International Legal Instruments on Refugees in Africa

Instruments legaux internationaux sur les réfugiés en Afrique

Edited by Rédigé par Göran Melander & Peter Nobel

Scandinavian Institute of African Studies Institut scandinave d'études africaines Uppsala 1979

Contents

* Connotes that the text has been reproduced in extract

Preface	IV
Introduction	2
PART I. ASYLUM. REFUGEES AND STATELESS PERSONS	7
1. League of Nations. Multilateral treaties. 1.1 * Arrangement modifying and completing the Arrangements concerning the Issue of Certificates of Identity to Russian and Armenian	8
Refugees dated 5 July 1922 and 31 May 1924 Geneva, 12 May 1926 1.2 * Arrangement concerning the Extension to Other Categories of Refugees of Certain Measures Taken to Assist Russian and Armenian	8
Refugees	8
Geneva, 30 June 1928 1.3 * Convention concerning the International Status of Refugees	U
Geneva, 28 October 1933 1.4 * Convention concerning the Status of Refugees Coming from Ger-	10
many	
Geneva, 10 February 1938 1.5 * Additional Protocol to the Provisional Arrangement of 4 July 1936 and to the Convention of 10 February 1938 concerning the Status of	10
Refugees Coming from Germany	
Geneva, 14 September 1939	12
2. United Nations. Multilateral treaties. 2.1 * Constitution of the International Refugee Organization	14
New York, 15 December 1946 2.2 Convention relating to the Status of Refugees	14
Geneva, 28 July 1951 2.3 Protocol relating to the Status of Refugees	24
New York, 31 January 1967	66
2.4 Agreement relating to Refugee Seamen	
The Hague, 23 November 1957	74
2.5 Protocol relating to Refugee Seamen The Hague, 30 March 1973	84
The Hague, 50 Maich 1575	. 01

2.6 Convention relating to the Status of Stateless Persons New York, 28 September 1954 2.7 Convention on the Reduction of Statelessness New York, 30 August 1961	90
 3. Organization of African Unity. Multilateral treaties. 3.1 OAU Convention Governing the Specific Aspects of Refugee Pro- 	118
blems in Africa Addis Ababa, 10 September 1969	118
PART II. OTHER TREATIES RELATED TO ASYLUM AND REFUGEES	133
4.1 * Convention concerning Migration for Employment (Revised 1949)	
ILO Convention 97 Geneva, 1 July 1949 4.2 * Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security	134
ILO Convention 118 Geneva, 28 June 1962 4.3 * International Convention on the Elimination of All Forms of	136
Racial Discrimination New York, 7 mars 1966 4.4 * International Covenant on Economic, Social and Cultural Rights	140
New York, 16 December 1966 4.5 * International Covenant on Civil and Political Rights	148
New York, 16 December 1966 PART III. JURISDICTION AND EXTRADITION	160 181
5.1 * Slavery Convention Geneva, 25 September 1926 5.2 * Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	182
Geneva, 7 September 1956 5.3 * Convention for the Prevention and Punishment of Terrorism	184
Geneva, 16 November 1937 5.4 * London Agreement for the Prosecution and Punishment of the	190
Major War Criminals of the European Axis London, 8 August 1945 5.5 * Convention on the Prevention and Punishment of the Crime of	194
Genocide New York, 9 December 1948 5.6 * Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	196
Geneva, 12 August 1949	196

5.7 * Geneva Convention for the Amelioration of the Condition of	
Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	
Geneva, 12 August 1949	198
5.8 * Geneva Convention relative to the Treatment of Prisoners of War	
Geneva, 12 August 1949	200
, , ,	
5.9 * Geneva Convention relative to the Protection of Civilian Persons	
in Time of War	
Geneva, 12 August 1949	202
5.10 * Protocol Additional to the Geneva Conventions of 12 August	
1949, and relating to the Protection of Victims of International Armed	
Conflicts (Protocol I)	
Bern, 12 December 1977	206
5.11 * Protocol Additional to the Geneva Conventions of 12 August	
1949, and relating to the Protection of Victims of Non-International	
Armed Conflicts (Protocol II)	
Bern, 12 December 1977	218
5.12 * League of Arab States Extradition Agreement	
Cairo, 14 September 1952	222
5.13 * OCAM Convention on Cooperation in Judicial Matters	-
Tananarive, 12 September 1961	224
, 1	
5.14 *-Convention on Offences and Certain Other Acts Committed On	
Board Aircraft	
Tokyo, 14 September 1963	224
5.15 * Convention on the Non-Applicability of Statutory Limitations to	
War Crimes and Crimes against Humanity	
New York, 26 November 1968	228
5.16 * Convention for the Suppression of Unlawful Seizure of Aircraft	
The Hague, 16 December 1970	230
5.17 * Convention for the Suppression of Unlawful Acts against the	
Safety of Civil Aviation	
	232
5.18 * International Convention on the Suppression and Punishment of	
the Crime of Apartheid	
New York, 30 November 1973	236
5.19 * Convention on the Prevention and Punishment of Crimes	
against Internationally Protected Persons, including Diplomatic Agents	
New York 14 December 1973	242

