

The effectiveness of local integration as a durable solution:
the situation of Mauritanian refugees in Senegal

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DECLARATION

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Date:

DEDICATION

To my father, the late Mr Ganas Pillay, for the time we never spent together.

And to

My late grandparents, Mr Narainsamy Gounden, Mrs Letchemah Gounden & Mr Juganathan
Coopersamy Moodley

For everything you have taught me. Until we meet again, somewhere out there in the spiritual
sky.

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LIST OF ABBREVIATIONS

AU	African Union
ECOWAS	Economic community of West African states
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights.
IDP's	internally displaced persons
OAU	Organisation of African Unity
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
U.S.	United States of America

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1. Introduction

1.1 Background to study

A conflict that ensued between Senegal and Mauritania in 1989, led many Mauritians to seek refuge in Senegal.¹ Though the exact number is not known, an estimated 20,000 Mauritanian refugees continue to live in northern Senegal 16 years after being expelled from their home country.² The exact number could not be ascertained because the attempted registration exercise which started in December 1999 was unfortunately abandoned in 2000.³

Many of the Mauritanian refugees managed to integrate with the local population, but the problem is that the quality and security of their lives remain precarious⁴. For example although the government of Senegal has provided these refugees with certain services, such as medical facilities, as well as with teachers and books, unemployment among them remains high and the income generating projects, inadequate.⁵

Many Mauritanian refugees have returned to their country of origin via the process of voluntary repatriation.⁶ However some of them chose to remain in Senegal. The office of the High Commissioner for Refugees (UNHCR) is mandated to finding lasting and durable solutions for refugee problems. UNHCR in the region of West Africa has prioritised local integration as a durable solution for refugees in West Africa.⁷

UNHCR proposed strategy for 2011 is:⁸

- Promoting livelihoods and durable solutions, in particular, local integration.
- Implementing a durable solutions strategy for protracted refugee situations through local integration within the framework of the Protocol on Free Movements, Right of Residence and Establishment adopted by the Economic Community of West African States (ECOWAS).

¹JV Magistro 'Crossing over: Ethnicity and Transboundary Conflict in the Senegal River Valley' (Ethnicité et conflit frontalier dans la vallée du fleuve Sénégal) (1993) 33 *Cahiers d'Études Africaines* 221 <http://www.jstor.org/stable/4392445> (accessed 7 September 2011).

²'Report of the Special Rapporteur on the human rights of migrants on his mission to Senegal' (2009) A/HRC/17/33/Add.2 para 22 <http://www2.ohchr.org/english/bodies/hrcouncil/17session/reports.htm> (accessed 28 October 2011).

³As above.

⁴n 2 above para 23.

⁵As above.

⁶<http://www.un.org/apps/news/story.asp?NewsID=36487&Cr=refugees&Cr1>(accessed 12 June 2011).

⁷<http://www.unhcr.org/pages/49e45a9c6.html>(accessed 10 June 2011).

⁸<http://www.unhcr.org/pages/49e45a9c6.html>(accessed 10 June 2011).

- Strengthening partnerships with humanitarian and development actors to facilitate the inclusion of refugees in national development plans and enhance emergency-preparedness and response capacity in the region.

The effectiveness of local integration requires the willingness and co-operation of the host government,⁹ and some governments are not co-operative. Further in particular, it is important for governments to formalise a process that often takes place regardless of the legal structures.¹⁰ Studies have suggested that local integration in first asylum country as a durable solution to the refugee problem is a viable option. It has been argued that even in the absence of any specific policy that formalises local integration, the phenomenon still happens unofficially, hence the need for policies to legalise it.¹¹

1.2 Problem statement

Although UNHCR has prioritised local integration as a durable solution for the region of West Africa. Some states in West Africa do not have a policy that supports this strategy, or integration of refugees may not be easy due to cultural, linguistic, tribal and other differences. If not carefully considered, local integration although meant to improve the situation of refugees may lead to conflict situations in the host country.

Despite these factors, UNHCR has prioritised local integration. In this regard, this study seeks to critically examine the local integration framework to ascertain whether it is a viable option for the Mauritanian refugees in Senegal. Amidst this critical analysis and given the fact that UNHCR has prioritised local integration for the region of West Africa, the thesis also calls for Senegal to adopt a proper legislative and policy framework on local integration. Moreover the study will also illustrate other factors necessary to promote local integration amidst the legislative and policy framework.

⁹SKM Agblorti UNHCR Research Paper No. 203 'Refugee integration in Ghana: the host community's perspective' (2011) 2. <http://www.unhcr.org/4d6f5f3f9.pdf>(accessed (30 March 2011)).

¹⁰As above.

¹¹Agblorti (n 9 above) para 2.

1.3 Definition of terms

Refugee

The legal definition of refugees according to the 1951 United Nations Convention on refugees (the 1951 Convention), defines a refugee as:¹²

A person who has a well founded fear of being persecuted based on grounds of his/her race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the African context the 1969 OAU Convention governing the specific aspects of refugee problems in Africa (the 1969 OAU Convention),¹³ retained the definition of a refugee as defined in the 1951 Convention mentioned above. However it further extended this definition to also define refugees as those persons fleeing civil unrest.¹⁴

Durable solutions

Currently there is no precise definition of durable solutions¹⁵ and the primary international instrument regulating refugees i.e. the 1951 UN Convention on refugees does not contain any clear definition of durable solutions. However some scholars have attempted to define it as a situation where a refugee is viewed to have secured a solution to his or her plight if he or she

¹²Art 1(2) 1951 Convention relating to the Status of Refugees Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950 Entry into force: 22 April 1954, in accordance with article 43.

¹³Art 1(1) of the OAU Convention Governing the Specific Aspects of Refugee Problems In Africa Adopted on 10 September 1969 by the Assembly of Heads of State and Government. CAB/LEG/24.3. It entered into force on 20 June 1974, states 'For the purposes of this Convention, the term "refugee" shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.'

¹⁴Art 1(2) of the OAU Convention states, '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.'

¹⁵T Bessa 'From Political Instrument to Protection Tool? Resettlement of Refugees and North-South Relations' (2009) 26 <http://pi.library.yorku.ca/ojs/index.php/refuge/article/view/30610> (accessed 20 October 2011) 92.

has found a safe sustainable solution through one of the three means: voluntary repatriation, resettlement and local integration.¹⁶

Local integration

Local integration is based on an assumption that refugees will remain in their country of asylum and find a solution to their plight in that State.¹⁷ It is a legal, economic and socio cultural processes where refugees are granted a wider range of rights equivalent to that of citizens in the host State.¹⁸

Voluntary repatriation

According to Hathaway, voluntary repatriation is the return of a person from the host country who is no longer a refugee.¹⁹ Further it refers to a situation where refugees opt to freely return to his or her own country of origin.²⁰

Resettlement

Resettlement is the durable settlement of refugees in a country other than the country of refuge.²¹ It is the transfer of refugees from the country in which they have sought asylum to another State that has agreed to admit them as refugees and to grant them permanent settlement and the opportunity for eventual citizenship.²²

1.4 Focus and objectives of the study

1. To assess the efficacy of policy and legislative framework governing refugees in Senegal and whether it has local integration policy.
2. To assess the social impact of local integration of Mauritanian refugees on the Senegalese community.
3. To assess the viability of local integration as a durable solution for Mauritanian refugees in Senegal in relation to international practice and human rights.
4. To determine effective means of implementing local integration strategies in Senegal

¹⁶D Presse & J Thomson 'The Resettlement challenge: integration of refugees from protracted refugee situations' (2008) 8 *Metropolis World Bulletin: Migration and International Protection* 49.

¹⁷UNHCR *Resettlement Handbook* Geneva (2004) para 1.3.4. <http://www.unhcr.org> (accessed 30 March 2011).

¹⁸As above.

¹⁹J Hathaway *The rights of refugees under international law* (2005) 916.

²⁰As above.

²¹<http://www.refugeethesaurus.org> (accessed 24 October 2011).

²²UNHCR (n 17 above) para 1.3.5.

5. To critically analyse how UNHCR is effectively implementing their local integration strategy in light of the above challenges experienced by refugees in Senegal.

1.5 Significance of the study

The study will inform positive policy and legislative developments governing refugees in Senegal. Further, as it will also seek to look at the effectiveness of UNHCR's local integration strategy as a durable solution in West Africa, in relation to the situation of Mauritanian refugees in Senegal. It may provide some guidance to other host governments in Africa or globally or UNHCR when developing strategies or law and policy on local integration. Further, although the government of Senegal and UNHCR can improve the situation of refugees through effective policy and other types of assistance, there may also be other difficulties that they may encounter in terms of integration. This study also seeks to illustrate other difficulties that may arise and propose possible solutions to these difficulties.

1.6 Research questions

1. What is the efficacy of policy and legislative framework governing refugees in Senegal and whether it has local integration policy?
2. What is the social impact of local integration of Mauritanian refugees on the Senegalese community?
3. What is the viability of local integration as a durable solution for Mauritanian refugees in Senegal in relation to international practice and human rights?
4. What are the effective means of implementing local integration strategies in Senegal?
5. How is UNHCR effectively implementing their local integration strategy in light of the above challenges experienced by refugees in Senegal?

1.7 Literature review

The subject on the effectiveness of durable solutions generally and including local integration, has attracted a lot of literature. However I have chosen to expand on a few. There is a need to consider effective durable solutions for refugees in different contexts. Some studies have focused specifically on the effectiveness of local integration; an example of such a study was conducted in Guinea, which looked at local integration of Sierra Leonean refugees. The

outcome of the research was that it identified the need for alternative durable solutions that take into account regional post conflict dynamics²³. It was further identified that context is crucial for developing a workable solution.

The issue of considering an effective durable solution was also considered as early as 1996 at the aftermath of the Rwandan genocide. There had been a growing search for lasting solutions to the refugee crisis in the Great Lakes region that go beyond the traditional solutions of integration in local communities, resettlement and voluntary repatriation.²⁴

Further the search for durable solutions has been central part of UNHCR's mandate since its inception.²⁵ The organisations statute commands that the high Commissioner for refugees, to seek permanent solutions for the problem of refugees by assisting governments to facilitate the voluntary repatriation of refugees, or their assimilation in their country of asylum.²⁶

In the Senegalese context, local integration strategies implemented by UNHCR in 2005,²⁷ for Mauritanian refugees in Northern Senegal proved to be of some assistance to the refugees. However this strategy was instituted prior to the voluntary repatriation process. There are some Mauritians who have already established lives in Senegal and have no intention of returning to Mauritania.²⁸ Keeping this in mind this study will relook at the situation of the Mauritanian refugees wishing to remain in Senegal, post voluntary repatriation process.

Although there has been an array of literature on local integration and durable solutions generally, the uniqueness of my study is that it will look at the effectiveness of local integration in a specific context i.e. Mauritanian refugees in Senegal, which is a current and specific situation. As the literature review reveals that different contexts calls for different solutions, this study will inform new developments in the legal and policy framework of Senegal by providing a socio-legal perspective to local integration.

²³LA Gale 'The Invisible Refugee Camp: Durable Solutions for Boreah Residuals in Guinea' (2008) 21 *Journal of Refugee Studies* 550.

²⁴B Rutinwa 'Beyond Durable Solutions: an appraisal of the new proposals for prevention and solutions of the refugee crisis in the Great Lakes Region' (1996) 9 *Journal of Refugee Studies* 313.

²⁵'Rethinking Durable Solutions' in UNHCR's *The state of the worlds refugees: human displacement in the new Millennium* (2006) 129.

²⁶Statute of the Office of the United Nations High Commissioner for Refugees, chapter 1, para 1, General Assembly Resolution 428, December 1950 <http://www.unhcr.org/3b66c39e1.pdf>(accessed 28 October 2011).

²⁷D Stone 'Refugee livelihoods enhancing livelihood security among Mauritanian refugees in Northern Senegal: a case study' para 26 <http://www.unhcr.org> (accessed 15 August 2011).

²⁸As above.

1.8 Research methodology

The study is qualitative in nature and will involve a combination of desktop and limited field work. It will be descriptive to set the stage but overall analytical. As the area of study is also of academic research and involves a critical analysis of the Senegalese refugee law and UNHCR local integration strategy, primary sources such as relevant international, regional and national instruments governing refugees will be used. Other relevant human rights instrument may be considered if necessary. Secondary sources such as journal articles, books and other relevant sources relevant to the research will be utilised via desktop and library research. Documented facts through limited library based research in Senegal will be utilised as most of the material is documented in French.

The field work comprises of unstructured interviews with the Senegalese community and Mauritanian refugees if possible. The researchers aim was to have direct contact with the people, situations and phenomena under study in order to ascertain personal experiences.²⁹ Further interviews with UNHCR personnel and other relevant organisations working with refugees or migrations issues have been undertaken.

1.9 Limitations of the study

Although the study seeks to critically analyse UNHCR's policy, the legal and policy framework in Senegal, there is no guarantee that it will lead to the actual improvement of the lives of refugees in Senegal. Neither is there any guarantee that the government of Senegal and UNHCR will take the recommendations suggested in this study into consideration. The researcher was aware that the language barrier, may stunt the effective communication with Mauritanian refugees and other relevant persons. However the researcher overcame these challenges by utilizing various means of translation and improving communication skills in French.

Due to the language barrier and time constraints some information from local organisations working with Mauritanian refugees was utilised were the researcher could personally conduct the necessary interviews relevant for the study. This is a limitation in that the authenticity of the information received is uncertain, however given the fact that these are

²⁹MQ Patton *Qualitative Research and Evaluation Methods* (2007)40.

organisations familiar with the systems governing refugees in Senegal, and the plight of refugees in Senegal. Therefore the researcher found it trite to utilise this option.

1.10 Structure of the study

This study has provided an Introduction on the study, outlined above. Chapter one will contain the conceptual framework. Chapter two will look at the efficacy of the legal framework governing refugees in Senegal. Chapter three will involve a critical analysis of UNHCR's Local Integration Strategy in relation to the situation of Mauritanian refugees in Senegal. Chapter four will provide a conclusion and recommendations.

