REFUGEES, STATES AND INTERNATIONAL LAW: CASE STUDY OF NIGERIA

BY

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CERTIFICATION

This thesis titled "Refugees, States and International Law." by IDRIS SULEIMAN, meets the regulations governing the award of the Degree of Masters in International Affairs and Diplomacy (MIAD) of Ahmadu Bello University (ABU) Zaria, and is approved for its contribution to knowledge and Literacy presentation.

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DECLARATION

I Idris Suleiman, hereby declare that this research write up is my original research work and have neither been presented if for any examination or degree award for published it for any purpose. And all quotations, extractions and sources of information used are dully acknowledged in the references.



IDRIS SULEIMAN

19/10/22

DATE

DEDICATION

This research study is dedicated to my beloved mother, Hajiya Aishatu Suleiman and my father Alh. Suleiman baba, for what I am and what I used to be.

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ABSTRACT

Refugees are defined by different national and international association to be people not living in the home of Nationality for many reasons. Also the studies of refugees have different focus and so at times define to reflect the theme of the study concerned. In this study, the problems that create refugee is on the increase from micro to macro scale that could be from local community to national and international civil unrest or disturbance. This study intends to determine the causes and to examine the characteristics and problems experienced by the refugees in Nigeria.

Both primary and secondary methods were used to obtained information and the to validate the major proposition of the work.

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CHAPTER ONE

1.1 INTRODUCTION

Nigeria is located in Africa having a population of 100 million people bounded in the South by the Atlantic Ocean, in the North by Niger and Chad Republic in the west by Benin and the East by Cameroon, it is a major black power. It is strategic position in politics, democracy and economy gave it superiority over many countries in Africa. And as such receive migrants and refugees from sister African countries.

In 1979 drought problem force people from Niger and Mali to seek refugee in Nigeria. In 1989 there was a war or civil unrest in Liberia and about 141,000 number of refugee were in Nigeria.[1]

This is not to say that there are no refugees from within the country. Having more than 250 languages with different cultural and religion background, pave way for a number of civil unrest which give room for the growth of refugee. It is in this very situation that the researcher is interested in explaining these points as:

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- What is a refugee.?
- What is the effect of the international law on the daily activities of the refugees in Nigeria?
- What is the attitude of international bodies in assisting refugees in Nigeria?

1.2 STATEMENT OF THE PROBLEM

The aim of this study is to analyse refugees problems and see the extent to which their treatment conforms to the international law in Nigeria. In this connection the work will investigate the characteristics of refugees problems and their conditions of living in the country. The work is developed around a number of hypotheses which includes the following:

1.3 HYPOTHESES

- The refugee problem is a creation of war and crisis in their (refugees) native countries.
- The International law is a toothless-dog that can not solve numerous problems of refugee in Nigeria and West Africa.
- Refugees suffer from series of human and inhuman treatment in Nigeria.
- With effective internal and external assistance refugees problems can be reduced in Nigeria.

1.4 Literature Review

The Universal declaration of Human rights underlines that "Everyone has the right to a nationality" each state has natiaonlity law and citizenship is one of the most precisous gift any government can bestow. But in an era of increasing ethnic tension, mass migrations of people, and governments over more reluctant to welcome refugees the number of statless persons appears bound to continue

growing for the foreseable future. Problems of protection, effects of international law, political reasons, issue of asylum, expulsion, possible returns and international assistance is of high importance on Nigerian refugees.

Protection has been an issue directed to UNHCR as a sub body to UN, which is enpowered to persecute. As the designate institution for reddress has been "The international court... intended to be the first effective weapon against the impunity of which has fueld cycles of violence in every part of the world". Yet a lot of disatsfaction is being expressed even by the UN secretary General Kofi Annan (1999).

Asylum an issue of two conceptions first the right of states to grant asylum, second, the right of individual to be granted asylum; the lawful presence and unlawful presence. The lawful presence is that whom is considered from one country of refugee to another. And the status of unlawful refugee against whom expulsion orders have been issued, as summed up by Ian Brownlie (1963).

Problems of expulsion (deportation) and repoulement in general. In order to place the special rules pertaining to refugees in their prospective, we tend to analyse special rules relating to refugees using positive rules laid down in articles 32 of the refugee convention as applicable to public order on ground for expulsion as the case of deploitment expulsion or deportation during military dictatorship in Nigeria. Max Sorensen, (1968).

Unlike other aliens, refugees may normally not returned to the country of their nationality. It was early appreciated that, it is of little expectation for a refugee to posseses a travel document unless there is some assurance to the effect that he may come back (or be sent back, as the case may be0 to the territory of the state which has issued his travel document and where he has his lawful residence. In some countries it was recommended that in the trvale document blanks paragraph necessitating return visa should be replaced by the phrase.

"This certificate is valid for return journey to the country by which it was delivered during the period of its validity" Atle Grahi-Madsen, (1972).

Concluding on the ineffectiveness of international and the need to become self determine and effect international law a support statement was made as "you and only you can show the world that there is life even after hate, humanity even after evil" Kofi Annan, 1998.

"Prevention is better than cure" an adage that has been truer than in the handling of human rights violations and refugee outflows which they produced. Condemnations of abuses and programmes of refugee protection are hollow substitutes for timely action to prevent mass violations. Refugees, 1993.

In a release on refugees, 1999 captioned "Africa. Good News and bad". War has been identified as cause the main of producing refugees in Nigeria and

the horn of Africa whole over. The presidents of Nigeria, Liberia, and Sierra Leone witnessed the symbolic destruction of weapons. While the bad side has been the refugee increase that remain uncertain of any accord would stick. Even after a peace agreement was signed as the case of Fodie Sankoe of Sierra Leone. Modakeke and Ife or Okrika and Tai Eleme in Rivers state to mention a few. Irked by this soughts of problems High Commissioner for refugees Sadako Ogata expressed her fears that "encouraging new resolved in African leaders to stop feeling sorry for themselves and to tackle the immense political and economic problems" which plague the continent "that new attitude is Africa's hope for the future".

An estimate of three to five million was reported to have left the Africa's most populous country during military rule in Nigeria. And many of these people are believed to be returning home with the democratic government in place now. Refugees, 1999.

Refugee numbers on African statistics showed a six percent drop. The estimated asylum seeker population, however, showed an overall increase of 38 percent to 1.3 million people world wide. Refugees, 1999.

Humanitarian assistance has been used as a fig leaf, hindring a lack of political will to address the root causes of conflicts - UN Sec Sen Koffi Annan.

1.5 THEORETICAL FRAMEWORK

The various approaches used in behaviour of nation states on refugees has been such bad that it became of paramount importance. The desire for readdress through possible recommendations is very necessary after a through research. The rights of refugees are always issue of violation as analyzed generally; either the United Nation high Commission for refugees or the international human rights groups, could do an effective solution.