BY INTERGOVERNMENTAL ORGANIZATIONS	253
6. United Nations. General Assembly	254
6.1 Universal Declaration of Human Rights	
GA Res. 217 (III) of 10 December 1948	254
6.2 Statute of the Office of the United Nations High Commissioner for	
Refugees	
GA Res. 428 (V) of 14 December 1950	264
6.3 * International assistance to refugees within the mandate of the	
United Nations High Commissioner for Refugees	
GA Res. 1166 (XII) of 26 November 1957	272
6.4 Refugees in Morocco and Tunisia	
GA Res. 1286 (XIII) of 5 December 1958	274
6.5 * Report of the United Nations High Commissioner for Refugees	
GA Res. 1388 (XIV) of 20 November 1959	274
6.6 Refugees from Algeria in Morocco and Tunisia	
GA Res. 1389 (XIV) of 20 November 1959	276
6.7 Report of the United Nations High Commissioner for Refugees	-
GA Res. 1499 (XV) of 5 December 1960	276
6.8 Refugees from Algeria in Morocco and Tunisia	
GA Res. 1500 (XV) of 5 December 1960	278
6.9 Problems raised by the situation of Angolan refugees in the Congo	
GA Res. 1671 (XVI) of 18 December 1961	278
6.10 Refugees from Algeria in Morocco and Tunisia	
GA Res. 1672 (XVI) of 18 December 1961	280
6.11 Assistance to refugees in Africa	
GA Res. 2040 (XX) of 7 December 1965	280
6.12 Declaration on Territorial Asylum	
GA Res. 2312 (XXII) of 14 December 1967	282
6.13 Report of the United Nations High Commissioner for Refugees	
GA Res. 2789 (XXVI) of 6 December 1971	286
6.14 Report of the United Nations High Commissioner for Refugees	
GA Res. 2956 (XXVII) of 12 December 1972	288
6.15 Assistance to Sudanese refugees returning from abroad	
GA Res. 2958 (XXVII) of 12 December 1972	290
6.16 Report of the United Nations High Commissioner for Refugees	
GA Res. 3271 (XXIX) of 10 December 1974	292
6.17 Emergency assistance for South African refugee students	
GA Res. 31/126 of 16 December 1976	294
,	
6.18 Assistance to refugees in southern Africa	
GA Res. 32/70 of 8 December 1977	296
6.19 Assistance to South African student refugees	
GA Res. 32/119 of 16 December 1977	296
·	

PART IV. DECLARATIONS AND RESOLUTIONS ADOPTED

7. United Nations. Economic and Social Council7.1 Establishment of the Executive Committee of the Programme of the	302
United Nations High Commissioner for Refugees ECOSOC Res. 672 (XXV) of 30 April 1958 7.2 Assistance in the relief, rehabilitation and resettlement of Sudanese	302
refugees ECOSOC Res. 1655 (LII) of 1 June 1972 7.3 Assistance to southern Sudanese refugees returning from abroad	304 306
ECOSOC Res. 1705 (LIII) of 27 July 1972 7.4 Assistance to southern Sudanese returnees and displaced persons ECOSOC Res. 1741 (LIV) of 4 May 1973	306
7.5 Assistance to southern Sudanese returnees and displaced persons ECOSOC Res 1799 (LV) of 30 July 1973	308
7.6 Assistance to southern Sudanese returnees and displaced persons ECOSOC Res. 1877 (LVII) of 16 July 1974	310
8. Organization of African Unity. Assembly of Heads of State and Government	312
8.1 The Problem of Refugees in Africa AHG/Res. 26 (II) 1965	312
8.2 Declaration on the Problem of Subversion AHG/Res. 27 (II) 1965	314
9. Organization of African Unity. Council of Ministers 9.1 Problems of Refugees in Africa	316
CM/Res. 19 (II) 1964 9.2 Commission on the Problem of Refugees in Africa	316
CM/Res. 36 (III) 1964 9.3 Problem of Refugees CM/Res. 52 (IV) 1965	316
CM/Res. 52 (IV) 1965 9.4 Resolution on the Adoption of a Draft Convention on the Status of Refugees in Africa	318
CM/Res. 88 (VII) 1966 9.5 Resolution on the Problem of Refugees in Africa	320
CM/Res. 104 (IX) 1967 9.6 Resolution on the Problem of Refugees	320
CM/Res. 141 (X) 1968 9.7 Resolution on the Problem of Refugees in Africa	322
CM/Res. 149 (XI) 1968 9.8 Recommendation on the Bureau of Placement and Education of Refugees	324
CM/Res. 176 (XII) 1969	326
XIV	