CHAPTER ONE

2. The conceptual framework

A number of African countries are either engaged in some form of armed conflict or just emerging from one.³⁰ The violence in Darfur, the never ending lawlessness in Somalia, the civil wars of the Sahrawi Republic, Uganda, Cote d'Ivoire, Chad as well as the history of violence in the Democratic Republic of Congo, Sierra Leone and Guinea makes Africa one of the most unstable continents on the globe.³¹ Further, political instability in Zimbabwe, Rwanda, Burundi, the Central African Republic, Ethiopia and Eritrea has resulted in the movement of people seeking refuge from dangerous situations in which they find themselves.³²

2.1 Refugees in Africa

Initially the term refugee (a western concept) originally referring to French Protestants who fled from the forced conversion policy of the French state in the late-seventeenth century,³³ only began to refer to human beings at the end of the eighteenth century.³⁴ In the African context, historically African people have received non nationals, and have established customs and rituals for integrating them into their communities. Only since the period of decolonisation have the victims of involuntary mass movements of people in Africa been generally categorized as refugees.³⁵

African countries have been host to and producers of refugees for long periods of time.³⁶ The United Nations High Commissioner for Refugees reported by the end of 2007 that Africa the poorest continent in the world was hosting the largest number of refugees (22 percent) after Asia (55 percent).³⁷ These early developments reflect that African states have been generally receptive towards non nationals, however due to the varying economic climate and ethnic

³⁰T Kaime 'The Protection of Refugee Children under the African Human Rights System: Finding Durable Solutions in international law' in J Sloth-Nielsen *Children's rights in Africa: a legal perspective* (2008) 183.

³¹As above.

³²T Kaime 'The Protection of Refugee Children under the African Human Rights System: Finding Durable Solutions in international law' in Sloth-Nielsen (n30above) 183.

³³D Wong 'The Semantics of Migration' (1989) 4 *Sojourn* 279 quoted in R Lippert 'Governing Refugees: The Relevance of Governmentality to Understanding the International Refugee Regime' (1999) 24 *Global, Local, Political* 302 <http://www.jstor.org/stable/40644943> (accessed 7 September 2011).

³⁴M Marrus *The Unwanted: European Refugees in the Twentieth Century* (1985) quoted in Lippert (n33above) 8.

³⁵R Dunbar-Oritz & B Harrel-Bond 'Africa Rights Monitor: Who Protects the Human Rights of Refugees?' (1987) 34 *Africa Today* Human Rights: The African Context 106 <http://www.jstor.org/stable/4186411> (accessed 7 September 2011).

³⁶JD Mujuzi 'The African Commission on Human and People's Rights and the protection of refugee rights' (2009) 9 *African Human Rights Law Journal* 161.

³⁷As above.

tensions in some African countries; the sprawl for resources and security concerns has created a reluctance to accept and welcome non nationals.

Africa has had its fair share of bloodshed and heartache, tearing apart communities that have left many destitute. Often these groups of people settle in host countries and experience appalling conditions. Therefore the search for a durable solution to improve their plight is necessary.

2.2 Mauritanian refugees in Senegal

As the waters of the Senegal River retreat to shallow ebb at the height of the dry season, the border separating northern Senegal from southern Mauritania narrows to a thin, incandescent band of blue, reflecting the intense sunlight of the arid Sahel. In the middle Senegal Valley border town of Matam, situated on the river's left bank, the morning of April 20th, 1989 dawned as another serene and uneventful day, the heat of the tropical sun keeping town residents at bay, sequestered in their mud-thatch dwellings and rectangular tin-roof houses. The calm of the mid-morning air soon gave way, however, to the faint sound of a peculiar drone, much like that of a distant rumbling train.³⁸

During the crisis in 1989 many Mauritians were expelled from Mauritania. This Senegal-Mauritania conflict is not only the result of the territorial competition over resources, but the product of internecine strife and ethnic antagonism conditioned by historical perceptions of the 'other' as adversary.³⁹

By May 1989, a huge wave of refugees of Mauritanian nationality living on the right bank of the Senegal River began crossing the border into Senegal. At the same time, large numbers of Mauritanian nationals were expelled from Senegal. By late October 1991, an estimated 70,000 people had sought refuge in Senegal; another 13,000 had fled to Mali.⁴⁰

According to a report from the U.S. Committee for Refugees, at the end of 2001 Senegal hosted more than 40,000 refugees and asylum seekers. The majority of whom come from Mauritania and a minority from other African countries.⁴¹ The mass influx on fleeing Mauritians to Senegal reflected a protracted refugee situation. These protracted refugee situations demand lasting durable solution.

³⁸Magistro (n 1 above) 221.

³⁹As above.

⁴⁰'La situation des refugies mauritaniens dans la vallee du fleuve Senegal (Rive gauche). Etude de cas des camps de Ogo, Sinthou Garba et Faboli, dans le Departement de Matam' (n.p.: Groupe africain des volontaires pour le developpement, unpub. ms.), 1991: 2; Sherbinin 1992: 16 quoted in Magistro (n 1 above) 204.

⁴¹Stone (n 27 above) para 15.

2.3 Protracted refugee situations

UNHCR has defined protracted refugee situations 'as crude measure of refugee populations of 25000 persons or more who have been in exile for five or more years in developing countries.'⁴² The situation of Mauritanian refugees can be categorised as a protracted refugee problem as they have been in exile in Senegal since 1989. Studies conducted in Africa reflect that while the population numbers of refugees remain stable over a period of time the composition of the population changes over time.⁴³

From a political perspective the identification of protracted refugee situations is dependent on perception.⁴⁴ If a population has existed in a place for a long time without the prospect of a solution then it may be termed as a protracted refugee situation.⁴⁵ For a long period the Mauritians in Senegal had existed without a solution to their plight. This is evident in that Mauritanian refugees had been in Senegal for over two decades, and it was only in 2007 that the government of Mauritania asked its citizens to return from exile.⁴⁶

During protracted refugee situations, coupled with hostile or restrictive host country policies, humanitarian agencies are left responsible for the care and maintenance of refugees.⁴⁷ However assistance to refugees in protracted refugee situations is no substitute for sustained and political and strategic action.⁴⁸

Given the regional dynamics of many conflicts in Africa, the presence of refugees also becomes a political one. In this regard as durable solutions are political tools meant to improve the situation of refugees, a proper durable solution regime addressing those situations peculiar to that of the needs of refugees in Africa is pivotal. Further, as the focus of study is on Mauritanian refugees, the effectiveness of local integration for Mauritians in Senegal will be questioned.

⁴²UNHCR (n 25 above) 106.

⁴³As above.

⁴⁴UNHCR (n25above) 106.

⁴⁵As above.

⁴⁶'UNHCR resumes repatriation for Mauritanian refugees in Senegal' <http://www.unhcr.org/4cbdbad36.html> accessed (18 October 2011).

⁴⁷UNHCR (n 25 above) 112.

⁴⁸UNHCR (n 25 above) 114.

2.4 The search for lasting durable solutions: African solutions for African problems

In the mid- 1960s, the then high Commissioner for refugees said the following:⁴⁹

The process of de-colonization and the internal strife that all too often accompanies it - these problems call for solutions that are humane, practical, immediate and adapted to the realities of life in Africa. In response to the drama of hundreds of thousands of men, women, and children fleeing their villages and their home- lands, the international community has entrusted my Office with the task of helping these uprooted people, first to survive and then to create a new existence if it is clear there is no hope of their being able to return voluntarily to the homes they have left behind. For the countries that so spontaneously and so generously welcome them are in general beset with their own development problems and are not in a position to meet even the most vital needs of all the refugees that cross their borders un- less they receive outside assistance.

These protracted refugee situations called for the need to find lasting durable solutions. Moreover solutions that would be conducive in African contexts. The durable solution regime at the time was central to the approach of addressing the situation of displaced people in Europe after World War two.⁵⁰ Whilst this approach may have been suitable to address the European situation it may not be as successful in Africa, as there are various features that are specific to Africa. The reason for this is that the political, cultural and economic climate of Africa is different from European countries.

In 2006, UNHCR's agenda for protection emphasized that the three durable solutions namely resettlement, voluntary repatriation and local integration should be integrated into one comprehensive approach.⁵¹ UNHCR further stated that the need for an integrated approach is necessary not just to replicate old solutions but to fashion new ones that draw on the lessons of the past but are appropriate to the new environment.⁵² Although this suggests that new durable solutions should be considered, to this date UNHCR has maintained the three existing durable solutions separately and even prioritised them in different regions. For example UNHCR's local integration strategy for Mauritanian refugees in Senegal does not look at an integrated approach of the three durable solutions.⁵³ A more in-depth analysis of this strategy will be dealt with in

⁴⁹Lippert (n 34 above) 306.

⁵⁰UNHCR (n 25 above) 119.

⁵¹UNHCR (n 25 above) 120.

⁵²UNHCR (n 25 above) 125.

⁵³Représentation Régionale pour l'Afrique de l'Ouest Dakar Bureau du Sénégal : 'Stratégie d'intégration locale et moyens de subsistance des refugies Mauritaniens au Sénégal' (2011) [English : Regional Representation for West Africa Dakar, Office of Senegal : Strategy for Integration and local livelihoods, Mauritanian refugees in Senegal] Annexure II

Chapter three. Moreover as mentioned in the introduction, UNHCR for the region of West Africa has prioritised local integration as a durable solution.⁵⁴

A durable solution means the integration of refugees into a society: either reintegration into their homeland after voluntary repatriation, or integration into the country of asylum if settlement is allowed or into a third country through resettlement.⁵⁵

Approximately 90 percent of the world's ten million refugees are from developing countries and over 90 percent of these refugees will stay in developing countries, either settling in their country of first asylum or being repatriated to their homelands.⁵⁶ Senegal has been categorized on the list of least developed countries in the world⁵⁷ and as a matter of fact the capacity to provide proper services and host refugees is limited.

Although economic conditions can ease the task of integration, political will of host governments controls the gateway.⁵⁸ If host country rejects or detains the refugees, then no durable solution will be possible. If one of the poorest lands accepts the refugees then, with international assistance, a new life can begin.⁵⁹

Usually the primary method of ascertaining how a host government responds to refugees, is ascertaining if its refugee law and policy is receptive to refugees. In this regard the next chapter will look at the efficacy of the legal framework governing refugees in Senegal.

⁵⁴n 7 above.

⁵⁵BN Stein 'Durable Solutions for Developing Country Refugees' (1986) 20 *International Migration Review* 265 <http://www.jstor.org/stable/2546035> (accessed 7 September 2011).

⁵⁶Stein (as above) 265&267.

⁵⁷http://www.un.org/en/development/desa/policy/cdp/ldc/ldc_list.pdf(accessed 20 October 2011).

⁵⁸Stein (n 55 above) 265&267.

⁵⁹As above.

CHAPTER TWO

3. The efficacy of the legal framework governing refugees in Senegal

The growing conflict on the African continent resulting in mass movements of people to neighbouring countries moved many States to develop their legal systems governing refugees. This chapter will explore the efficacy of the legal framework governing refugees in Senegal, in terms of its international and regional obligations.

3.1 International framework governing refugees

The primary international instrument regulating refugees globally is the 1951 UN Convention on refugees,⁶⁰ and its 1967 Protocol relating to the status of refugees. Durable solutions are not explicitly enshrined in this Convention like other rights. However this convention outlines rights afforded to refugees which are features of local integration. These rights include the right to employment,⁶¹ the right to education,⁶² and the right to social security.⁶³

Africa did not feature widely on the international agenda in the development of the international regime, on the management of refugee affairs.⁶⁴ It was not considered during the discussions by the United Nations in 1949, and did not feature at all during the discussions of the 1951 UN Convention relating to the status of refugees.⁶⁵ In this regard a document talking specifically to that of the situation of refugees in Africa had to be considered.

This Convention has been criticized for not taking into account the African situation of refugees. This is evident in that the criterion for determining refugee status is usually an act of persecution by the government against an individual.⁶⁶ This definition does not take into account those groups of people fleeing civil unrest.⁶⁷ Notwithstanding its defects this Convention although criticised, has been widely ratified by many African states including Senegal, and

⁶⁰n 12 above.

⁶¹Art 17 of the 1951 Convention.

⁶²Art 22 of the 1951 Convention.

⁶³Art 24 of the 1951 Convention.

⁶⁴AGG Gingyera-Pinyewa 'Refugees and Internally Displaced People in Africa the Eve of the 21st Century' (1998) 5 *East African Journal of Peace and Human Rights* 45.

⁶⁵As above.

⁶⁶H Solomon 'Protecting Refugee Rights-Getting Serious about Terminology' (2002) 2 *African Human Rights Law Journal* 61.

⁶⁷As above.

incorporated into their national legal regime.⁶⁸ Adherence to its provisions is therefore imperative.

Senegal has ratified without reservations other international human rights instruments applicable to refugees including, the International Covenant on Civil and Political Rights, its first optional protocol and the International Covenant on Economic, Social and Cultural Rights.⁶⁹ Article 2(2) of the ICCPR places an obligation on states to respect and ensure the rights declared to all individuals within its territory and subject its jurisdiction.⁷⁰ Although article 2(3) of the ICESCR allows a state to place some limitations on the rights of non nationals within its territory,⁷¹ this is trumped by article 17 of the 1951 Convention.⁷²

International human rights law is embodied in the UN Charter, the Universal Declaration of Human Rights as well as in UN resolutions, customs, judicial decisions and expert opinions. Refugees are not specifically mentioned in this body of law, although there is the inclusion that all humanity, without discrimination is the beneficiaries of international human rights protection⁷³

Senegal is a member state to the 1951 UN convention on refugees and its 1967 Protocol,⁷⁴ and other international human rights instruments.⁷⁵ By virtue of these international obligations it is has to implement and develop its domestic legislative and policy framework in accordance with these obligations in relation to the rights of refugees.

⁶⁸IC Jackson *The refugee concept in group situations* (1999) 206.

⁶⁹HS Adjolohoun 'Visiting the Senegalese legal system and legal research: A human rights perspective' (2009) para 1 <http://www.nyulawglobal.org/Globalex/SENEGAL.htm> (accessed 19 October 2011). Also see International Covenant on Economic, Social and Cultural Rights Adopted and opened for signature, ratification and accession, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27

⁷⁰Art 2(2) states, 'Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant. International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.

⁷¹Art 2(3) of the ICESCR states that developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

⁷²Hathaway (n 19 above) 742.

⁷³Dunbar-Oritz & Harrell-Bond (n 35 above) 108.

⁷⁴Jackson (n 68 above) 206.