It become necessary to focus refugees, whose human rights, freedom and democratic rights are curtailed and grossly violated by those self centred nations, that could't accommodate fellow human beings, in the name of national interest. To Europe and refugee policy framed mainly as an issue of immigration and national security.

> "During Germany's recent election campaign, the Christian democratic union released a poster railing against the abuse of the right of asylum and economic refugees" refugees (1998)"

Reflecting the reality that because prospects for regular migration to Western Europe are virtually nil, many would-be-migrates seek entry through the asylum process.

Refugee is a person that need to be seen in terms of his rights, under international law, as an obligation and placement or identification but not denial. As summed up the problem as

> "The rights and obligation which are attached to the possession of the nationality of country where they have taken residence are not accorded to them."

These rights are not the type that courts passes laws on them, but as rules considered to be "facts not laws" under municipal law. The rights are guaranteed by United Nation Human Right Commission to act as protective body to refugees, as stated in article 5, acknowledging the continued violation of states on refugees, where states are said to be:

> "Completely free to agree to an entirely new treatment of the matter (subject to the debatable limits and of the jus conjence), consequently, the problem must be settled on the basis of general principle along and these, has been seen, permit earlier agreement by supplementing it, modifying it or even terminating it...."

The statement has clearly eplained how valuable a refugee is in country of his residence to hardship and the lack of seurity due to neglet or refusal of some governments to adhere to the human rights of refugees and the bone for improvement through democratic process hence the research on REFUGEES, STATES AND INTERNATIONAL LAW.

1.6 METHODOLOGY

Both primary and secondary sources are included to elicit for information that will be used in this research.

One hundred and eight questionnaires were designed and distributed to various refugees and people dealing with them. Out of these questionnaires fifty

were answered and returned. Twenty two (22) were distributed to workers in the United Nation High Commission for Refugee (UNHRC) at Abuja. Five (5) were distrubuted to security personnel on task force to UN Missions abroad. In the like manner refugee respondents were identified by the help of concerned UNHRC Personnel of which twenty three (23) questionnaires were recorded.

Secondary source was derived out of the use of some text books, journals, use of Libraries and so on. Similarly, a number of Ministries and Hight Commissions were visited like Internal Affairs Ministry, Nigeria Immigration Services and Federal Statistics Board.

1.7 CHAPTERS BREAKDOWN

This research work will be divided into four chapters. Chapter one is introduction, research problems, hypotheses, literature review, theoretical framework, methodology and chapters breakdown.

Chapter two includes refugee formation and distribution in Nigeria and West Africa, causes, effects, conditions, and law governing refugees.

Chapter three is the data analysis. background of the study area that includes both the physical information on socio-economic activities of refugees in Nigeria.

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Chapter four contains conclusion and recommendation.

1.8 DEFINITION OF TERMS AND CONCEPTS

Refugee: The word refugee have been define by United Nation "as a stateless person", in Article 1 of 28 September, 1954 (360 UNTS 177) convention.

States: This refers to countries.

International Law: A body of rules to be observed as municipal laws in various countries.

UNHRC: United Nation High Commission for Refugees.

Asylum: Asking for admission into a country for better human treatment.

Protection: Security for human hazards.

Expulsion: Deportation or forced out of a country.

Restraining and Containment: The will to bear hard conditions also a principle for forgiveness.

Returnee: A person who returned back to his country of origin.

Detention: Subjection to restriction of movement.

Tortured Victims: Those who suffered body molestation in possible war time, and are able to escape alive.

Humanitarian Action: It refers to contingency provided to prevent or given to refugees assist when refugee case comes up.

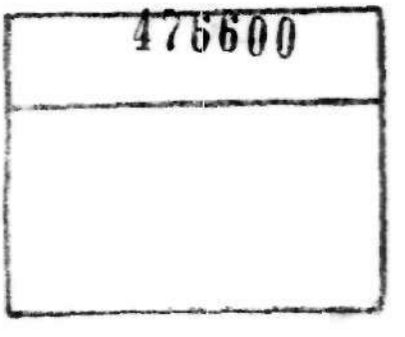
International law: Are body of rules considered to be"facts, not as laws' in municipal law.

O.A.U.: Organization for African Unity

ECOWAS: Economic Community of West African States.

FOOTNOTES

1. West Africa, 26 September - 2 October 1994.
2. Refugees, Vol. 2, No. 4, 1992.
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CHAPTER TWO

2.1 CAUSES

Refugees causes in Nigeria could be attributed to the religious geo-political conflicts that have engulfed Nigeria.

- Trans migration from neighbouring countries especially the West African countries like Niger, Cameroon, Chad, Ghana, Togo, Liberial and Benin.
- The socio political advantages of Nigeria enticed many migrants to becoming refugees in Nigeria. In matters of civil obligations such as conscription, forced labour, taxation and requisition. Added to these problems are suppression of traditional political institution and excessive officials control were among such in Nigeria and West Africa forcing people to fled their territories and seek refuge in Nigeria
- Majority of Nigeria's refugees came into being due to what has been classified as central to the social evolution and cohesions as well as implanting claverages and conflicts among the people within Nigeria and the West Africa.

2.2 EFFECTS

- Influx of illegal migrants tends to be a danger by producing armed robbers, prostitutions.
- Higher rate of inflations in terms of food items, accommodation, attainable jobs.
- Environmental polution and health degredation.

- They abused the hospitality of their host countries by engaging themselves into political thugeries and become cost effective politically.
- Refugee case is so pronounced in terms of finance such that destetution and vagarancy is always rampant.
- For lack of proper housing, and over population on the accommodation issue there is a lot diseases.
- Life has become something so hash that the head of the house hold could'nt provide the needed necessities which always lead to break up of family and community life.
- Malnutrition is so pronounced that the normal population growth is no longer an issue (in short, no population growth).
- A lot of frustration is experienced by those refugees with skills but are not in the position of proper placement of jobs.

2.3 DISTRIBUTION

Refugee problem in Nigeria is not a recent phenomenon, which could be internal conflict, intra regional migration, economic reason, politics and so on; that has attributed to the long standing refugees emergence in Nigeria. Reading long before Europeans arrived on the West African Coast, and steadily increased but slowly up to Nigeria's first indication on refugee problems: during the civil war in 1966, Sir Ahmadu Bello, Premier of the Norther region was alleged "to have promised.... he would exercise his influence in International circle to support..... refugees" Izah 1991.[1] The statement speaks Nigeria concern on refugees.

