and have often been applied in other parts of the world. With only a few exceptions, and in marked contrast to some other parts of the world, African countries have been extremely generous in receiving and hosting large refugee populations throughout the latter half of the 20th century.

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