⁷⁵Adjolohoun (n 69 above) para 2.

3.2 Regional framework governing refugees in Africa

3.2.1 The 1969 OAU Convention Governing Specific Refugee Problems in Africa

As early as 1964, African countries realised that some countries like Uganda, Burundi, and Tanzania were facing problems in terms of hosting refugees.⁷⁶ The international community was not paying sufficient attention to the problems these countries and the refugees they were hosting were facing.⁷⁷ In 1964 after the findings presented in a report of the Commission on problems of refugees in Africa.⁷⁸ The OAU council passed a resolution,⁷⁹ calling upon the Commission to draft convention dealing specifically to those aspects relating to refugees in Africa. After extensive consultations, the 1969 OAU Convention relating to specific problems in Africa was adopted.⁸⁰ Senegal became a party to the 1969 OAU Convention on refugees in April 1971.⁸¹

The adoption of the OAU Convention could be interpreted to mean that African countries were convinced that the 1951 Convention relating to refugees was not designed with an African specific approach and was therefore of less relevance to African refugee problems, namely that of mass influx of refugees.⁸² Although the convention makes provision for mass influx of people, some of the problems associated the phenomena are a burden on economic resources in host countries. Further it poses a security concern as refugees can organise into rebel groups.⁸³

Although the OAU aimed to ensure that the measures adopted to regulate refugees in Africa were designed to improve the living conditions of refugees and to help them live a normal life,⁸⁴ the OAU convention only incorporated voluntary repatriation as a durable solution for refugees.⁸⁵ No provision is made for local integration as a durable solution. One reason for this could be that in the late 1980's and 1990's for political and practical reasons African states

⁷⁶Mujuzi (n 36 above) 162.

⁷⁷As above.

⁷⁸Resolution CM/ Res 19(11)

http://www.africaunion.org/official_documents/council%20of%20minsters%20meetings/com/qCoM_1968b.pdf(accessed 28 October 2011).

⁷⁹Resolution CM /Res 36 (iii) 1964 para 4-8

http://www.africaunion.org/official_documents/council%20of%20minsters%20meetings/com/dCoM_1964b.pdf(accessed 28 October 2011).

⁸⁰Resolution CM/Res149(XI)

1968http://www.africaunion.org/official_documents/council%20of%20minsters%20meetings/com/qCoM_1968b.pdf(accessed 28 October 2011).

⁸¹Jackson (n 68 above) 206.

⁸²Mujuzi (n 36 above) 163.

⁸³Mujuzi (n 36 above) 164.

⁸⁴n 80 above.

⁸⁵Art 5 of the 1969 OAU Convention.

became less receptive to refugees.⁸⁶ Thereafter in a resolution⁸⁷, the OAU council of ministers urged all OAU member states to consider ways and means of translating the principle of burden sharing⁸⁸ into action by accepting a number of refugees in their countries. It further invited the UN Secretary-General to establish, with the assistance and co-operation of the UN and its specialised agencies, an ad-hoc working group whose mandate will be to study the possibilities and conditions for participation of African states in burden sharing.

In another resolution⁸⁹ the OAU council of ministers further stated that Africa's situation of 5 million refugees and 12 million displaced persons is the worst in the world especially in the case of women, children, the aged and the disabled. It further recognised that the current gap between the assessed needs of refugees and the resources internationally available for refugee work in Africa is wide. It was convinced that voluntary repatriation constitutes a durable solution to the problem of refugees in Africa and further that the elimination of the root causes of the refugee problem would provide a comprehensive solution to this phenomenon. It can thus be concluded from these facts, that the OAU was not keen on local integration as a durable solution.

By contrast it is important to note that the newly devised AU convention for internally displaced persons (not yet operative) commonly known as the Kampala Convention makes provision for local integration.⁹⁰ This point is noteworthy as internally displaced persons and refugees are two separate categories of persons.⁹¹ Whilst the Kampala Convention is welcomed, it places a negative strain on the role UNHCR plays in addressing the needs of refugees, as it also places an obligation on UNHCR to provide assistance to IDP's⁹² This system further complicates the search for durable solutions.

In this regard although there are no specific provisions on local integration in the relevant refugee instruments. Local integration involves people being afforded basic access to services,

⁸⁶ J van Garderen & J Ebenstein 'Regional Developments: Africa' in A Zimmerman et al; *The 1951 Convention relating to the status of refugees and its 1967 protocol: A commentary* (2011)187.

⁸⁷ Resolution on the Situation of refugees in Africa and on Prospective solutions to their problems in the 1980's A CM/Res.727(XXXIII)Rev.11979para5&6whttp://www.chr.up.ac.za/images/files/documents/ahrdd/theme34/refugees_resolution_situation_problems_1980s_1979.pdf. (15 October 2011).

⁸⁸ Art 2 of the 1969 OAU Convention para 4.

⁸⁹ Resolution on the root causes of the African refugee problem CM/Res. 1274 (LII) 1990 http://www.chr.up.ac.za/test/images/files/documents/ahrdd/theme34/refugees_resolution_root_causes_1990.pdf (accessed 28 October 2011).

⁹⁰ Art 11 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) <http://www.african-union.org/> (accessed 20 October 2011).

⁹¹ JRC Field ' Bridging the Gap Between Refugee Rights and Reality: a Proposal for Developing International Duties in the Refugee Context' (2010) 22 *International Journal of Refugee Law* 516.

⁹² Art 6 of the Kampala Convention.

including basic socio economic rights necessary for a human being to survive. These rights are also enshrined in the African Charter on Human and Peoples Rights.

3.2.2 The African Charter on Human and People's Rights

The African Charter on Human and Peoples rights⁹³ encompasses basic socio economic rights. These rights are also feature of integration which includes the right to work,⁹⁴ the right to health,⁹⁵ the right to education,⁹⁶ the right to economic, social and cultural development,⁹⁷ and other fundamental human rights. Refugees are also afforded these rights. Senegal has ratified this Charter⁹⁸ hence it is bound by these provisions and must ensure that the rights of refugees are protected.

Further the African Commission established by virtue of article 45 of the Charter is also empowered to interpret African human rights treaties that have been ratified by African states.⁹⁹ This includes the OAU convention on refugees. In this regard the African commission, serving as a judicial body can theoretically enforce the rights of refugees under the African Charter and OAU convention. This could include violations of rights such the right to work, and the socio economic rights which are necessary for integration of refugees. In this regard although local integration is not a right, it becomes conceptualised as a right when executed in this manner.

3.2.3 The role of the special rapporteur on the protection of the rights of refugees and internally displaced persons

The African Commission at its thirty fourth session appointed a rapporteur on refugees and displaced persons in Africa.¹⁰⁰ The special rapporteur has played a pivotal role in the promotion and protection of the rights of refugees. The powers of the special rapporteur include the following:¹⁰¹

⁹³Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986)http://www.africaunion.org/official_documents/treaties_%20conventions_%20protocols/banjul%20charter.pdf(accessed 19 October 2011).

⁹⁴Art 15 of the African Charter.

⁹⁵Art 16 of the African Charter

⁹⁶Art 17 of the African Charter.

⁹⁷Art 22 of the African Charter.

⁹⁸Adjolohoun (n 69 above) para 7.

⁹⁹Mujuzi (n 36 above) 167.

¹⁰⁰Mujuzi (n 36 above) 168.

¹⁰¹Van Garderen & Ebenstein (n 86 above) 202.

- To receive an act upon information on the situation of refugees and internally displaced persons;
- To examine appropriate ways to strengthen the protection of refugees and internally displaced persons; and
- To submit regular reports to ordinary sessions of the African Commission on Human and People's rights.

3.3 Subregional framework governing refugees in Senegal

3.3.1 Economic Community of West African States (ECOWAS) and refugees

Senegal is a member of a number of regional bodies, including ECOWAS.¹⁰² The ECOWAS Treaty and free movement protocols are not refugee instruments. However they are not in conflict with refugee instruments.¹⁰³ ECOWAS has issued a statement that refugees are to be guaranteed equal treatment under the free movement protocols with other Community citizens.¹⁰⁴ Further, the rights to residence and employment, at the heart of the 'solution' of local integration are available to refugees as to any other citizen of an ECOWAS state.¹⁰⁵

Senegal is a member to this treaty,¹⁰⁶ therefore it is has to implement the respective provisions of this treaty that can be used by refugees. One of the features of the local integration strategy for West Africa is also to facilitate the integration of refugees through the ECOWAS treaty.¹⁰⁷ This can be a useful tool to promote the integration of refugees regionally.

3.4 National legal regime governing refugees in Senegal

On 24 July 1968 Senegal adopted a law relating to the status of refugee (*Loi n° 68-27 du 24 juillet 1968 modifiée portant statut des réfugiés*).¹⁰⁸ Thereafter, in June 1978 Senegal adopted a decree¹⁰⁹ (*Décret n° 78-484 du 5 juin 1978 modifié relatif à la Commission des réfugiés*), relating to the Refugee Commission.¹¹⁰ Article two of this decree states that the refugee

¹⁰²Adjolohoun(n 69 above) para 6.

¹⁰³A Boulton 'Local integration in west Africa' 33 <http://www.fmreview.org/FMRpdfs/FMR33/32-34.pdf> (accessed 20 October 2011).

¹⁰⁴Boulton(n103above)33.

¹⁰⁵Boulton (n103above) 32.

¹⁰⁶Adjolohoun (n 69 above) para 6.

¹⁰⁷n 8 above.

¹⁰⁸Jackson (n 68 above) 206.

¹⁰⁹As above.

¹¹⁰*Décret n° 78-484 du 5 juin 1978 modifié relatif à la Commission des réfugiés*, 78-484, 17 June 1978, <http://www.unhcr.org/refworld/docid/3ae6b4f48.html>(accessed 24 October 2011)

commission shall give a positive recommendation for recognition as a refugee of any person who meets the definition in article 1 of the 1951 UN Convention on refugees supplemented by the 1967 protocol and article 1 of the 1969 OAU refugee convention.¹¹¹ Refugee status is granted by the National Eligibility Commission. Refugees have the same entitlements as nationals, including the right to work and education.¹¹²

The existence of this provision has not precluded the commission from undue delays in the processing of refugee claims, and many asylum seekers still face challenges with the system.¹¹³ These challenges reflect pitfalls in a system that constitutes a negative factor in the process of integration.

This decree does not contain any provision on the legal status of a refugee; however article 12 provides that, upon recognition as a refugee the Minister of Interior shall issue a refugee certificate to person concerned, a refugee identity document and a travel card.¹¹⁴

Legislation and regulations governing the various aspects of refugees, and the human rights appear scattered, and are often not in conformity with international instruments and standards.¹¹⁵ The Senegalese Committee for Human Rights (*Comité Sénégalais des Droits de l'Homme*) established in April 1970 is a state human rights institution. In 1997, the legal foundation was strengthened enabling the Committee to become an independent institution of consultation, observation, evaluation, dialogue and submission of proposals, focused on respect for human rights.¹¹⁶ This Committee can also be used to activate the rights of refugees, by examining whether the state is meeting its obligations in the promotion and protection of the rights of refugees.

African host government refugee policies are formulated so as to minimize the burden of refugees on social and economic infrastructure, and enable their own citizens to gain access to

¹¹¹Jackson (n 68 above) 206.

¹¹²JBustamante 'Report of the Special Rapporteur of Migrants' (2009) para 39 <http://www.unhcr.org/refworld/category,REFERENCE,UNHRC,,,4a3b51702,0.html>(accessed 20 October 2011).

¹¹³[HTTP://WWW.REFUGEERIGHTS.ORG/PUBLICATIONS/RRN/2009/JUNE/V5.I4.WORLD%20REFUGEE%20DAY.HTML](http://www.refugeerights.org/publications/RRN/2009/JUNE/V5.I4.WORLD%20REFUGEE%20DAY.HTML)(ACCESSSED 19 OCTOBER2011).

¹¹⁴Jackson (n 68 above) 206.

¹¹⁵'Report of the Special Rapporteur on the human rights of migrants on his mission to Senegal' (2009) A/HRC/17/33/Add.2 23 February 2011 para 22

<http://www2.ohchr.org/english/bodies/hrcouncil/17session/reports.htm> (accessed 28 October 2011).

¹¹⁶Bustamante (n 112 above) para 46.

international refugee support systems.¹¹⁷ African governments prefer to place refugees in organized settlements where they do not burden local infrastructure and their needs can be met by international donor agencies.¹¹⁸ However according to Jacobsen:¹¹⁹

When refugees do not live in camps, but are self-settled amongst the host community, they provide economic inputs in the form of new technologies and skills, entrepreneurship or needed labour. Refugees can thus have a multiplier effect, by expanding the capacity and productivity of the receiving area's economy through local or even regional trade and the growth of markets. Some host countries have benefited economically from refugees as a result of agricultural. Host governments confronted with protracted refugee situations would do well to see refugees and the resources that accompany them as a potential asset for state building.¹²⁰

It can be deduced that the current national legislative framework on refugees in Senegal can be developed to facilitate the success of local integration. Further the refugee law governing refugees was enacted in 1968. Over the years, the country conditions of Senegal have changed. This impacts on how a country relates to the acceptance of refugees. Various economic, political and social factors should inform the proper consideration of the law and policy governing refugees in Senegal.

If the national mechanisms fail to exercise their commitments in terms of its legal obligations in respect of refugees then regional and international mechanisms need to be explored, in order to improve the situation of Mauritanian refugees in Senegal. In this regard the next chapter will involve a critical analysis of UNHCR's local integration strategy in relation to the situation of Mauritanian refugees in Senegal.

¹¹⁷G Kibreab(1991)'Integration of Refugees in Countries of First Asylum: Past Experiences and Prospects for the 1990s'(Paper commissioned by the Program in International and U.S. Refugee Policy, Fletcher School of Law and Diplomacy, Tufts University, Medford, MA. Quoted in K Jacobsen 'Factors Influencing the Policy Responses of Host Governments to Mass Refugee Influxes' (1996) 30 *International Migration Review* 674 <http://www.jstor.org/stable/2547631> (accessed 7 September 2011).

¹¹⁸Jacobsen (n 117 above) 675.

¹¹⁹K Jacobsen 'Can Refugees Benefit the State? Refugee Resources and African State building' (2002) 40 *The Journal of African Studies* 585 available at <http://www.jstor.org/stable>. (accessed 7 September 2011).