With attainment of political independence and emergence of National policies, which influenced the performance of National economy, the scale of refugees stated to worry policy makers particularly the Coastal states. Even though, migration in the region suffered little disturbance up to the 1999 and the refugee influx has been unrestricted to the economically strong countries. As when economic fortunes of Ghana declined, Cote divoire took its place, with recovery countries like Senegal and Sierra Leone, the wind flow of refugees moved to Coastal countries notably Nigeria thrived with more recent refugee influx. Biafran civil war of 1966, Niger and Mali refugees repatriation and Ghanians in 1979, the Kafanchan religious war in 1987, Modakeke, Ife conflict that is lingering on, Niger Delta unrest, Maitatsine unrest in 1982, Zangon Kataf carnage in 1992, Jukun Clashes still on, Kano Shagamu crisis in 1999, Sokoto unrest 2000, North Eastern axis unrest in 1999, a more recent Kaduna religious clash, that of Enugu, Abia, Imo and some part of Calabar mayhem 2000, the Odua People Congress (OPC) and recent Dambua Local government religious crisis 2000, natural caused disaster like flooding of Jigawa state and many others could be attributed to Nigeria recent and lingering refugee emergence; as internal intra-regional conflicts. And coupled with the fact that Nigeria neigbouring countries like Niger republic refugees i.e. Zabarmawa, Truaregs and those from Chad, Cameroon and so on. Those seeking better economic opportunities, so also political refugee, from Liberia and Sierra Leone, etc.

2.3.1 **MIGRATION BY NATIONALITY TO NIGERIAB** 1982- 1985
TABLE 'A'

	1982	1983	1984	1985
Benin	14.572	14,454	4,320	5,193
Cape-Verde	25	27	44	24
Gambia	3,531	3,520	2,965	4,393
Ghana	118.108	90,606	64,006	62,948
Guinea-bissau	48	75	84	104
Ivory-Coast	2,036	2,960	2,724	3,192
Liberia	1,554	1,709	1,078	1,192
Mali	3,908	7,436	8,042	8,486
Mauritania	369	764	442	626
Niger	2.196	8,936	11,663	16,697
Nigeria	287,211	325,266	328,337	344,297
Senegal	4,584	8,383	4,994	5,254
Sierra Leone	3,558	4,873	3,513	4,144
Togo	5,054	4,070	2,409	2,589

Source: S. Bako's Religious Conflicts in Nigeria 'An Extract From Social Statistics in Nigeria, Federal Office of Statistics, Lagos, Nigeria, p. 187

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2.3.2 DISTRIBUTION OF AFRICAN REFUGEES

TABLE 'B'

The six leading countries of Origin:

Sierra Leone	450,000
Somalia	419,000
Sudan	374,000
Eritrea	320,000
Burundi	300,000
Angola	255,000

And the four leading host Countries:

Guinea	470,000
Sudan	390,000
Tanzania	350,000
Ethiopia	317,000

Source: Refugees Vol.2 1999.

2.3.2 A CHRONOLOGY OF MAJOR REFUGEE EVENTS IN AFRICA

TABLE 'C'

1956: The war of independence in algeria unleshers the firt major wave of refugees in modern African history as tens of thousands of people flee to Tunisia and Morcocco,UNHCR intervenes in 1957 and five years later helps repatriate 260,000 Algerians.

1958: One million Guineans go into rule after the country receiges independecen from France, but then tensions rise with the fomer colonial ruler.

1960: the anti-colonial movement went through central and Southern Africa, providing widespread population movement throughout the region.

1962: UNHCR opens its first office in sub-Saharran Africa in Burundi in response to the regional crisis.

1966: An exodus begins as Potugal's sprawling east African colony of Mozambique presses for independence unrest follows later in Lisbon's other colonies in Angola and Guinea Bissau.

1969: The Organisation of African Unity (OAU) supports the convention governing the specific asapects of refugees problems in Africa as the number of refugees multiply across the continent.

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1972: People are on the move throughout Africa. UNHCR assists in the repatriation of 200,000 refugees from southern Sudan, but elsewhere Idi Amin expels 40,000 Asians from Ugandan and 170,000 Burundi flee to neighbouring states as the slaughter of tens of thousands of people begins in that country.

1975: The UN decides that Western Sahara has the right of self determination, but war breaks out between Morocco and the Polisario Front. 150,000 refugees from the former British Colony of Southern Rhodesia arrives in Mozambique.

1977: War begins in the Horn of Africa and as many as three million Somalis and Ethiopians are displaced. A year later. UNHCR launches an assistance program for Ethiopian refugees in neighbouring countries.

1984: The great Ethiopian famine kills hundreds of thousands of people and many more flee to Sudan, Somalia and Djiboutie.

1989: AUN Brokered political settlement ends South Africa's occupation of Nambibia and 45,000 Namibians return home. Civil war starts in Liberia and the seven-year-long conflict will uproot 700,000 people.

1990: the release of Nelson Mandela signals the end of apartheid and thousands of South African exiles begin to return home.

1992: A mozambique peace agreement is signed and 17 million refugees, return home in one of the most successful reguee return and reintegration programs since World War Two.

1984: As many as one million people die in Rwanda's genocide and another 1.7 million people flee the country. Two years later, hundreds of thousands of refugees return to Twanda but many thousands die in the rain forests of central Africa.

1997: A military coup in Seirra Leone sparks a cycle muderd and mutilation more than 400,000 Sierra Leoneans flee.

1999: More than seven million refutees and others of concern to UNHCR remain unprooted in all corners of Africa as the new millenium approaches.

Source: **REFUGEE**, 1999.

2.4 CONDITIONS

A general over view to refugees problem in Nigeria and West Africa has been analysed to be four as: Border points, employment, living condition, also democratic rights and freedom problems.

Security lapses on inefficiency, shortage of operation personnel, extortion, and over zealous tendency could be attributed to check points at borders.

Jobs offered to refugees are always based on cheap labour, harzadous jobs without renumeration or insurance. In short a dehumanizing nature of jobs are offerred to refugees, such as digging of wells hard labour of construction, or clearing of farces from toilets and so on.

They suffer and endure a lot of financial difficulty because the payment are small not sufficient to feed, cloth, accommodate or offer hospital bills, schools, electricity, good water and security.