cation of Refugees in Africa	
cation of recagees in timea	
CM/Res. 202 (XIII) 1969	326
9.10 Bureau for the Placement and Education of African Refugees	
CM/Res. 244 (XVII) 1971	328
9.11 Resolution on the Bureau for the Placement and Education of Afri-	
can Refugees	
CM/Res. 266 (XIX) 1972	328
9.12 Resolution on Commission of Ten on Refugees	
CM/Res. 296 (XX) 1972	330
9.13 Resolution on OAU Bureau for the Placement and Education of	
African Refugees	
CM/Res. 329 (XXII) 1974	334
9.14 Resolution on the OAU Bureau for the Placement and Education of	
African Refugees	
CM/Res. 347 (XXIII) 1974	336
9.15 Resolution on Refugees	
CM/Res. 489 (XXVII) 1976	342
10. Conference on the Legal, Economic and Social Aspects of	
African Refugee Problems, 9-18 October 1967	346
10.1 The Role of Governments and Organizations	346
10.2 Definition of the Term "Refugee"	350
10.3 The Question of Asylum	
10.3 The Question of Asylum10.4 Voluntary Repatriation and Settlement of Former Refugees in	350 350
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin	350 350 352
10.3 The Question of Asylum10.4 Voluntary Repatriation and Settlement of Former Refugees in	350 350 352 354
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin	350 350 352 354 356
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid	350 350 352 354 356 356
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement	350 350 352 354 356 356 358
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid	350 350 352 354 356 356
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa	350 350 352 354 356 356 358
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements	350 350 352 354 356 356 358
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees	350 350 352 354 356 356 358 362
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees	350 350 352 354 356 356 358 362
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees 10.12 Submission of Recommendations of Conference to Council of	350 350 352 354 356 356 362 364 368
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees 10.12 Submission of Recommendations of Conference to Council of Ministers of the Organization of African Unity	350 350 352 354 356 356 358 362
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees 10.12 Submission of Recommendations of Conference to Council of Ministers of the Organization of African Unity 10.13 Submission of Recommendations of Conference to the United	350 352 354 356 356 358 362 364 368
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees 10.12 Submission of Recommendations of Conference to Council of Ministers of the Organization of African Unity	350 350 352 354 356 358 362 364 368
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees 10.12 Submission of Recommendations of Conference to Council of Ministers of the Organization of African Unity 10.13 Submission of Recommendations of Conference to the United	350 350 352 354 356 356 362 364 368 370
10.3 The Question of Asylum 10.4 Voluntary Repatriation and Settlement of Former Refugees in Their Country of Origin 10.5 Travel Documents for Refugees 10.6 The Social Rights of Refugees 10.7 Emergency Aid 10.8 Land Settlement 10.9 Zonal Planning for Refugee Integration in Africa 10.10 Education, Training, Placement and Manpower Requirements of African Refugees 10.11 Resettlement and Placement of Individual Refugees 10.12 Submission of Recommendations of Conference to Council of Ministers of the Organization of African Unity 10.13 Submission of Recommendations of Conference to the United	350 350 352 354 356 356 362 364 368 370

11. Asian-African Legal Consultative Committee
11.1 Principles concerning Treatment of Refugees.

374

Appendix I. Draft Convention on Territorial Asylum. Articles adopte by a UN Group of Experts meeting at Geneva from 28 April to 9 Ma 1975	.38
Appendix II. Draft Convention on Territorial Asylum. Articles adopted at the UN Conference on Territorial Asylum meeting at Geneva from 10 January to 4 February 1977	39
Index	398
Abbreviations	41