¹²⁰Jacobsen (n 119 above) 593.

CHAPTER THREE

4. A critical analysis of UNHCR's local integration strategy in relation to the situation of Mauritanian refugees in Senegal.

Local integration is not only legal, but a socio legal phenomenon. In this regard this chapter will explore these dynamics amidst a critical analysis of UNHCR's local integration for the region of West Africa, and the specific local integration strategy devised for Mauritanian refugees in Senegal.

4.1 The Socio-legal dynamics of local integration

Refugees should be seen as a socio- psychological type whose behaviour is socially patterned. Refugee problems should be analyzed from a general, historical, and comparative perspective that views them as recurring phenomena with identifiable and often identical patterns of behaviour and sets of causalities. Specific refugee situations should not be treated as unique, atypical, individual historical events but rather as a part of a general subject; refugee behaviour, problems and situations that recur in many contexts, times, and regions.¹²¹

One of the factors promoting the integration of refugees into the local community is its willingness to accept refugees. The community's perception of its ability to absorb refugees is also important since this will affect willingness.¹²² Ability is distinct from willingness. A community may be structurally able to absorb a refugee influx, but it may not be willing to do so.¹²³ Willingness is influenced by beliefs and attitudes about refugees, by the community's historical experience with refugees and by the perceived permanence of the refugees.¹²⁴

Whether or not the community comes to resent refugees because of the economic strains they impose depends on the social receptiveness of the community.¹²⁵ It is likely that a community's social receptiveness will change over time, particularly when the refugees' stay is prolonged.¹²⁶ The Xenophobic attacks that occurred in South Africa is one example of a situation where some people within the local community expressed unwillingness to accept refugees due

¹²¹Lippert (n 33 above) 315.

¹²²Jacobsen (n 117 above) 666.

¹²³As above.

¹²⁴E Kunz 'Exile and Resettlement: Refugee Theory' *International Migration Review* (1981) 15(1-2):42-52 quoted in Jacobsen (n 99 above) 666.

¹²⁵Jacobsen (n 117 above) 668.

¹²⁶As above.

to various factors.¹²⁷ Some communities are non receptive to refugees, however communities that welcome refugees initially are less likely to resent and protest the refugees' presence when hardships result.¹²⁸ Evidence suggests that initially the Senegalese community was very accepting and accommodating to the Mauritians that had sort refuge in Senegal.¹²⁹

Most of the Mauritanian refugees are situated in Northern Senegal along the border of Mauritania and Senegal in an area commonly named the Senegal River Valley area. Refugees usually choose to settle in rural villages near the border of their country of origin,¹³⁰ sharing the ethnic origin of their neighbour. Moreover settling in geographic and economic environments, refugees enjoy certain benefits in terms of integrating into the local economy and community.¹³¹

The way in which a receiving community responds to refugees is also based on cultural, historical and religious factors. Islam has strong positive traditions concerning the offering of refuge or asylum.¹³² Despite the considerable burden represented by refugees to the Arab-Islamic countries,¹³³ refugees continue to be accepted because the foundations of Arab-Islamic civilisation are based on the principles of hospitality and assistance to others.¹³⁴ This characteristic is important in light of Mauritanian refugees in Senegal. Both Mauritanian and Senegalese people are of Arab Islamic backgrounds. Other similar cultural traits include the common cuisine shared by both groups called *che bu jen*.¹³⁵ Further both Senegalese and Mauritians are both conversant in Wolof and French.¹³⁶ These aspects make integration into the community possible. Information about these characteristics was obtained through informal conversation with some people in the Senegalese community and general observations.

¹²⁷Protecting refugees, asylum seekers and migrants in South Africa' (June 2008) para 3 available at <http://www.cormsa.org.za/wp-content/uploads/2008/06/cormsa08-final.pdf> (accessed 25 October 2011).

¹²⁸Jacobsen (n 117 above) 666.

¹²⁹T Williams 'Getting on with the business of living' (1991) 82 *Refugees* 8 quoted in Hathaway (n 19 above) 460.

¹³⁰T Kulman 'Organised versus spontaneous settlement of refugees in Africa' 124 in H Adelman 1&J Sorenson eds. *African refugees: development aid and repatriation* (1994) 117 quoted in Hathaway (n 19 above) 733.

¹³¹E Brooks 'The social consequences of the legal dilemma of refugees in Zambia (1988) 4 quoted Hathaway (n 16 above) 733.

¹³²Jacobsen (n 117above) 668.

¹³³GM Arnaut *Asylum in the Arab-Islamic Tradition*. Geneva: UNHCR, International Institute of Humanitarian Law (1987) quoted in Jacobsen (n 117 above) 668.

¹³⁴Jacobsen (n 117 above) 668.

¹³⁵*Che bu jen* is spicy rice cooked with fish and it is also the national cuisine of Senegal.

¹³⁶A Nicolaj 'The Senegal Mauritania Conflict' (1990) 45 *Africa: Rivista trimestrale di studi e documentazione dell'Istituto italiano per l'Africae l'Oriente* 466 <http://www.jstor.org/stable/40760541> (accessed: 7 September 2011).

4.2 The role of UNHCR in promoting local integration

Initially created by and for Europeans, it now confronts challenges posed by more than ten million refugees and displaced persons.¹³⁷ The wounds of colonization, civil conflict and persecution in Africa remain exposed.¹³⁸ Due to the mass influx of refugees, the achievement of the three durables solutions: voluntary repatriation, local integration and resettlement is challenged. While the mandate of the UNHCR is strictly defined and pragmatically enforced, changes in the refugee policy environment over time, magnitude of the refugees problem, the character of the populations, the politics of assistance, and the capabilities of the agency, have generated contradictions and confusion concerning its legitimate role.¹³⁹

One of the purposes of UNHCR is to find a lasting solution for refugees in protracted refugee's situations. As mentioned one these solutions is local integration. UNHCR's Executive Committee has affirmed that local integration is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles.¹⁴⁰ This approach was also endorsed by the General assembly.¹⁴¹ The functions of the Office of the High Commissioner for refugees is also to promote the assimilation of refugees, notably by facilitating their naturalisation.¹⁴²

4.3 Naturalisation as a process of integration

As mentioned one of the features of integration is the process of **naturalisation**. Article 34 of the 1951 UN Convention on refugees stipulates that:

The contracting states shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.¹⁴³

Over and above the respect for refugee rights, the focus should be on the move away from refugee's status towards the acquisition of citizenship in the country of asylum.¹⁴⁴ Article 34 of

¹³⁷S Pitterman ' A Comparative Survey of Two Decades of International Assistance to Refugees in Africa'(1984) 31 *Africa Today* 25 <http://www.jstor.org/stable/4186208> .(accessed:7 September 2011)

¹³⁸ As above.

¹³⁹Pitterman (n 137 above) 25.

¹⁴⁰Executive Committee Conclusion No 104 (2005) on local integration report of the 56th session UN doc.A /AC.96 /1012 <http://www.unhcr.org/431840122.pdf>(accessed 28 October 2011).

¹⁴¹Resolution adopted by the General Assembly on the report of the Third Committee (A/60/499) 2005 para 15&16 <http://www.unhcr.org/431840122.pdf>(accessed 28 October 2011).

¹⁴²General Assembly resolution 428 (V) of 14 December 1950, resolution 319 A (IV) of 3 December 1949 (As above) para 2 (e). <http://www.unhcr.org/refworld/docid/3b00f0715c.html> (accessed 29 October 2011).

¹⁴³Art 34 of the 1951 Convention.

the 1951 Convention makes provision for naturalisation. However it commits states parties to show flexibility in relation to the administrative formalities taking place between the submission of an application for citizenship and the decision.¹⁴⁵ In this regard states are encouraged to dispense with as many formalities in the naturalisation process so that refugees can easily ascend to citizenship with minimal difficulty.¹⁴⁶ Two forms of facilitation are codified in article 34. The first is that states are required to expedite the processing of applications for naturalisation.¹⁴⁷ The second is that states are expected to reduce the charges of the cost of such proceedings.¹⁴⁸

Local integration through naturalisation is essential as becoming a citizen reflects acceptance by the host country.¹⁴⁹ Once afforded citizenship a refugee is afforded not only the rights under the refugee convention but also it fills the gap by granting political rights to refugees which the refugee convention does not afford.¹⁵⁰ Further political rights are not afforded to non nationals under international human rights law.¹⁵¹ Local integration is not distinguishable from the primary solution in the 1951 Convention, which is respect for refugee rights.¹⁵² These rights include economic, social and civil rights.¹⁵³

Some findings from consultations conducted with two groups of Mauritanian refugees

The West Africa Focal Point of International Refugee Rights Initiative (IRRI),¹⁵⁴ engaged in discussions with two groups of Mauritanian refugees (For the purpose of this study they will be called Group A and Group B), On the issue of local integration including citizenship. Both groups expressed a different view on the concept.

When asked if they were in favour of Senegalese nationality one person from Group A said,

We do not want the Senegal citizenship, because if we take it we will admit that Maaouya Ould Taya¹⁵⁵ is right. He had never acknowledged us since 1989 until he was overthrown from power in

¹⁴⁴Hathaway (n 19 above) 979 & 980.

¹⁴⁵Statement of Mr Ordenneau of France UN doc E/AC.32/SR.22Feb.2.1950 3 quoted in Hathaway (n 19 above) 984.

¹⁴⁶Hathaway (n 19 above) 985&986.

¹⁴⁷Hathaway (n 19 above) 986.

¹⁴⁸As above.

¹⁴⁹Hathaway (n 19 above) 980.

¹⁵⁰As above.

¹⁵¹Hathaway(n 19 above) 980

¹⁵²E Michel Leaderships and social organization: The integration of Guatemalan refugees in Campeche Mexico (2002) 15 *Journal of Refugee Studies* 359 quoted in Hathaway (n 19 above) 978.

¹⁵³Hathaway (n 19 above) 979.

¹⁵⁴Full contact details of Mr Djibril Balde who engaged in consultations with the Mauritanian refugees are contained in the bibliography.

¹⁵⁵Maaouya Ould Taya was the President of the Republic of Mauritania (1984 to 2005) <http://www.sens-public.org/spip.php?article464>(accessed 28 October 2011).

2005. We don't see how Senegalese citizenship could serve us. We prefer to remain as refugees, with our refugee documents, until the process of the voluntary repatriation will restart and that clear guarantee is given to us that we will get identity documents once in Mauritania.

Another stated:

Our children were born here in Senegal but we don't not want them to get the Senegalese citizenship. Even if they got it, they will not be considered as authentic Senegalese and they will sooner or later be discriminated. In addition, we could get involved in politics fearing to find ourselves in the situation of Côte d'Ivoire and other countries that have experienced such difficulties.

This group prefers to obtain the new refugee identity cards, which will be issued by the Senegalese government. It must be noted that Senegal had stopped issuing refugee identity cards since 2000. This exercise that had been stalled is reflected in many sources.¹⁵⁶ They consider that even if they are not Senegalese nationals, they must enjoy some rights because they are human beings. They also criticized the fact that the Senegalese government has no policy of local integration for Mauritanian refugees. Finally, they recommended that the different signatories of the tripartite agreement¹⁵⁷ to take necessary measures to stop the situation of statelessness.

Group B reflected a keenness with regards to local integration and citizenship, and welcomed the decision by the President of Senegal Abdoulaye Wade, to issue citizenship to Mauritanian refugees who do not want to return the their country of origin.¹⁵⁸

This group was also of the view that getting the Senegalese citizenship will guarantee them many rights, including national identification. Furthermore, their children can continue their education without difficulty and may eventually integrate within the Senegalese administration and even get involved in politics.

One of them said:

We are tired of being stateless, our country Mauritania has rejected us since 1989, our children were born in Senegal, and therefore, we will take the citizenship of our host country.

¹⁵⁶LCHR African Exodus 108 : US Committee for refugees, world refugee survey (2003) 88 quoted in Hathaway (n 19 above) 732.

¹⁵⁷<http://www.nationalityforall.org/senegal> (accessed 24 October 2011).

¹⁵⁸<http://www.state.gov/g/drl/rls/hrrpt/2007/100501.htm> (accessed 24 October 2011).

The process of naturalisation through obtaining citizenship is available to Mauritanian refugees wishing to locally integrate in Senegal. The head of state Abdoulaye Wade resolved to afford citizenship to Mauritanian refugees in Senegal.¹⁵⁹ It is against this backdrop of those Mauritanian refugees who have chosen to remain in Senegal, that the local integration strategy devised by UNHCR will be analysed.

4.4 The local integration framework

In 2003 UNHCR, developed a Framework for durable solutions containing a strategy titled '*Development through local integration*' to be applied in protracted refugee situations.¹⁶⁰ It identified three key components that should be included when implementing a local integration strategy. These components are described below:

Economic component

Refugees become progressively less reliant on State or humanitarian assistance, attaining a growing degree of self-reliance and becoming able to pursue sustainable livelihoods.¹⁶¹ The process of local integration is greatly facilitated by refugees becoming self reliant, since they become better able to interact with the local population economically and socially.¹⁶² Economically integrated refugees contribute to the economic development of the host country rather than merely constituting a burden.¹⁶³

Social and cultural component

Interactions between refugees and local communities enable refugees to live amongst or alongside the host population, without discrimination or exploitation and as contributors to the development of their host communities.¹⁶⁴

Legal component

Refugees are granted a wider range of rights and entitlements by the host state similar to that of the citizens.¹⁶⁵ These include freedom of movement, access to education and the labour market,

¹⁵⁹n 53 above para 1.1.2.

¹⁶⁰UNHCR 'Framework for durable solutions for refugees and persons of concern' (2003) para5 <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4124b6a04>(accessed 20 October 2011).

¹⁶¹n 160 above 24 para 6.

¹⁶²As above.

¹⁶³n160 above 24 para 6.

¹⁶⁴As above.

access to public services, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents.¹⁶⁶ Over time the process should lead to permanent residence rights and perhaps ultimately the acquisition of citizenship in the country of asylum.¹⁶⁷

This strategy is relevant in light of an analysis of the local integration strategy devised by UNHCR (regional office for West Africa) for Mauritanian refugees in Senegal, in ascertaining whether the components mentioned above were taken into account.