Refugees suffer on process of developing the counry they lived but reap nothing out for themselves especially were they experience denial of political freedom by being refused to vote or join a party, forced to pay taxes and became the centre of security "invation extortion, extradiction and deportation". While most of time live under 'the most insecure, isolated and discriminated conditions'.[2]

2.5 LAWS GOVERNING NIGERIAN REFUGEES

Nigeria being a member of International Community, then a fraction to OAU and subfraction to ECOWAS; a trimvirrates posititon on refugee laws observed a regional draft by ECOWAS countries on refugees taking into cognisance the three rules to serve as a guiding instruments. Where in its effort to alleviate some refugee problems were made clear:

- "Phase 1 protocol - right of entry and abolition 01 visa - 1980-5.
- Phase 2 - right of residence - 1985-90
- Phase 3 - right of establishment - 1990 - 5"

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The transition from one phase to another is not automatic from these citations two things are clear; first the treaty provides for free movement of persons, residence and establishment. And it stipulated that these can not be automatic-hence the qualifications implied in the use of the phse 'by stages' and 'by agreement with each other'. The protocol on free movement was signed and annexed to the treaty by the authority of heads of state and governments at its

annual meeting in Dakar, 29-May-1979, but came into force a year later 1980, May, 20. The design of the articles was crawn out as:

- "Article 2(1) of the protocol says that, "the community citizens have the right to enter, reside and establish in the territory of member states'
- Artile 2(2) qualifies it as follows -"the right of entry, residence and established in the course of a maximum transitional period of fifteen years from the definitive entry into force of thus protocol by abolishing all other obstacles to free movement of persons, residence and establishment"

It has become clear at one time that refugees influx in ECOWAS countrie took palce outside the frame work of ECOWAS treaty and protocol. These was through the study of Guineans into Sierra Leone and Liberia, of Cote divoire and Ghanians to Nigeria, reveals some important facts; first, most immigrants entered their host country through the cooperation of security personnel like the immigration, customs, police and so on, without any valid papers. Secondly, many refugees entered their respective host countries before the protocol on free movement of persons was singed. Thirdly, many of those who entered with or without valid papers exceeded the 90 days limit without obtaining permision for extention and asking for asylum. And finally, a very high proportion of these refugees entered the host country's territory through unofficial entry-points due to the vast and unpoliceable borders.

Those who had committed any or all of these offences could be classified as illegal immigrant, and Article 4 of the protocol empowers Nigeria and other member-states to deal with such refugees according to its laws. Thus, member states of ECOWAS have an analienable right to act against refugees who contravene not only the provision of the treaty and protocol but also their own national refugee laws.

Refugees an issue borne out of human rights had further development in 1963 September 16: 4th protocol, added the following rights to those already recognized: freedom from imprisonment merely on the ground of inability to fulfil a contractual obligation; the right to every one lawfully within the territory of a state to liberty, to movement and freedom to choose his residence, the right of every one to leave any country freely, including the right of every one not to be expelled by means either of an individual or a collective measure from the territory of the state of which he is a national or be refused permission to enter that state; and, lastly, the prohibition of the collective expulsion of aliens.

A number of refugees have been realised to be without finance to provide legal procedures. And to this a committee of ministers' meting October 25 1963 suggested and it has been approved under international tribunal to grant legal aid and to defend their application of asylum.

The rules of international law on refugee convention, the stateless persons convention, and many other international agreements are concluded between states in order that individual shall benefit, such conventions do not only speak of benefits and treatments, but also of rights e.g. Article 7, 12, 13, 14, 17, 18, 24, 25 and 26 of the refugee convention; article, 1 and 5 through 14 of the European convention for protection of Human Rights and Fundamental freedoms of 4th November 1950; and Article 48 and 52 of the treaty establishing EEC of March 25 1957. Also relevant effects that the individual concerned may `invoice' certain provisions Article 33 of the Refugee convention.

If a refugee or stateless person gets no satisfaction by municipal remedies, he may bring the alleged state of its obligations under the convention to the attention of another contracting state or as the case of refugee may be, to the attention of the High Commissioner for Refugees, who may take the matter up with the defaulting state.

Article 38 of the refugees convention and Article 34 of the stateless person convention provides.

> "Any dispute between parties to this convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the international court of justice at the request of any one of the parties to the dispute"

By virtue of Article 35 of the refugee convention, the contracting states have undertaken `to cooperate with the office of the United Nations High

Commissioner for refugees in the exercise of its functions, and they shall in particular facilitate its duty to supervising the application of the provision of this convention.

Refugees is solely and direct issue born out **Human Rights.** As reported in FOCUS of "refugees; (1992); where it said "the refugees question is first and foremost an issued of human rights. This fact becomes all the more important in light of the dramatic global increase in number of refugees and the reluctance of so many states to abide by their international obligation towards refugee and asylum seekers."[3]

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Fundamental human freedom as a guarantee of right for equality and upholding of dignity, enshrined in final act of 1979 United Nations Charter. Where the parts are divided into two (2) parts; the first deals with political and civil rights and those rights are personal inviolability or freedom of peaceful co-existence. The second part is on economic, social, and cultural rights such as; the right to work, the right to education, and cultural rights.

New Nations like Nigeria with their acquired independence were incorporated in to the commity of Nations by 1968, a new draft on human rights and fundamental principles as drafted in 1976, also the first time that an available fundamental presentation on human right was done at international level; added to it was economic and social rights such as:

- The right to life,
- The right to politics,
- The right to freedom of religion and speech,
- The right to justice,
- The right to peaceful assembly and association,
- The right to social security, and
- The right to education and cultural life.

United Nations Human Rights Commission shoulders monitoring, and the fulfillment of amnesties or other forms of guarantees that may have offered to induce the return of the refugees; therefore assuming a more systematic protection role.

2.6 SPECIFIC CASES

2.6.01 Nigeria Refugee:

The Niger Republic ex-Military dictator Dauda Mallam Wanke now a refugee in Nigeria, escaped his country in the heat of accusation of killing his predecesor.

- Nigeria's explulsion of Ghanians economic refugees in 1980, who were alleged to be robbing and maiming innocent people to extort money
- Incessant repartration of Nigerias illegal refugees from some countries like Saudi Arabi, Cameroon and 1998 recent Libyan expulsion of Nigerians.
- Self exile of Mr. Enahoro, who ran to America in protest of Gen. Sani Abacha's governance in Nigeria.

- Professor Wole Soyinka's return from self exile during military regime of 1993-1999.

Many other returnees like Dan Suleiman, Ahmed Dasuki, Alex Ibru, David Mark and so on, who alleged to be under fear of their lives that left for various counteis have returned back to Nigeria ending their self exile as political refugees.

- Col. Anthony Nyiam political refugee borne out of April 22, 1990 Coup returned from host country London.
- An estimated 10,000 refugees out of Kaduna crisis, indigenes of Osogbo were reported to have been returnees and are asking for assistance.

2.6.02 **Nigerian Refugee:**

Also the case of Samira Adamu a Nigerian who seek asylum in Germany, while her application was pending the police abuse her right by breaching:

Her right to life;

her right to justice;

and right to social security.

Because she alleged that her family were forcing her to get married to an older person, which breach those fundamental Human rights.

2.6.03 **Nigerian Refugee:**

The case of Umaru Dikko (1993, New Nigeria), of Nigeria who was alleged to committed fraud while in Government, forced him to become a refugee in England. The Nigerian government violated his rights by accusing him wrongly and his fundamental rights to justice, to social security, and right to politics.