4.4.1 UNHCR's local integration strategy for Mauritanian refugees in Senegal

The local integration strategy devised for Mauritanian refugees in Senegal (by UNHCR) for the region of West Africa, reflects assistance to Mauritanian refugees in the Senegal River area. This local integration strategy that was meant to be implemented in 2008 was put on hold.¹⁶⁸ This occurred as the voluntary repatriation process by virtue of a tripartite agreement entered into by the government of Senegal, Mauritania and UNHCR was stalled.¹⁶⁹ So in order to ascertain the number of refugees remaining in Senegal, completion of the voluntary repatriation process was necessary.

The last verification process of Mauritanian refugees conducted in May 2011 after the completion of the voluntary repatriation process reflected that there are 15 925 Mauritians in Senegal and of that number 10 347 have opted for local integration.¹⁷⁰

Prior to the launch of the local integration strategy, UNHCR conducted a socio economic needs survey of the refugees in the areas of Podor, Bakel, Matam, Ranérou, St Louis and Dakar in June 2010.¹⁷¹ During consultations some challenges were raised and actions to be taken based on the three pillars of local integration components (mentioned above) that are legal, economic and socio cultural.¹⁷²

¹⁶⁵n160 above 24 para 6

¹⁶⁶As above.

¹⁶⁷n 160 above 24 para 6.

¹⁶⁸n 53 above V(Annexure II).

¹⁶⁹As above.

¹⁷⁰n 53 above V (Annexure II).

¹⁷¹n 53 above VIII para 1 (Annexure II).

¹⁷²As above.

Under the three pillars the following challenges were revealed¹⁷³

Under the **legal component**, Senegal already has a legal framework in place for the documentation of refugees. This is reflected in the memorandum of understanding between the Ministry of Interior of Senegal and UNHCR regional representative of West Africa on the establishment of refugee identity cards.¹⁷⁴For those who opt for local integration documentation would facilitate obtaining work permits, residency and nationality if they meet the requirements.¹⁷⁵In terms of identity documents some refugees have documents called receipts that have expired, this places them at the risk of being arrested by the police, inaccessibility of schools for children and inaccessibility to basic credit and employment fasciitis.¹⁷⁶In terms of the naturalisation process this is possible in terms of the statement made by President Wade, that Mauritians can obtain citizenship. Further the nationality code of Senegal permits this process.¹⁷⁷

In terms of the **economic component** the study reflected that most of the refugees in the Senegal Valley area are engaged in subsistence farming but more support is needed in terms of equipment and insecticide. Fishing as another source of income was encouraged.¹⁷⁸

In terms of **socio cultural integration**: the areas looked at were health and education. Although access to health facilities was not problematic. The facilities remained understaffed and lacked the necessary resources and equipment including medication.¹⁷⁹ With regards to education, the study showed that 73% of 400 household heads could not read or write and 56% of refugee children under 20 are not in school. Basic education for refugees, vocational training and employment practice has a significant impact on the well-being of refugees and affect not only economic integration but also their socio-cultural integration.¹⁸⁰ In order to combat the challenges faced UNHCR proposes to increase its financial and infrastructural support.

On implementation of the strategy (which is proposed to be phased out in 2014) UNHCR proposed that,¹⁸¹ it is a joint effort of the Ministry of Interior in Senegal, UNHCR, and the National Commission for eligibility of refugees to attend to the legal component of integration.

¹⁷³n53 above VIII para 1(Annexure II).

¹⁷⁴As above.

¹⁷⁵n 53 above VIII para 1.1.1(Annexure II).

¹⁷⁶As above.

¹⁷⁷n 53 above IX para 1.1.2 (Annexure II).

¹⁷⁸n 53 above para 1.2 (Annexure II).

¹⁷⁹n 53 above XI para 1.3(Annexure II).

¹⁸⁰As above.

¹⁸¹n 53 above para 2.5 (Annexure II).

OFADEC (an organisation working with refugees in Senegal)¹⁸² will focus on the socio-cultural and economic components of integration.¹⁸³

The strategy also proposes to promote a community based approach involving interactions between the refugees and local community. Further consultations will be held with the government of Senegal in order to regularise the situation of refugees wishing to remain in Senegal, through naturalisation.¹⁸⁴ With regards to Mauritanian children born in Senegal after 1989, UNHCR will also implement awareness campaigns with court officials, health centres and schools in order to popularise the use of existing channels and for children to obtain civil status.¹⁸⁵ UNHCR will further continue providing assistance to improve the socio economic conditions of refugees.¹⁸⁶

The local integration strategy for Mauritians although effective in providing for the necessary financial and infrastructural assistance to improve the lives of Mauritians and support their integration, does not provide for programmes involving the synthesis of refugees with the local communities. For example activities providing a space for interaction between local Senegalese community and the Mauritanian refugees do not feature in the strategy. This kind of activity should be implemented in the early stages of settlement of refugees in a particular area. As much as legal and economic integration is necessary, social integration is even more pivotal. If communities do not integrate, associate and accept each other, a situation meant to improve the lives of people will be the very source of conflict.

Some key findings after consultation with a representative from the Office of UNHCR (West Africa)

The researcher engaged in consultations with a representative of the regional office of UNHCR for West Africa based in Dakar.¹⁸⁷ The consultations were on the local integration strategy for the region of West Africa, the specific local integration strategy for Mauritanian refugees in Senegal, durable solutions and other related questions necessary for the study. The following were the key findings as stated by the representative:

¹⁸²<http://www.ofadec.org/refugies.htm> (accessed 21 October 2011).

¹⁸³n 53 above para 2.5 (Annexure II).

¹⁸⁴n 53 above para 2.1 (Annexure II).

¹⁸⁵n 53 above para 2.1.2 (Annexure II).

¹⁸⁶n 53 above para 2.3.5 (Annexure II).

¹⁸⁷Full details of the person interviewed are contained in the bibliography. Further the questionnaire titled Annexure I is also annexed at the end of this document.

Durable solutions are of equal value as they bring to closure the asylum cycle. They vary substantially from region to region, from one refugee group to the other and from one individual refugee to the other.

Refugees who opt for voluntary repatriation will generally be supported by UNHCR, whether there is an ongoing voluntary repatriation program or not. Voluntary repatriation of groups of refugees (as in the case of Mauritanian refugees who opted to return to Mauritania) is usually organized and implies diplomatic and legal arrangements (tripartite agreements), intense logistics, and return or reintegration actions. Resettlement can be applied to a very small percentage of the population. In West Africa this protection tool is used with discretion and conservatively.

Local integration is the most realistic and viable option in West Africa, where protracted situations, a conducive environment (ECOWAS), cultural vicinity in many cases, make it relatively easy for those who prefer to stay in the country of asylum to benefit from the advantages of local integration.

Many Mauritians have been in Senegal for over 15 years. The proximity to their country, as well as the conducive conditions in Senegal (right to education, health services, access to land, some support from UNHCR for livelihood activities), make it easier for those who prefer to remain in Senegal. Host governments are consulted with before formal local integration strategies are implemented, however when it comes to resettlement, host countries are less involved.

The policy and legislative framework in Senegal is adequate. A local integration strategy for Mauritanian refugees has been drafted and agreed upon by Government. In Senegal refugees are well integrated and have access to many services like that of Senegalese citizens. UNHCR provides support to livelihood activities facilitating socio-economic integration. UNHCR also advocates for integrating refugees to have access to rights including documentation such as work and residence permits.

The local environment is quite conducive for integration. However, high unemployment rates, reduced productivity of agricultural investments in marginal areas where refugees live affect socio-economic integration. Lack of funds to promote livelihood activities in a more impact-full scale is also an issue.

Local integration strategies for rural refugees in the 'Vallee'(the Senegal river valley area) is effectively implemented by investing in agriculture, ensuring access to land, supporting rural infrastructure i.e. rural health posts. In urban areas, once refugees will be provided with identity documents (this is an ongoing process in rural and urban areas) employment can be secured. If funds are available UNHCR will continue to support livelihood activities through enhanced access to microfinance, education and vocational skills training.

Field studies in the form of participatory assessments are conducted with refugees in urban and rural areas every year and whenever necessary to assess the strategies implemented. All local integration activities are evaluated every year, however as the activities in the region of West Africa is still ongoing, evaluation has not yet happened.

The local integration strategy proposed by UNHCR for the Mauritanian refugees seems conducive. However as the implementation of the strategy is still in its infancy it must be given some time before it starts to take a leap. The effectiveness of the strategy requires the co-operation of the state and its institutions in its effective implementation. Socio- cultural integration of the Mauritanian refugees can be a positive factor in promoting effective local integration as a durable solution in this context. The following chapter will provide the conclusions and recommendations on the study conducted.

CHAPTER FOUR

5. Conclusion and recommendations

Local integration as a durable solution can be an effective durable solution in some contexts. In respect of those Mauritanian refugees that have chosen to remain in Senegal, local integration has been prioritised by UNHCR. The question is whether these local integration initiatives are necessary for the Mauritians who have already unofficially integrated, since they have been in Senegal from 1989. None the less UNHCR had devised a strategy to locally integrate the Mauritanian refugees. In this respect their legal, economic and socio cultural status must be improved. One area that can benefit the refugees is to strengthen the current legal framework governing refugees in Senegal.

A favourable legislative and policy framework that incorporates refugees is a durable solution in itself. Currently there are many pitfalls in the institutional mechanisms in Senegal responsible for documenting refugee's i.e. the National Eligibility Commission. As the number of persons wishing to remain in Senegal is about approximately 10 000, a temporary documentation centre should be instituted in order to provide refugees with documentation i.e for those who meet the requirements for citizenship. This centre must be located in the Senegal River Valley where most of the Mauritanian refugees are situated. Nongovernmental organisations working with refugees can be involved in assisting with this process.

The Senegalese Human Rights Committee (*Comité Sénégalais des Droits de l'Homme*) can assist in the protection of the rights of refugees. It can serve as an independent platform to receive complaints against the National Eligibility Commission for delays in processing of their applications for documentation.

Further as the law governing refugees was enacted in 1968, the act can be transformed incorporating provisions that provide for a wider scope of rights available to refugees. Further the political and economic climate has changed in Senegal since 1968. In this regard a new law taking into account the current *status a quo* of the country can be considered.

Regional bodies can also be beneficial in promoting lasting solutions to improve the plight of refugees. The African Court can receive communications from individuals and nongovernmental organisations on violations of the provisions of the African Charter or any of

the OAU instruments.¹⁸⁸ In this regard civil society organisations working with refugees can make representations on their behalf of when necessary.

The special rapporteur for refugees and internally displaced persons can play a pivotal role in drafting a set of guidelines on durable solutions for refugees in Africa. These guidelines can be developed according to the different country conditions in Africa. The development of a regional solution should be based on the concept of solidarity. Due to the changing dynamics of situations in Africa, the guidelines should be revised on a yearly basis. However the implementation of guidelines or solutions are largely dependent on political will.

Further when implementing durable solutions states need to balance the rights of refugees with that of citizens. Basically this means that the resources should be shared equitably. However this can be a difficult task in the African context where majority of the populous live in poverty.

On a sub regional level, UNHCR is working with the Economic Community of West African States (ECOWAS) and its member states to facilitate the implementation of the ECOWAS Treaty to secure legal possibilities for local integration remaining Liberian and Sierra Leonean refugees who opted not to repatriate.¹⁸⁹ One of the things prioritized in the local strategy for West Africa is to work in partnership with ECOWAS in terms implementing local integration strategies. Upon consultations with the Senegalese government, this approach can be used for Mauritanian refugees wanting to remain in Senegal.

Civil society should be used to engage in education and training with the local community on rights of refugees.

As the local integration strategy for Mauritians in Senegal will be phased out in 2014, this could also provide a space for UNHCR to relook at an integrated approach of finding durable solutions. That is it can consider a strategy incorporating the three durable solutions namely: voluntary repatriation, resettlement and local integration or consider a new set off durable solutions peculiar to the specific protracted refugee situation.

¹⁸⁸Art 5(3) Protocol to the African Charter on Human and Peoples Rights on the Establishment on an African Court on Human and Peoples Rights http://www.achpr.org/english/_info/court_en.html (accessed 25 October 2011).

¹⁸⁹Report of the Secretary-General, General assembly resolution A/63/321 'Assistance to refugees, returnees and displaced persons in Africa (1 January 2007-15 June 2008) para 69 <http://www.undemocracy.com/A-63-423.pdf>(accessed 28 October 2011).

In conclusion the researcher was inspired with the following view expounded by Jacobsen:¹⁹⁰

Embracing refugees would give refugees the rights that should go with the resources they bring, and would earn host governments the kudos of human rights organisations, and thereby international public opinion. Finally, a policy that sought to incorporate long-standing refugees into the host society would increase the human security of everyone living there, and this is surely the greatest asset of all.

Word Count 12, 292 words including footnotes but excluding cover page, declaration, dedication, acknowledgements, list of abbreviations, contents page, bibliography and annexures.

¹⁹⁰Jacobsen (n 102 above) 594.

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Interviewee details

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ANNEXURE I

Questionnaire: UNHCR

1. How do you determine which durable solution is best for a particular region
2. Why has local integration been prioritized for the region of west Africa
3. Are consultations with host governments pre- arranged before the strategy is implemented
4. Does UNHCR conduct any field study with the host communities to decide whether the environment is conducive for the strategy?
5. Was the local integration evaluated after it implementation.
6. What is the social impact of local integration of refugees on the Senegalese community?
7. What is the efficacy of the policy and legislative framework governing refugees in Senegal in terms of local integration?
8. What factors determine the effective means of implementing local integration strategies in Senegal?
9. How does UNHCR intend effectively implementing their local integration strategy in light of the challenges faced by refugees in Senegal, and how does it decided what durable solution is appropriate for a specific region?

ANNEXURE II



Représentation Régionale pour l’Afrique de l’Ouest Dakar

Bureau du Sénégal

**STRATEGIE D’INTEGRATION LOCALE ET
MOYENS DE SUBSISTANCE
DES REFUGIES MAURITANIENS AU SENEGAL**

Juillet 2011

INTRODUCTION

Entre 1989 et 1991, plusieurs dizaines de milliers de Négro Mauritaniens avaient dû fuir ou ont été chassés de leur pays vers le Sénégal et le Mali après un déchaînement de violences interethniques. Dès leur arrivée, le Haut-commissariat des Nations Unies pour les Réfugiés (UNHCR) qui a pour mandat de coordonner toutes les questions concernant les réfugiés et les réponses aux problèmes qu'ils rencontrent, a accompagné leur processus d'installation et la recherche de solutions durables.

Dans le cadre du programme de Soins et Entretien du HCR (Care and Maintenance), d'énormes investissements ont été consentis par le HCR dans la Vallée du Fleuve Sénégal, zone où ont été accueillis et résident jusqu'à présent la majorité des familles de réfugiés mauritaniens, tant en termes d'infrastructures scolaires, sanitaires, d'aménagement des terres de cultures qu'en termes de formation, d'appuis à la production agricole et d'élevage ainsi qu'aux activités génératrices de revenus de diverses natures. Ces appuis se sont arrêtés vers les années 1998 et le HCR s'est désengagé de ces zones pendant plusieurs années. Une évaluation¹⁹¹ faite en 2005 a permis de montrer la situation de ces populations comme synthétisé ci-dessous :

Globalement

1. L'arrêt de l'assistance n'a pas permis de consolider les acquis d'énormes investissements consentis par le HCR dans la Vallée de manière durable, puisque le système de gestion n'était qu'à son début.
2. Plusieurs activités de livelihoods ont été menées entre 1990 et 1998 et plusieurs réfugiés ont été jugés autosuffisants à travers des activités telles que la production agricole, le maraîchage, le petit commerce, etc. Malgré cela, le rapport juge la situation socioéconomique des réfugiés en 2005 précaire.

Spécifiquement sur l'agriculture

3. Jusqu'en 1998, 2800 familles (si on prend une moyenne de 5 personnes par famille, on peut estimer à 14.000 personnes touchées sur une population totale de 60-70.000 personnes, soit 20%) des réfugiés ont bénéficié des appuis inter-agences en agriculture irriguée, mais le package octroyé n'était pas suffisant.
4. Au retrait de l'assistance, plusieurs sites préparés pour l'agriculture ont été abandonnés, les équipements sont tombés en panne et vu que le coût de l'entretien était très élevé, les équipements n'ont plus été entretenus.
5. L'étude souligne que les réfugiés ne sont pas clairement autosuffisants au moment de sa réalisation. Très peu de ceux qui ont été assisté en agriculture ont continué par manque de fonds, d'assistance technique et d'équipement. Elle juge le retrait de l'appui prématuré et soudain.
6. L'assistance en matière agricole consistait en la fourniture en semences, outils, fertilisants, herbicides et pesticides pour les périmètres irrigués villageois (PIV) sur 13 à 30 ha le long du fleuve avec des motopompes et des citernes. Chaque famille avait entre 0.3 à 1 ha de culture irriguée de riz, autres céréales et cultures maraîchères. Des crédits agricoles ont été donnés et remboursables sur 2 saisons en espèce ou en nature.
7. De 91 à 97, 666 ha de cultures ont été développés en raison de 602 pour les cultures vivrières et le reste pour le maraîchage. 2820 personnes ont bénéficiés de cet appui dont 1880 femmes et 940 hommes. Cet appui était basé sur un crédit de 2.8 millions de dollars avec un coût par famille de 1000 USD.

¹⁹¹ Tirée de "Refugee livelihoods Enhancing livelihood security among Mauritanian refugees" *Northern Senegal: a case study*, By David Stone, consultant,¹⁹¹ Email: davidstone@vxnet.ch EPAU/2005/11 June, et de notre rapport de mission de novembre 2008 dans la Vallée

8. L'évaluation de ces PIV en 1995 a tirée les conclusions suivantes :
- Problèmes d'accès à la terre,
 - Mauvais fonctionnement des groupements et non respect des règles de jeu ;
 - Les parcelles de 0.33ha/famille sont jugées insuffisantes pour atteindre l'autosuffisance ;
 - Les formations sont inadéquates ;
 - Une mauvaise gestion de l'eau ;
 - Faiblesse des rendements ;
 - Faible niveau de remboursement des crédits.

D'où recommandation de diversifier les moyens de subsistance avec l'élevage, le travail salarié et le petit commerce. Elle note cependant que l'irrigation a substantiellement contribué aux mécanismes de survie des réfugiés.

9. En 2005, le rapport juge encore valable les résultats de l'évaluation de 95 et les mêmes besoins en motopompes, herbicides et pesticides continuent à être d'actualité.

Sur les micro-crédits

10. Démarré dès 1989, financé par le HCR et soigneusement documenté par OFADEC, il n'y a pas eu d'analyse formelle pour montrer l'impact du micro-crédit. Le jugement était basé sur les taux de remboursement. (Ce taux est certes utile du point de vue financier, mais n'indique pas la satisfaction des besoins d'autosuffisance pour lesquels le crédit a été octroyé).
11. Le crédit initial était octroyé aux hommes et aux femmes, mais les femmes ont été plus performantes et par la suite il a été décidé de concentrer ce système sur les groupements des femmes seulement. Mais le rapport recommande de faire quelque chose pour les hommes aussi.
12. En 1996, un système de tontine a été mis en place par OFADEC sur financement HCR à travers le système de groupes solidaires, avec un crédit individuel dans le groupe de maximum 50.000FCFA avec remboursement tous les 2 mois sur une période d'un an.
13. De 1996 à 1998, 1159 femmes ont été financées à hauteur de 26.146.185 F avec un taux de remboursement qui avoisinait les 99%. La même somme a été re-investie, mais pas avec le même succès et tout a été arrêté avec la fin de l'assistance en 1999. Cependant 3.756.028F (soit 14.36%) ont été récupérés. Le reste était perdu.
14. En novembre 2002, OFADEC a lancé une nouvelle initiative avec les fonds disponibles pour 13 coopératives de 260 femmes. Ce nouveau système a été jugé très positif avec les taux de remboursement de 100% sur un crédit d'au moins 100.000F.
15. De novembre 2002 au 29 février 2008, 1195 femmes et 54 hommes ont bénéficié du microcrédit HCR/OFADEC pour un montant alloué de 63.500.000FCFA dans plusieurs sites ;
16. 34 groupements étaient opérationnels et 14 groupements avaient cessé les remboursements au 28/02/08 ; date de l'annonce du programme de rapatriement.
17. Le montant non remboursé de ces 14 groupements était de 3.187.075FCFA ;
18. 152 réfugiés ont bénéficié d'un renouvellement de crédit sur la base des remboursements pour un montant total de 6.617.900FCFA.

En conclusion

Le programme d'appui agricole a apporté des bénéfices tangibles pour quelques familles de réfugiés sélectionnées (dans le rapport cité ici on parle de petit nombre au regard du nombre de réfugiés dans la Vallée à cette époque là). Ces bénéfices ont été détruits par l'arrêt du financement du HCR et de l'appui technique de l'OFADEC. L'arrêt du financement du HCR n'a pas entraîné la reprise en main par d'autres partenaires au profit des réfugiés, comme cela aurait pu être attendu. Au contraire, les investissements ont été abandonnés, plusieurs périmètres ne sont plus

opérationnels et plusieurs jardins maraîchers ne sont plus exploités par manque d'eau et d'intrants. Les structures intervenant dans la Vallée ayant leurs propres programmes qui sont définis avec le gouvernement, ne prennent pas toujours en compte les besoins des réfugiés.

Depuis 2007, le HCR a lancé le programme d'intégration locale en Afrique de l'Ouest en tant que solution durable pour les réfugiés qui voudraient rester dans leurs pays d'asile. Ce programme phare représente la période au cours de laquelle le Haut-Commissariat des Nations Unies pour les Réfugiés, conformément aux conventions internationales en la matière, opère un retrait progressif au profit des structures sociocommunautaires nationales. L'intégration locale transforme l'état de personne vulnérable et assistée du réfugié, à celui d'acteur du développement du pays d'accueil. Elle représente le passage progressif de l'humanitaire au développement incluant les populations d'accueil et les réfugiés. Ce processus qui est complexe et graduel, comporte trois dimensions différentes mais interdépendantes. Ce sont les dimensions juridiques, économiques et socioculturelles.

Plusieurs pays ont mis en œuvre ce programme depuis cette année là et sont aujourd'hui en phase de désengagement. Mais au Sénégal, étant donné que le rapatriement volontaire devait commencer en 2008, ce programme a été mis en veilleuse jusqu'à la fin du rapatriement afin de pouvoir déterminer combien de personnes ont effectivement décidé de rester et s'intégrer au Sénégal.

Suite à un accord Tripartite entre la Mauritanie, le Sénégal et le HCR en 2007, et avec l'appui du partenaire opérationnel OFADEC, 20.490 personnes ont pu être volontairement rapatriées entre le 29 janvier 2008 et le 31 décembre 2010. La dernière opération de vérification et d'enregistrement des réfugiés mauritaniens qui a eu lieu d'avril à mai 2011 a montré qu'il reste encore quelque 15.925 réfugiés Mauritaniens au Sénégal, dont 10.347 ont opté pour l'intégration locale.

Statistiques des réfugiés mauritaniens au Sénégal à la date du 20 Mai 2011

Age et sexe Localité	0 - 4 ans		5 - 11 ans		12 - 17ans		18 ans et plus		TOTAL
	F	M	F	M	F	M	F	M	
DKR	28	26	40	47	34	29	127	169	500
THIES	4	9	13	20	13	15	27	54	155
Vallée du Fleuve	1576	1618	1980	1780	973	810	3675	2833	15245
SAINT-LOUIS		1	1	1			3	10	16
TAMBACOUNDA			1	2			2		5
KAOLACK							3		3
LOUGA							1		1
Total :	1608	1654	2035	1850	1020	854	3838	3066	15925

En vue de préparer le lancement du programme d'intégration locale, une étude socioéconomique sur les potentialités et opportunités du milieu a été réalisée dans la Vallée en trois étapes : fin 2008 dans la région de Saint Louis, début 2009 dans la région de Matam et Département de Bakel et mai 2010 des enquêtes approfondies sur les potentialités, besoins et aspirations des personnes concernées ont été réalisées sur toute la Vallée auprès des personnes ayant choisies de s'intégrer localement.

Il faut préciser que cette étude n'avait pas pour objet d'évaluer les réalisations antérieures du HCR dans la Vallée, mais plutôt de faire un état des lieux de la situation actuelle (au moment de l'étude) des réfugiés qui ont choisi l'intégration locale ainsi que les opportunités qui peuvent s'offrir à eux pour assurer une intégration réussie. Les résultats de cette étude ont permis d'élaborer la stratégie qui se trouve consignée dans ce document.

Cette stratégie vise à établir un cadre global permettant de soutenir le projet d'intégration locale qui est actuellement mis en œuvre.

Elle devra être validée par les partenaires principaux que sont l'Etat du Sénégal, l'OFADDEC et le HCR. Pour ce qui concerne l'Etat Sénégalais, outre le Ministère de l'Intérieur, cette stratégie devrait impliquer les autorités administratives régionales et locales ainsi que les organisations communautaires. Les

représentants des réfugiés devraient également faire partie du processus pour s'assurer de la bonne compréhension et leur participation aux orientations qui seront données à leur vie au Sénégal.

Ce document de stratégie devrait être perfectible pour coller à la réalité et être accepté par tous les partenaires. Une attention particulière devra être portée sur les éléments transversaux que sont le partenariat, la communication et le plaidoyer. Ils permettront d'accroître la durabilité de cette solution en faveur des réfugiés et, espérons-le, à terme de clore cette page ouverte depuis 22 ans.

En fin 2010, la Représentation Régionale a décidé de lancer le programme d'intégration locale au Sénégal avec le recrutement, par le partenaire OFADEC, d'un staff capable de mettre en œuvre ce programme et le HCR a renforcé l'équipe du bureau de Richard Toll avec un VNU International en charge de l'Intégration locale faisant aussi office de chef de bureau.

Quelques activités de construction, réhabilitation et équipement d'infrastructures sociocommunautaires (école, cases et poste de santé) ont été lancées et se poursuivent en 2011 avec l'inclusion des composantes économiques et moyens de subsistances (agriculture, élevage).

Les objectifs du programme à court, moyen et long termes sont les suivants :

- Renforcer et soutenir l'intégration locale des réfugiés au Sénégal;
- Renforcer l'autosuffisance des réfugiés ;
- Renforcer la cohésion sociale entre les réfugiés et les populations d'accueil ;
- Favoriser la mise en œuvre de programmes susceptibles de faciliter la jouissance des droits civils et sociaux des réfugiés ;
- Appuyer les structures sociocommunautaires des zones d'accueil des réfugiés.

1. RESULTATS DE L'ETUDE

Les enquêtes réalisées dans le cadre de l'étude sur les besoins et aspirations socio-économiques ont concernées un échantillon de 400 chefs de ménage réfugiés qui ont choisis l'intégration locale et des populations locales ainsi que l'identification des potentialités et opportunités du milieu de vie dans les départements de Saint-Louis, Podor, Matam, Bakel, Ranérou et Dakar en juin 2010. Ces enquêtes ont aussi ciblé les autorités locales de la Vallée. Au cours de consultations organisées au niveau du Bureau Régional de Dakar, certains défis ont été soulevés et les actions à entreprendre identifiés sur la base des trois piliers de l'intégration locale que sont les composantes juridique, économique et socio-culturelle.

1.1 Composante juridique

Elle consiste à doter les réfugiés d'un statut juridique, de documents d'identité afin de leur permettre d'exercer les différents droits qui sont les leurs. Il existe déjà un cadre juridique pour la documentation des réfugiés au Sénégal. Ce cadre juridique est contenu dans le Mémorandum d'Entente entre le Ministère de l'Intérieur du Sénégal et la Représentation Régionale du HCR pour l'Afrique de l'Ouest sur l'établissement de cartes d'identité de réfugié numérisées/biométriques. Ce Mémorandum fait référence à la délivrance des documents d'identité de réfugié personnels pour prouver l'identité et le statut du réfugié, pour obtenir l'accès à l'assistance et aux services, et/ou pour exercer leurs droits fondamentaux, inter alia, obtenir des certificats de naissance, de mariage, de divorce et/ou de décès. Il garantit l'octroi de la carte d'identité à tous les réfugiés sur le territoire Sénégalais. Pour ceux qui optent pour l'intégration locale, la documentation faciliterait l'obtention des permis de travail et de résidence et l'acquisition de la nationalité, si les conditions sont réunies. Pour les modalités de mise en oeuvre, en particulier pour l'intégration locale, un Comité d'Intégration Locale sera mis en place pour assurer le suivi.