2.6.04 **Nigeria Case:**

In Nigeria 1980 second republic National assembly member Shugaba Darman was denied citizenship and forced to exile in Chad, thereby violating his rights to politics, to freedom of speech, right to peaceful assembly and association and his rights to justice. (1980, Tribune)

> "Nigerians cant seek asylum in South Africa" The Punch, Friday Jan 14, 2000 Pp. 22 reported on economic refugees, who took jobs at "one-ninth" salary as against what a South Africa is to paid. The South African "feel marginalised and react in various ways"[4]

High rate of crime is also another reason attributed to the influx of foreigners especially those without relevant papers. Mr. Willile W.C. Twala, the secretary at the High Commissioner of the Republic of South Africa stressed. And Finally addressed Nigerians that:

> "Speaking specifically on the case of Nigerians,.... he say no reasons why Nigerians should go to South Africa through illegal means, and living like refugee"[5]

Mr. Twala emphasis the role of Democracy in human rights being a refugee in a proper Democratic set up is unfounded he was "remarking that with

the return of the country to democratic rule, there was no need for Nigerians to run away from any body in today's Nigeria".[6]

To buttress my point further this refugee case is very serious in Africa below is tabulated figure for Africa to provide a discerned picture of what the situation is in Africa being the black gaint region.

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2.6.05 **Refugees' Movement:**

"A very generous convention..."[19] Refugee (1999) with the diminishing of African Portugal's Empire Collapsed increasing numerous refugees throughout the continent. 34 member nations of OAU came together to iron out refugee problems in Africa at a meeting held in Ethiopian capital Addis Ababa. The convention was based on 1951 Geneva Convention and its follow up 1967 protocol, but it was expanded significantly to embrace specific African realities including the movements of huge numbers of people in a single exodus.

Refugee definition in Geneva convention states that he is a person who fled his or her country because the feared persecution for reason of race, religion, nationality, political opinion or membership of a particular group and who cannot or do not want to return home because of threat of further actions against them.

The African instrument includes people fleeing from "external aggression, occupation, foreign domination or events seriously disturbing public order" in any

part of their country of origin or nationality. It was also the first legal instrument to include the now universally accepted principle of voluntary repatriation. OAU's June 20, 1974 convention, gave a booster to 1984 Cartagena Declaration in central America and subsequent acknowledgment of every June 20 as a Africa refugee Day, a sessional event to mark each year refugee problem and to remind governments of their continuing commitment to assist future refugees.

The whole of 20th Century to date is noticed by people who moved to another country as a result of persecution, internal violence, or international war, vastly out numbered migrants driven mainly by economic necessity and opportunities. One cause is the breaking down of the remaining empires, both continental and colonial and their replacement by a plethora of new states. Taking place in culturally very heterogeneous regions, states formation stimulated proliferation of religious, racial and ethnic conflicts, some of which produced refugees.

Another case was the onset of explosive social tensions among the remaining agrarian societies founded on extreme inequality.

Refugees were generated by confrontations between various ancient regimes and revolutionary challengers, successful revolution, as well as brutal authoritarian regimes instituted to prevent revolution. All these conflicts were exacerbated by direct or indirect intervention of outside powers with an interest

in the outcome and tended to unleash greater violence than before because of the availability of firepower to the antagonists. Record's shows that refugees started in Nigeria.

As post war boom expanded refugee problem in Nigeria, the stand of countries on use of temporary foreign workers as a partial solution to two perennial problems; including growth while minimizing inflationary pressure from wages, west European citizens, Indians, Ghanians, that were used in upholding the teaching manpower. While providing a cushion against conjectural fluctuations in the level of employment in their countries. This brought about the domain of recruitment as well as of self-propelled migration widen to encompass hitherto untapped countries of the developing world, now experiencing rapid demographic growth and subject to the dynamics of the international economy like Nigeria.

The refugees from this period were relatively quickly resettled within the third world, with notable exception of Palestine, in 1960s the wars of national liberation in Southern Africa as well as literal crises among the continent's new states also began to penetrate large-scale displacements, and in the course of the following decade, the number of internationally displaced persons in need of assistance world wide escalated from an annual level of about 5 million to some 15 million.

The sudden and unanticipated political liberalization of West African countries from the mid - 1990s onward prompted the elimination of most barriers to emigration.

Consequently, economic reorganization exposed hundreds of millions to the dynamics of market forces, while removal or collapse of some of the region's authoritarian structures allowed latent social forces to manifest themselves.

2.7 MIGRANT IN PLIGHT FROM HIS STATE

An individual engaged with state on his fundamental rights controversy, person now has been subjected to fear of his government in "place of trust hated the place of loyalty. While the authorities on their part wish to intimidate and oppress the person whom they consider an opponent, or, at best, the inclined to ignore him".

A person found wanting in the cause of above mention factors. He is eligible to defy and not to be loyal or allegiance to the government of his home country, Vattel (1757) stated that:

> "In the case of a real subject to a foreign power citizens who do not approve of the transfer of sovereignty are not bound to submit to it; they should be allowed to sell their property and betake themselves elsewhere".[6] Vattel, III. 80 (Book 1, ch xvi, s 1950)

Refugees status are those stated by Simpson as:

> "The essential quality of a refugee... may be said to be that he has left his country of regular residence, of which he may or may not be a national as a result of events in that country which render his continued residence impossible or intolerable and has taken

> refugee in another country, or, if already absent from home, is willing or variable to return, without danger to life or liberty, as a direct consequence refugee cannot return without danger to life or liberty, though it may be, in some cases but by no means in all include religions conditions. Other features of the existence of the refugees, such as the absence of the de national status (i.e. statelessness) may be incidental but are not essential to his quality as refugee in the non-technical sense.[7]

By UNHCR *statute: the refugee convention a "refugee' is a person "who* i.e. is unable or, because of (well - founded-fear-or-persecution)' is, unwilling to avail himself of the protection of the government of the country of his nationality" A paragraph 6 A (ii) and B of the statute article IA (2) of the convention.

Abrogation of more unfavourable provision regarding human right and maintenance of more favourable provisions, are ensured by Article 17 and 60 of the convention taken their place alongside its provisions of a multilateral instrument. Subsequent to the convention in which all its contracting parties participated along with other states the convention of refugees signed 28 July, 1951, entered into force 22 April, 1954, which covered article 4 (freedom of religion, education, 15 (freedom of association), 16 access to courts), 22 (education and admission to studies). And some closely related issues in articles, 9, 11 and 6/20 its protocol. Further confirmation to the problems faced by refugees is classified in article 5 as being inseparable from problems by contracting parties:

> "They are in fact completely free to agree to an entirely new treatment of the matter (subject to the debatable limits of and the jus cogence). Consequently, the problem must settled on the basis of general principle along, and these, as has been seen, permit

earlier agreement by supplementing it, modifying it, or even terminating it. Moreover, the scope and important of the subject dealt with the convention, and particularly the establishment of the machinery guarantee, make it very problematical whether "that" abrogation could be restored to. (It would be necessary for new guarantee provisions to be made if the entire subject were to be settled on a different basis)".

2.8 ASYLUM

It is the right of a state in its sovereignty to decide whom it shall admit to its territory; international law forbids other states from interfering within other countries jurisdiction. Despite the universal declaration of article 14, which states that:

> "To seek and to enjoy in other countries of asylum from persecution" Robertson (1968).

To avoid misconception amendment was effected in the convention of 28 July, 1951 in any suggestion that the article implied obligation on any state to admit a person seeking asylum. By this amendment "strong provision... on principle of non refoulement i.e. that no state shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his-life or freedom would be threatened on account of his... political opinion" Robertson (1968).[8]

Most states in their municipal law recognizes the obligation to grant asylum, as the practice "all states recognizes the humanitarian duty which they fulfil in so doing" Robertson (1968).[9] The right of asylum, has been the subject of many bilateral, multilateral and regional instruments. The Asian - African legal

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consultative committee has studied the law of Extradition and is at present examining the right of asylum within large question of the rights of refugees. The organisation of African unity is at present considering a draft convention relating to the status:

On refugees in Africa, which is hoped to include a provision on the right of asylum. So is high efforts in Latin America and the western Hemisphere as whole.

> "No other member... state has direct reference to asylum in its constitution, though references in various other constitutions are made to extradition and alien's laws" Stated Robertson (1968).[10]

In sampling some of the asylum case in United States; the white House and US congress reached an agreement allowing 49,000 Haitian refugees who have been in country since 1995 to stay permanently. The Haitian will receive the same benefits that were granted last year to thousands of Nicaraguans and sum 5,000 Cubans who all went to the U.S to escape political turmoil in their countries. Also as a landmark U.S. Federal judge has ruled that a person seeking political asylum can sue the immigration and naturalization services for alleged human rights abuses while in detention. The October ruling stemmed from a lawsuit filed by immigrants who rioted at a detention centre in Elizabeth, New Jersey, claiming they had been abused. The immigrant sued under a 205 year old law which, until now, has been used only against suspected human rights violators in other countries such as Bosnia Serb leader Rodovan Karadzic.

Asylum is not without its set backs where Switzerland is turning its back putting a deadline for reflecting asylum seekers to return to Yugoslavia's Kosovo when winter is over acknowledging it is to dangerous people more than 16,000.

Belgium also recorded the resignation of interior minister Louis Tobback when a Nigerian 20 year old Semira Adamu died of a brain hemorrhage after police deported her back to Nigeria held a cushion over her mouth to silence her after asking for asylum.

2.9 PROTECTION ROLE

Refugees need protection, assistance and a solution to their plight. Although United Nations Human Right Commission for Refugees (UNHCR) does not have a general mandate for the displaced, the interrelationship between their situation and that of refugee has meant UNHCR is frequently called upon to assume responsibilities on their behalf, particularly in situations where the need for humanitarian assistance is coupled with a need for protection.

Refugee protection as modern concept is founded in human rights with roots in the Universal Declaration of Human Rights, the 1951 convention on the status of refugees and its 1967 protocol provide a basic framework for the protection of refugees. They are complemented by a wide variety of other human rights norms, explicit and implicit standards for the protection of refugees can be found in such diverse text as regional human rights instruments, the torture convention and their additional protocols.

The basic strengths of these texts is their "locus on the individual who must be protected, whose status needs to be determined, whose rights are at a stake, and whose problem needs solving.

Right of every one "to seek and to enjoy in other countries asylum from persecution". Universal declaration Article 14, though amended giving room to states wish as sovereign A.H. Robertson. (1968).[11]

The role protection of international of refugees as a child of Human Rights Commission (UNHCR) charged by General Assembly of the United Nations. The commission's head is tasked in his statute, to the promotion of the "conclusion and ratification of International Conventions for the protection of refugees and the supervision of their application".

2.10 EXPULSION

A fugitive criminal shall not be surrendered if the crime or offence in respect of which his surrender is one of political character, thus, in a relatively old treaty of extradition, as that between "Austria-Hungary and Sweden-Norway of 2 June, 1868 A 791, article III provides Il extradition ne sera damais accorded pour les crimes on delits politiques". Similar treaty between Belgium and Poland of 13 May, 1931 A131 LONTS 1261 its article 6(1) states that "Extradition shall not be granted if the offence for which it is requested is regarded by the state applied to as a political offence or as an act connected with such offence."

An European convention on extradition of 13 December, 1957 A24 ETS, 359, UNTS 2730, whose article reads 3-1 "Extradition shall not be granted by the requested party as a political offence or as an offence connected with political offence."

3-2, A provision of more recent origin, namely that "the same rule shall apply if the requested party has substantial grounds for believing that a request for extradition for a criminal offence has been made for the purpose of prosecuting or punishing a person on account of his religion, education, speech, lie, justice, social security, cultural life, peaceful association and assembly... political opinion, or that person's position may be prejudiced for any of these reasons."

Actually, the only possibility to ensure absolute respect for non-extradition cause seems to be the creation of an independent international body. To whom both states related the right to decide whether extradition shall be granted or not, as well as a right to press claims for reparation should in any case extradition take place in violation of its decision.

2.11 EARLY WARNING AND EARLY ACTION

The refugee problems are said to be at momentum tracked controlled, without it being "politically dramatized" Mc Namara (1997)[12] observed as he

further pointed that let not the issue of refugee be bastardized by allowing the "existing international instruments" to maintain the refectories of "safeguarding refugee rights and the legitimate concerns of states. Mc Namara insisted that highly need for a renewed international consensus among states to vigorously support the system". Is the best way to readdress the less of victimization of refugees.

Prompt action towards refugee misery has the words of former UN Secretary General Boutrous Boutrous Ghali stressed that "early warning" is highly desirable to the limited of saying it is a capacity is an integral element in the development of preventive diplomacy." Though the warning is "not enough... without the political will and the institutional ability to respond effectively to such warnings".[12] Therefore, a pointer to a more direct involvement of states in catering for the refugee flight.

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The failures of UN to respond on information of atrocities permits so many have suffered and still some are suffering due to these attitude portrayed by the UN. It fail even where the will to respond due to lack of means, this is also due to member stated lack of commitment in contributing their quoter also enough to execute much desired work. Though the rate of UN's role towards protection of human rights has grown since 1948 steadily.

An annual review of records for gross misconduct (violators) is on early basis being published with the "past offence or rapporteur on torture, political executions, disappearances, arbitrary detention and religions intolerance. Also state party reports are reviewed looking through their level of compliance on treaties of civil and political rights, economic and social rights, the rights of the child, torture, social discrimination and discrimination against women", as part of the measures to check alert and act accordingly.

A weak point identified is UN's ability to act on emergencies is not so encouraging looking through its structural and political limitations, especially, the lack of efficient coordinating body, where it relied mainly on the yearly meetings of the commission on Human Rights.