1.1.1 Documents d'identité

La grande majorité des réfugiés possèdent des documents d'identité appelés « récépissé » dont le délai de validité a expiré. Les difficultés découlant de cette situation sont nombreuses:

- mobilité réduite pour les réfugiés à l'exemple de ceux des sites de *Samba Niamé* et *Samba Yidé*, allant parfois jusqu'à l'impossibilité d'effectuer des voyages ;
- tracasseries des forces de l'ordre lors des déplacements ;
- inaccessibilité des enfants aux structures éducatives du fait de l'absence de certificat de naissance ou de jugement supplétif ;
- inaccessibilité aux structures financières pour bénéficier des services d'épargne et de crédit ;
- impossible accès à un emploi dans l'administration publique sénégalaise.

Pour contourner toutes ces difficultés, certains réfugiés se sont procurés des cartes nationales d'identité sénégalaises à l'exemple des réfugiés des sites de *Matam Commune* et de *Saint-Louis*.

Lors de l'exercice de vérification et d'enregistrement de tous les réfugiés au Sénégal mené par le HCR en 2011, il s'est avéré qu'un nombre significatif de personnes ayant une carte nationale d'identité n'a pas voulu participer à l'exercice.

La carte nationale d'identité certifie et fixe seulement l'identité de son titulaire (art. 1 de la loi 2005-28 du 6 septembre instituant la carte nationale d'identité sénégalaise numérisée). Elle est délivrée aux seuls nationaux sénégalais (art 2, loi 2005-28) et elle peut être délivrée ou renouvelée sur production de l'ancienne carte nationale d'identité ou un extrait de naissance. En cas de doute sur la nationalité du requérant, la production d'un certificat de nationalité est exigée (art 1 du Décret présidentiel 2011-290). Le code de la nationalité du Sénégal (Loi n° 61-70 du 7 mars 1961), offre la possibilité de naturalisation et n'octroie automatiquement pas la nationalité sénégalaise aux enfants d'étrangers nés sur le territoire sénégalais.

Les Mauritaniens qui ont obtenu les cartes nationales d'identité du Sénégal pourraient faire face à des problèmes en cas de contrôle ou en cas de demande de renouvellement de la carte, lorsque des doutes sur la nationalité du détenteur de la carte surgissent.

1.1.2 Naturalisation

Certains réfugiés voudraient la naturalisation qui est un important vecteur d'intégration. Cette option peut s'avérer possible avec la déclaration du Président de la République du Sénégal, Monsieur Abdoulaye Wade, promettant aux réfugiés mauritaniens qui le voudraient, la carte nationale d'identité sénégalaise. Le code de la nationalité du Sénégal donne effectivement la possibilité de l'acquisition de la nationalité sénégalaise par décision de l'autorité publique, c'est-à-dire, par la naturalisation (section II du Code).

D'autres tiennent à préciser qu'ils souhaitent rester au Sénégal tout en gardant leur nationalité mauritanienne. Il est à signaler que depuis 2009, l'acquisition de la double nationalité semble possible.

1.1.3 Titre de propriété pour l'accès à la terre

L'accès des réfugiés à la terre vise deux usages principaux que sont l'agriculture et le logement.

Pour l'agriculture :

- Les autorités locales (conseil municipal ou rural) octroient les permis d'occuper la terre pour l'agriculture sans discrimination. Il suffit de respecter la procédure mise en place. Quelques 70% des ménages réfugiés déclarent avoir accès à la terre. Mais la majorité des terres fertiles sont déjà occupées et exploitées laissant donc aux réfugiés les terres plus arides qui demandent d'importants travaux et moyens afin de les rendre arables. Certains réfugiés louent ou se font prêter la terre par les autochtones.

- La Direction départementale de l'Agriculture de *Podor* a, de son côté, souligné que la difficulté principale des réfugiés est l'accès à la terre pour faire l'agriculture. La distribution des terres revient aux communautés locales selon diverses lois nationales. Même si les terres leurs sont

octroyées par ces communautés, il se posera toujours le problème de leur aménagement, puisque souvent ce sont des terres moins fertiles qui leur sont données.

Pour le logement :

- Les réfugiés n'ont pas les documents attestant leur propriété, ce qui les met dans une situation d'incertitude qu'il faudra prendre en compte dans un contexte d'intégration locale. A *Oourossogui*, zone très prisée selon le maire de la ville, les réfugiés du site de *Moderne 3* et *Elevage* peuvent être déguerpis à tout moment car ils sont installés depuis 1989 sur un site pas encore loti.

1.2 Composante économique

L'intégration économique comprend le financement et la mise en œuvre d'activités génératrices de revenus et de moyens de subsistance (agriculture, élevage et pêche), la formation, l'emploi et l'auto-emploi.

1.2.1 Agriculture, élevage et pêche

- Agriculture

Au regard des résultats de l'étude socio-économique menée dans la vallée, les réfugiés sont très engagés dans les activités liées à l'agriculture. Ils travaillent en collaboration avec les populations locales. L'enquête a ciblé 400 chefs de ménage dont la moitié, soit 51%, aspirent à faire de l'agriculture et de l'élevage (Cf. Annexe 1).

La culture vivrière est la plus répandue. Une partie des produits (mil, maïs, arachide, niébé, oignons, patates douces etc.) est vendue et le reste est utilisé pour la consommation domestique. Un appui est sollicité en matière d'intrants et matériels agricoles (semences, produits phytosanitaires etc.).

- Elevage

La population d'éleveurs est très importante. Le manque d'eau est un problème récurrent et l'accès aux soins vétérinaires est difficile. Les éleveurs vont chercher d'autres pâturages et reviennent dans les sites de résidence pendant l'hivernage.

- Pêche

C'est un secteur qui pourrait être mieux exploité dans la vallée, si un appui était donné en matériel de pêche. Pour le moment, 2 % des réfugiés se consacrent à cette activité. L'offre en poisson est rare voire inexistante sur les étals des marchés de Matam, Bakel, Oourossogui, Ranérou. La pisciculture se pratique dans la zone de Matam et Bakel et les réfugiés du site de Wendou Bosséabé sont intéressés.

1.2.2 Emploi et auto-emploi

La plupart des réfugiés rêvent d'un emploi rémunéré au sein des structures formelles publiques ou privées de manière à percevoir un salaire et arriver à se prendre rapidement en charge. L'étroitesse du marché du travail au Sénégal n'offre cependant pas beaucoup d'opportunités aux nationaux, aux immigrants et encore moins aux réfugiés de mettre en valeur leurs compétences.

L'auto-emploi reste le seul choix pour les personnes qui ne sont ni dans l'agriculture ni dans l'élevage. Il s'agit particulièrement du petit commerce qui concerne environ 30% des réfugiés enquêtés et les autres activités génératrices de revenus qui concernent moins de 20 % des réfugiés (cf. Annexe 1).

1.2.3 Formation

La formation, bien que citée par 5 % des enquêtés comme un problème, est une partie intégrante de toutes les activités d'auto-emploi qui appellent la gestion des fonds dans le cadre du programme d'intégration locale des réfugiés.

1.2.4 Microfinance

70% des ménages consultés présentent le manque de financement comme le principal problème de leur intégration locale. Dans tous les sites visités, les femmes réclament la réactualisation des micro-crédits. Les hommes aimeraient être financés pour créer ou booster les activités en agriculture, élevage, petit commerce (friperie, boutique d'alimentation générale, chaussures artisanales, cartes de crédit téléphonique, légumes, jouets et autres gadgets). Les organismes financiers qui s'activent dans ce domaine dans les zones où habitent les réfugiés sont les mutuelles d'épargne et de crédit (PAMECAS, Crédit Mutuelle du Sénégal, l'UMECAS, l'IMCEC) qui sont prêtes à collaborer avec le HCR.

1.3 Composante socioculturelle

Elle concerne l'accès à la santé, à l'éducation, à l'eau potable, à l'hygiène, et au logement. Elle inclut également les actions liées à l'insertion dans la communauté, l'adhésion aux organisations à la base et la participation à la vie communautaire. Seuls les aspects liés à la santé et à l'éducation ont été abordés au cours de cette étude. Néanmoins, une stratégie couvrant ces aspects a été développée dans la deuxième partie du document.

1.3.1 Santé

L'intégration locale que le HCR a encouragée et accompagnée dans ce domaine dès le début est effective depuis longtemps. Les réfugiés se sont intégrés localement et ont commencé à se prendre en charge sur le plan médical. Elle est de ce fait effective.

Les structures médicales soignent les réfugiés au même titre que les autochtones. 96 % des enquêtés déclarent avoir accès aux soins de santé primaire. Sur le plan statistique, il n'existe pas de distinction entre réfugiés et non réfugiés ce qui ne permet pas d'avoir un aperçu du profil sanitaire uniquement pour les réfugiés.

Dans certains endroits, avec l'accord des autorités sanitaires, des « cases de santé¹⁹² » sont construites près des sites de réfugiés. Ces cases de santé, autonomes et gérées par les réfugiés avec un système de participation communautaire, ont été créées à l'initiative des réfugiés avec un appui initial du HCR.

¹⁹² Ce sont des structures en dessous de l'échelon d'un « poste de santé » capables de prendre en charge les petits malaises (fièvre, petites plaies, etc.) avant de référer au poste/centre de santé.

Même dans ces cases de santé fréquentées par les réfugiés et les autochtones, il n'y a pas désagrégation des données réfugiés/autochtones. A Dagana, la case de santé est devenue un poste de santé reconnu et intégré dans le système sanitaire étatique.

Les services de santé sont payants pour tous. Les cas éventuels d'indigents sont pris en charge au travers d'un certificat d'indigence ponctuel délivré par un comité ad hoc siégeant dans le comité de santé de la structure concernée. De manière générale, les personnes âgées de plus de 60 ans ne paient pas les frais médicaux. Il n'existe pas de programme nutritionnel en soit. Les problèmes rencontrés par la plupart des structures de santé sont :

- Personnel insuffisant,
- Evacuations chirurgicales vers Saint Louis avec les problèmes de transport y afférant,
- Retard du démarrage du traitement antirétroviral,
- Ruptures de stock en médicaments,
- Prix élevés de certains actes.

Au cours de l'enquête, la situation constatée au niveau de certaines structures de santé comme Arifounde n'est pas reluisante. *La case de santé est constituée de trois pièces en banco présentant des fissures béantes donc très dangereuses à vue d'œil. Il est impératif d'en faire la réfection dans les plus brefs délais. Le logement de l'infirmier constitué de deux pièces en banco est également dans les mêmes conditions.*

Du fait de la précarité, la population prend les médicaments à crédit et ne rembourse pas. Il existe aussi la difficulté d'évacuer rapidement les malades vers l'hôpital de Ndoum faute de moyens de transport (pas d'ambulance). Pendant l'hivernage, les animaux domestiques passent la nuit dans l'enceinte de la case de santé, d'où une odeur nauséabonde le lendemain. L'infirmier n'a pas de moyen de déplacement pour aller prodiguer des soins dans les villages environnants. Dans un autre site comme Ndendory où les habitants ont été enquêtés il y a un manque criard de médicaments. Un appui en médicaments serait bien apprécié et constituerait une bouffée d'oxygène pour le poste de Ndendory.

1.3.2 Education

Le Sénégal a une des meilleures pratiques en matière d'éducation, 40% du budget de l'Etat y est consacré car elle est un instrument essentiel de l'adaptation sociale et de l'intégration. Elle est un moyen de promouvoir l'épanouissement personnel des populations et des réfugiés et d'augmenter les chances de ces derniers de s'intégrer au Sénégal par le travail.

Cependant l'étude a montré que 73% des chefs de ménages ne savaient ni lire ni écrire et 56% d'enfants réfugiés de moins de 20 ans ne sont pas scolarisés. L'éducation de base des réfugiés, la formation professionnelle et la pratique d'un emploi ont un impact important sur le bien-être des réfugiés et modifient non seulement leur intégration économique mais aussi leur intégration socioculturelle.

1. STRATEGIE D'INTERVENTION ET D'APPUI A L'INTEGRATION LOCALE

La stratégie favorisera une approche communautaire touchant et les réfugiés et les populations locales. Certaines interventions s'adresseront cependant spécifiquement aux réfugiés. Les priorités identifiées pour les interventions éventuelles en appui à l'intégration locale des réfugiés Mauritaniens se situent à trois niveaux : légal, social et économique. Mais en vue d'assurer la durabilité des actions qui seront entreprises, une stratégie de partenariat et de communication sera également mise en place.

2.1 Composante juridique/légale

Ce volet comprend les éléments clés suivants :

2.1.1 Documents d'identités aux réfugiés

L'un des aspects les plus importants de ce volet est l'octroi aux réfugiés de documents d'identité légaux reconnus par les autorités du pays hôte car nombre de difficultés rencontrées par ces derniers découlent de l'absence de documents d'identification. En vue de régler ce problème, le HCR et le gouvernement du Sénégal ont entrepris depuis avril 2011 une importante opération de vérification et d'enregistrement des réfugiés vivants au Sénégal. Cette opération devrait permettre avant le début du dernier trimestre 2011, la délivrance d'une carte d'identité spécifique aux réfugiés. La délivrance des cartes d'identité sera accompagnée d'une campagne d'information publique dans les sites et zones où résident les réfugiés, visant aussi les autorités et les institutions locales.

Il est recommandé de clarifier auprès du Gouvernement du Sénégal la situation des réfugiés qui ont obtenu des cartes nationales d'identité sénégalaises sans pour autant être considérés comme des nationaux du Sénégal sur la base des articles du Code de la nationalité du Sénégal. Une procédure de naturalisation au Sénégal pourrait être envisagée pour régulariser leur situation. La nationalité de ceux qui ne souhaitent pas retourner en Mauritanie devrait aussi être clarifiée avec les gouvernements du Sénégal et de la Mauritanie pour éviter qu'une situation d'apatridie ne surgisse ou ne se perpétue parmi ces populations.

Les informations sur le processus de naturalisation devront être clairement être communiquées aux personnes concernées.