And to some point the states do accused the UN on unnecessary interference in to the "domestic jurisdiction" thereby sending the effectiveness "relatively minimal" on this the former UN Secretary General Boutrous Boutrous Ghali (1992)[13] has said the "United Nations has not been able to act effectively to bring to an end massive human rights violations". Adding that "long term credibility of our organisation as a whole will depend upon the success of our response to this challenge". The statement is serving as a renewed call for efforts with emphasize to commitment for more material (support) and post attach on the refugee situation.

2.12 RESTRAINING AND CONTAINMENT

The displaced are very vulnerable and need a more positive safeguarding human rights as a best way to prevent conditions that force people to become refugee where the government either it has lost control of a pat of its territory or because it perceives them as a threat and support or condones violations of their rights. Sadako Ogata (1993) High Commissioner for Refugees States that:

> "If I as the High Commissioner for Refugees, emphases the right not to become a refugee, it is because I know what the international protection that UNHCR, in cooperation with countries of asylum, can offer to refugees is not an adequate substitute for the protection that they should have received from their own governments in their own countries. The generosity of asylum countries cannot fully replace the loss of a homeland or relief the pain of exile"... The question of how to enforce peoples right to remain, to have their rights respected where they are, and not have to flee to fund protection has become urgent."[14]

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The High Commissioner therefore, ventured to a stand that going through the huddles of events to the winning she says, "I invite you to consider human rights situations from the stand point of the right to remain, because I am convinced that there will be no end to the plight of refugees until the international community has found ways to deal effectively with the root causes of forced displacement..."

Although the return of refugees took place under international arrangement in the early 1920, and again after world war II it was until 1980 that the International Community, faced with the soaring costs of refugee programs, need to re-focus on the issue of repatriation.

Much has been said about the meaning of refugee protection whether legal, consular or political, practice over the years has shown that it is an eminently practical activity; "seeking to ensure through all available means that refugees are afforded minimum tights essential to their existence and security protection relates to the very fundamentals of life". Refugee (1993).

2.13 THE RETURNEES

The successful return of refugee depends on a series of interlocking international regional and local initiatives, a move expected from regional political and military developments which is directly influencing refugee plight. Some international officials have declared 1999 "the year of minority return, II and targeted 120,000 to go home. Given that only a quarter of that number succeeded in returning in 1998, there is already a lively debate whether the 1999 figure can be met" 1998 was very disappointing and 1999 cannot be just another year".[15] One senior UNHCR said 'refugee (1999). He went ahead to say "The obstacles to returnee have become clearer and more intractable, they must be overcome. This may be our last chance. If there is not a major break through in the coming months then we will have to re-examine the reality on the ground". The statement, -focuses more on condition for and to warrant returnees right to remain or reclaim their country of origin.

And towards effort to effective overseeing the political and economical rebuilding for returnees, a December, 1998 meeting of the multi-national peace

implementation council was design to settle the antagonizing parties, settle the returnees and offer financial aid directly investment process.

2.14 REFUGEE DETENTION

This is an act frown at by UNHCR in its guidelines on the detention of asylum seekers, it has stated clearly that "Freedom from detention is a fundamental human right".

Though governments have their way of viewing detention of asylum seekers; that they are using it-to control the movements of asylum seekers, while their case or application is under way for consideration. An those that are to be deported because their application is rejected also suffers the same maltreatment.

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"Critics argue they sometimes go further employing the threat of incarceration to deter would be refugee from seeking sanitary in a particular country." Refugee (1998) Vol. 2, No. 113.[16] But there is a common thread-the number 0-5. Detainee continent-wide has increased in the last decade. This has became necessary for UNHCR to release a report tagged "Widespread recourse to detention" though accurate statistical data on the number of detainee in custody is difficult to obtain. An official say the upward curve has continued. "The number of people being detained is raising and the length of time they are held is also increasing". A 332 page book entitled "Detention of asylum seekers in Europe: analysis and perspectives, comes to the same conclusion:

"The reality in most European countries is that the use of detention has spread since the late 1980s."

Refugee advocates say that physical discomfort is only part of some difficulties experiences where some are in remote areas. Where it is difficult to have access to family, friends and legal advice and detainee are often not told why they have been taken into custody. "I fled from a dictatorship and prison in my country, and now I land myself in the same situation in England"[17] A West African detainee said refugee (1998) Vol. 2.

2.15 HELPING TORTURED VICTIMS

Medical personnel were called upon in 1973 when Amnesty International appealed to them in campaigning against torture. The effort was organised through the rehabilitation and Research Centre for Torture victims (RCT) based in Copenhagen, Denmark, with various activities of "treatment principles, teaching and research activities, as well as documentation services".[18] Refugee (1993).

Tortured survivors of 47 countries were credited to this Local RCT and its international branch the international rehabilitation council for tortured (IRCT) the victims, by comprising of staff with largest library on torture and treatment of survivors in the world. Analysis on, effect of torture to the victims/as to the duration of its effect physically and psychologically has not been medically ratified, though, the Danish RCT are working on it. A development to finding

forensic medical evidence about after effect of torture. But at this stage the surprising finding on torture is psychological and mind may be related to the memory of tortures. Names and address are not important patients are told and left for patients at will. In contrast the emotions attached to the specific circumstances are necessary to the therapy process.

Secondly initial setting the victim starts to recollect life before torture and gradually moves on to the day of arrest, or he or she may prefer to start directly with the most traumatic event, which maybe causing trauma.

Thirdly, as the survivor recollects, the presence of repressed emotion becomes clear. These repressed emotions are addressed in a non-chronological fashion, often starting with trauma, ability to attach emotions to their memories, more and more repressed emotions are released.

As the memories are repeatedly recalled the survivor gradually begin to understand their ordeal in a new light. They realised that happened to their mind was foreseeable and that their reactions were those of a normal human beings.

2.16 HUMANITARIAN ACTION

Involvement of governments, humanitarian and human rights organisations must forge forward according to experts, much closer and to make more effective ties. As UN's failure to react to information on activities in Cambodia, Sudan and Somali), permitted those situations to get out of hand, - also even where the will

to halt violations exist the means must be present as well.

Since "1948" the UN's role in protecting human right has grown steadily. The commission on human right now is annually reviewing the records of gross violations. It also has standing task forces or rapporteur on torture, disappearances, arbitrary detention and political execution as a whole.

Governments and humanitarian organisation has agree on one thing; there is a major problem, after that many could only agree to disagree on just what the problem was, who was responsible what could be effectively be done to successfully tackle the issue. As it has be declared year 1997 the "protection of refugees and asylum seekers around the world has deteriorated over the past.

> "Torture was not only unbearable, perverse and disgusting while being administer, but continued to hunt survivors for many years".
> [20] Refugee (1993) pp. 18.