2.1.2 Actes d'état-civil aux enfants nés au Sénégal après 1989.

Une campagne de sensibilisation devra être mise en œuvre à l'endroit des réfugiés, des responsables des tribunaux, des centres de santé et des écoles en vue de vulgariser les voies et recours existant pour l'obtention de ce document. Un plaidoyer auprès de l'autorité étatique devra être mené en vue d'alléger si possible certaines procédures pour les réfugiés.

2.1.3 Accès à la terre et titre de propriété des habitations

L'agriculture étant l'une des activités principales des réfugiés, l'accès à la terre devra faire l'objet d'un plaidoyer auprès des autorités étatiques, locales et communautaires en vue de faciliter l'accès légal des réfugiés à la terre. En attendant la réalisation de cet objectif, tout prêt de terre aux réfugiés par les communautés hôtes devra être formalisé par un document légal en vue de protéger les investissements

qui y seront faits. Pour les réfugiés s'étant installés depuis de nombreuses années dans des sites sans documents légaux, la normalisation de la situation devra être étudiée par les autorités compétentes avec la collaboration du HCR.

2.1 Composante économique

2.2.1 Agriculture, élevage et pêche

D'importantes opportunités existent dans ces domaines qui sont des domaines traditionnels d'activités des réfugiés mais également des populations locales.

Le projet apportera un appui en terme de matériel de travail (outils agricoles, semences, engrais, etc. pour l'agriculture ; bétail et produits d'entretien pour l'élevage ; filets et matériel pour la pisciculture). Des partenariats seront établis avec des structures possédant l'expertise dans chacun de ces domaines en vue d'assurer un encadrement de qualité des bénéficiaires.

Les circuits commerciaux d'écoulement seront également identifiés en vue de permettre la viabilité et la rentabilité économique de ces activités. Des stratégies telles que celles des cultures de contre-saison seront privilégiées dans le même objectif.

Les opportunités au niveau de la transformation des produits agricoles (un groupement des réfugiés peut acquérir une mini rizerie pour le décortilage et le conditionnement du riz paddy) et de l'acquisition par exemple de groupes motopompes que les agriculteurs locaux loueraient pour leurs champs et qui constituent un vrai besoin dans la vallée seront également mises en œuvre.

2.2.2 Emploi et auto-emploi

Un plaidoyer auprès des autorités étatiques et locales en faveur de l'intégration dans la fonction publique des réfugiés possédant une formation sera faite. Mais le marché de l'emploi étant restreint au Sénégal, l'auto-emploi sera privilégié au travers d'un appui aux activités génératrices de revenus (petits commerces, restauration, agriculture, élevage, etc.). Les coopératives de femmes fragilisées par le programme de rapatriement volontaire seront redynamisées et recevront un appui pour la relance de leurs activités.

Un accompagnement sera assuré par des partenaires techniques dans les différents domaines qui recevront un appui.

2.2.3 Formation

En vue d'assurer la réussite des activités économiques qui seront mise en œuvre par les bénéficiaires, des formations seront données par des partenaires possédant l'expertise dans les différents domaines d'intervention. Ce seront entre autres, des formations dans les domaines de l'agriculture, de l'élevage, de la pêche, de la pisciculture, de la gestion d'une micro entreprise, etc.

Les centres de formation professionnelle étatiques seront également sollicités en vue de former les bénéficiaires ayant le niveau scolaire minimum requis et le souhaitant. A l'issue de ces formations, ces

derniers pourront être appuyés pour la mise en place d'une activité génératrice de revenu de façon individuelle ou en groupement.

2.2.4 Financement et accès aux services financiers formels

La pierre d'achoppement de l'intégration économique des réfugiés est l'accès aux services financiers formels que sont les institutions bancaires et les institutions de microfinance. Dans le cas des réfugiés mauritaniens au Sénégal, cette situation était aggravée par l'absence de pièce d'identité officielle (ce problème étant en cours de résolution).

Les institutions de microfinance ayant un fonctionnement plus adapté aux demandes des réfugiés, des partenariats seront établies avec ces institutions en vue de fournir aux réfugiés les services d'épargne et de crédit nécessaires à leurs activités économiques.

Tous les fonds et appuis matériels qui seront mis à la disposition des bénéficiaires pour le financement de leurs activités économiques devront être des fonds « revolving » c'est-à-dire des fonds qui devront être remboursés pour servir d'autres bénéficiaires.

2.3 Composante socio-culturelle

2.3.1 Santé

Les actions dans le domaine de la santé comprendront les activités suivantes :

- Construction/réhabilitation/équipement des structures de santé dans les zones abritant le plus de réfugiés ; aux structures se trouvant dans les zones abritant le plus grand nombre de candidats à l'intégration locale et ayant démontré un besoin crucial d'accès aux services de santé de base.
- Promotion de la santé maternelle et infantile ;
- Promotion de la lutte contre les maladies telles que le VIH-SIDA et le paludisme ;
- Mise en place/renforcement des associations communautaires de gestion des cases et postes de santé en veillant à la participation des réfugiés et des communautés hôtes.

De façon pratique, il s'agira, en plus des réhabilitations physiques des structures, de :

- fournir un équipement de base et des médicaments et autres consommables médicaux correspondant à plus ou moins 6 mois de consommation. Un pourcentage des recettes des ventes de ces médicaments sera réinjecté pour assurer un réapprovisionnement de la pharmacie. Une autre partie pourra être affectée à l'entretien de la structure, au paiement des primes pour 1-2 personnes (si pas payées par le gouvernement) mais aussi *et surtout à assister les familles qui ne peuvent pas payer leurs soins médicaux* soit au poste de santé soit lors des évacuations vers les hôpitaux. Un accent particulier sera mis sur les femmes (enceintes) et les enfants. La sélection de ces bénéficiaires sera faite par les membres de la communauté.
- D'équiper les cases de santé très éloignées avec deux *motocar* (voir image en bas). 1 motocar sera réservée aux évacuations médicales d'urgences et les activités de proximité (éducation communautaire, sensibilisation sur le VIH, etc) et l'autre sera utilisée par le centre/poste/case de santé pour générer des fonds (location pour le transport des denrées alimentaires par

exemple). Les fonds générés par ces locations seront utilisés pour renforcer les dépenses citées au point supra

- Tout ce qui précède ne peut se faire sans qu'il y ait une organisation communautaire. Il faudra donner une formation formelle des membres des comités de santé/gestion sur l'Initiative de Bamako afin qu'ils puissent bien savoir comment recycler les fonds et au besoin les fructifier. Le centre/poste de santé pourrait tant soit peu devenir peu dépendant de l'aide extérieure ou au moins répondre à certains besoins de fonctionnement.

2.3.2 Education et formation professionnelle

Toute assistance en matière d'éducation sera prodiguée en conformité avec le plan et la politique nationale en matière d'éducation, afin d'assurer la durabilité.

Les enfants réfugiés jouissent du droit à l'éducation, sans discrimination, au même titre que les nationaux dans le système éducatif du Sénégal.

Les actions dans le domaine de l'éducation comprendront les activités suivantes :

- Construction/réhabilitation/équipement d'écoles ;
- Promotion de la scolarisation des enfants et plus particulièrement des filles ;
- Renforcement des structures d'alphabétisation fonctionnelle ;
- Mise en place/renforcement des associations communautaires de gestion des écoles en veillant à la participation des réfugiés et des communautés hôtes.

2.3.3 Eau et Hygiène

Les actions dans le domaine de l'eau et de l'hygiène comprendront les activités suivantes :

- Construction/réhabilitation de points d'eau potable. Les ouvrages hydrauliques à privilégier devront être les forages de type HV et HVA¹⁹³ ;
- Construction/réhabilitation de puits à usage non domestique (élevage, agriculture) ;
- Sensibilisation des populations à l'hygiène et à l'assainissement par la promotion et la construction de latrines dans les ménages, les centres de santé et les écoles et, la promotion des bonnes pratiques d'hygiène ;
- Mise en place/renforcement des associations communautaires de gestion des points d'eau en veillant à la participation des réfugiés et des communautés hôtes.

2.3.4 Groupes ayant des besoins spécifiques

Toutes les activités d'intégration locale seront mises en œuvre en considérant les besoins des groupes particuliers d'individus. Pour raison de durabilité, le programme d'intégration locale renforcera les programmes nationaux existants qui prennent en charge les groupes spécifiques concernés tels que les malades chroniques y compris les PVVIH/sida, les personnes avec handicap physiques ou mental, les

¹⁹³ HV (hydraulique villageoise) et HVA (hydraulique villageoise améliorée)

enfants placés auprès des maîtres coraniques (les marabouts), et la protection des femmes et filles (ex. Programme de lutte contre l'excision féminine). Au cas où des abus ou exploitation des enfants réfugiés sont identifiés, des activités spécifiques seront initiées pour prévenir et y répondre, en collaboration avec les structures ou organisations locales appropriées. Il faudra faire un recensement exhaustif et une évaluation des ces structures avec l'appui des services compétents de l'Etat.

2.3.5 Intégration communautaire

La clé pour une réussite des programmes d'intégration locale est sa capacité à renforcer les infrastructures communautaires existantes au sein de la communauté hôte. En collaboration avec les autorités locales et les réfugiés, les structures communautaires qui nécessitent un renforcement seront identifiées. La priorité sera donnée aux communautés qui accueillent un plus grand nombre des réfugiés et où les services publics sont peu accessibles aux populations hôtes.

Toutes les actions entreprises devront autant que possible prendre en compte aussi bien les réfugiés que les communautés hôtes. Cette approche permettra d'améliorer l'intégration des réfugiés dans ces communautés qui les ont accueillies depuis 22 ans en évitant de leur donner l'impression que le projet ne profite qu'aux réfugiés. Elle favorisera également la protection et la durabilité des acquis du projet au travers de la constitution/redynamisation des organes communautaires de gestion des infrastructures socioéconomiques. Elle pourra constituer une approche de solution au problème de la disponibilité des terres si les groupements d'agriculteurs appuyés par le projet sont composés d'autochtones et de réfugiés.

2.4 Aspects transversaux

2.4.1 Partenariat

Toutes ces actions devront se faire en privilégiant la mise en place de partenariat, garant de la durabilité des actions entreprises. Ces partenariats pourront être établis avec les acteurs suivants :

- *Le Gouvernement sénégalais et les autorités décentralisées*

Ce partenariat permettra au projet d'intégration locale de s'inscrire dans la politique de développement nationale, tant aux niveaux sectoriels (agriculture, éducation, santé, eau, etc.) qu'au niveau stratégique à travers le DSRP. Il facilitera les interactions entre le HCR, le partenaire de mise en œuvre, les autorités décentralisées et les représentants de l'Etat au niveau local dans la définition des objectifs et des cibles (exemple de l'identification des écoles, postes de santé à construire/réhabiliter/équiper). Ce partenariat devra idéalement être formalisé au travers d'un comité en charge de la mise en œuvre de l'intégration et composé du HCR, du partenaire de mise en œuvre, de l'Etat sénégalais et des autorités décentralisées de la zone d'accueil des réfugiés.

- *Les organisations du système des Nations Unies intervenant au Sénégal*

Le projet pourra s'appuyer sur les organisations sœurs du HCR en vue de coordonner leurs actions dans la zone de mise en œuvre du projet d'intégration locale. L'UNDAF pourra servir de base à ces partenariats.

- *Les organisations de développement intervenant au Sénégal*

Plusieurs organisations de développement sont présentes au Sénégal. Le projet initiera des partenariats autant que possible en vue de mettre à profit les différentes expertises présentes mais également faciliter les interventions de ces acteurs au profit des réfugiés.

2.4.2 Transfert de compétence au partenaire de mise en œuvre

La durabilité du projet ne pourra être assurée que si les acteurs locaux se l'approprient et sont capables d'en assurer la mise en œuvre bien après le retrait du HCR. Le transfert de compétence au partenaire de mise en œuvre sera donc un élément clé du projet. Tous les partenariats qui seront mis en place devront intégrer une composante renforcement de capacité/transfert de compétence au profit du partenaire de mise en œuvre.

Le PMO devra par conséquent avoir du personnel répondant à ce besoin et capable d'assurer la relève.

2.4.3 Communication et plaidoyer

Ce volet, bien souvent négligé dans ce type de projet, est crucial pour la visibilité des actions entreprises, leur financement, la mise en place de partenariat et l'atteinte des objectifs du projet. Les actions de communication et de visibilité devront comprendre a minima la pose de panneaux sur les infrastructures réhabilitées/construites/équipées, la pose de panneaux indicateurs pour les périmètres agricoles appuyés par le projet, la réalisation et la diffusion de reportages radio et vidéo portant sur les réalisations du projet.

Une stratégie de communication devra être à ce titre élaborée et mise en œuvre au même titre que celle liée au plaidoyer.

Les actions de plaidoyer seront dirigées vers les partenaires cités ci-dessus pour faciliter/accroître l'intégration des problématiques liées aux réfugiés dans la politique nationale (Etat sénégalais), dans l'UNDAF (organisations du système des Nations Unies), dans les orientations stratégiques et les projets mis en œuvre (organisation de développement).

2.5 Modalités de mise en œuvre

L'intégration des réfugiés au Sénégal est de la responsabilité du gouvernement Sénégalais, particulièrement le Ministère de l'Intérieur, qui leur a octroyé le statut de réfugié et qui les autorise à s'intégrer dans les communautés à travers des mécanismes indiqués dans la présente stratégie. La mise en œuvre de cette stratégie se fait par le HCR et ses partenaires que sont la Commission Nationale d'éligibilité des réfugiés pour ce qui est de la composante juridique et l'OFADEC pour ce qui est des composantes socioculturelle et économique.

Le HCR a mis en place un bureau de terrain situé à Richard Toll qui est chargé de la coordination et du Suivi du programme d'intégration locale.

OFADEC dispose aussi d'un bureau à Richard Toll composé d'un minimum de staff pour la réalisation du programme, soit directement, soit en sous-traitant certaines activités à des structures spécialisées selon les domaines d'intervention.

Ce programme, qui a commencé en fin 2010, se poursuivra jusqu'en fin 2014 comme indiqué dans le plan de mise en œuvre ci-dessous. Le HCR se désengagera alors définitivement de ces activités en décembre 2014. Cependant, dans la mise en œuvre, tout doit être fait pour que la relève des activités soit assurée par l'OFADEC dont les capacités opérationnelles et techniques doivent être renforcées au fur et à mesure de l'avancement du programme.