And continued on the finding that the target of the torturers destructive work were the so-called "strong personalities", people who had the courage and strength to fight repressive regimes. These people are clearly identifiable. Union members, human rights advocates, students and leaders, politicians.

The torturers were wrong when they told their victims that they would be destroyed for the rest of their lives. Rehabilitation at RCT is based on the following principles:

- Respect for individual;
- Physical and psychological symptoms must be treated at the same time;
- Securing patients trust and confidence;
- Avoiding situations which remind the patient of interrogation or torture, like a long wait;
- Carefully informing the patient about special medical examinations or treatments -ECG, EEG or surgery before these procedures are carried out; and
- Professional confidentiality must be, strictly kept during and after treatment.

A model of psychotherapy using a Borrow valuable concepts from treatment of concentration camp and survivors and modern crisis invention therapy. Refugee is based on the assumption that relief follows-when a survivor is able to confront and work through traumatic experiences. Emotions are - thus relieved and arrested, or through to consciousness and subsequently reintegrated as events of the past.

There should be an organized session of consultations of which the first should be based on building confidence and trust as the story is recollected, explaining how signs and symptoms from body decades" refugees (No. 109.11 1997).

African instruments includes people fleeing because of extending aggression, occupation, foreign domination or events seriously disturbing public order, in many part of the continent. While European union eructed a set of draft new laws making it more difficult for refugees to seek asylum and new European Union protocol encourage states not to accept asylum applications from member countries, an obvious violation of at least some of the basic provisions of the 1951 refugee convention.

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2.17 NEED FOR DEMOCRACY

Political formal in many states had cause a lot of unforeseen problems such as in Belgium where the prime Minister Jeanluc Dehaene (1998) said "all foreigners who are in Belgium legally must be integrated. Those who are in the country illegally cannot stay". Asserting the government position that there would not be any change in the asylum policies of Belgium. With regards to Belgium interior minister Mr. Laus Tobback's resign, following a Nigerian woman Semira Adama who was molested and killed by police in Belgium while asking for asylum. The state of New Zealand had suspended a visa free programme to Indonesians due to dramatic increase of the political refugees (refugees (1998). Mc-Namara (1997) stressed that the refugee problem is manageable if it is not "politically dramatized, the current system does not need to be junked, as some would insist. Existing international instruments can maintain a proper balance between safeguarding refugees rights and the legitimate concerns of states. If they are properly implement. But unless there is a renewed international

consensus among states to vigorously support the system then vulnerable refugees will not longer continue to be victims."[18]

A political refugee is always some one that desires political improved conditions in his country of origin and does not need to be shown the way home as in Nigerian case where about three to five million people left the country during the military rule, but with recent return of civilian rule, many refugees are back home.

> "Nigerian don't need to be persuaded to return home if the situations changes" confirmed by Ignitius Ozollo (1999) a leader of an organisation known as nation."[19]

In transition that monitored the Ngierian return to civilian rule. Government and humanitarian organistions did agree on one thing; there is a major problem. After that many could agree to disagree on just what the problem was, who responsible what could effectively be done to successfully tackle the issue as the year 1997 was coined annus horribles and could yet prove a watershed in the world of refugee protection as problems of trying to help increasing number of displaced.

FOOTNOTES

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16. Refugees Vol. No. 1999.

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18. Refugees Vol 2 No 113, 1998.

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CHAPTER THREE

3.1 DATA ANALYSIS

A total of 50 respondents were interviewed of which 41 representing 85 percent of male and 9 representing the female. this may be attributed to the nature of African family system, where the head of the family represents every one, unless situation necessitate their presence. Especially on official endorsement where it is considered all men affair, using office of United Nations High Commission for Refugees (UNHCR) Abuja Office. The Research also make use of the UNHCR staff and some security personnel on ad hoc duties at one time in various United Nations peace keeping countries.

Table3.1 **NATURE OF REFUGEE PROBLEMS**

RESPONSE	RESPONDENT	PERCENTAGE
Health Security Idleness	27 17 6	54 34 12
TOTAL	50	100

Source: Personal Research, 1999.

Table 3.1 shows that health has 54 percent because of environmental pollution causing an out break of diseases and high rate of congestion without social amenities like water, toilets and immediate needs. also possible need to carter for the wounded person, in case of conflict refugees.

Security is another factor that militating against the refugees because of harassment of custom and immigration at borders, the men of the under world and government security personnel either official or unofficially.

The loneliness which tied down every one of the refugees as the saying goes "an idle mind is a devil's workshop". Living every one of them in confusion and lack of proper direction.

3.2.1 ABUSES RECEIVED BY THE REFUGEES

High rate of abused are recorded on refugees especially women with 62 percent followed by children 20 percent while adult buys up the rear with 18 percent. considering the set up one could see that it is so due to the nature of creative advantage. Thus, violation occurred with in their state of origin and a bit lower in their new country.

3.2.2 LEVEL OF SECURITY BY RECEIVING STATE

About 14 percent acknowledge the provision of security while 86 percent speaks their frustration and foresee doom. Unless something is done in haste to ease their fear from the local community, security personnel and criminals disturbing them.

Table 3.2 **WHETHER LAW PREVAIL OR NOT**

RESPONSE	RESPONDENT	PERCENTAGE
Yes	8	16
No	37	74
No Comment	5	10
TOTAL	50	100

Source: Personal Research, 1999.

On Table 3.2, those who agree on the prevalence of law have 16 percent and those who feel no impact of law takes 74 percent and those that feel unsafe to speak their mind possibly out of fear or frustration takes 10 percentage, as the table shows that the higher percentage goes to no security on the fact that laws are not mate out to those abused and law is not used to prevent them by means of serious enforcement.

Table 3.3 **EXTENT OF LONELINESS**

RESPONSE	RESPONDENT	PERCENTAGE
Yes	44	88
No	6	12
TOTAL	50	100

Source: Personal Research, 1999.

Table 3.3 virtually all the respondents believe that loneliness which have 88 percent is a major problem and a very long standing one that is having a serious effect on them, followed by security health, shelter, food and so on.

Table 3.4 **TYPES OF ASSISTANCE TO THE REFUGEES**

RESPONSE	RESPONDENT	PERCENTAGE
Food-Shelter	27	54
Health	6	12
Security	17	34
TOTAL	50	100

Source: Personal Research, 1999.

Table 3.4 shows that health takes the lowest percentage, Though more pronounced than any other factor with 6 percentage. Security takes 34 percent most refugees faces all sort of indiscriminate hardship, no law no security.

Table 3.5 **ATTENTION RECEIVED FROM INTERNATIONAL BODIES (UNHCR)**

RESPONSE	RESPONDENT	PERCENTAGE
Yes	9	38
No	24	48
No Comment	7	14
TOTAL	50	100

Source: Personal Research, 1999.

Table 3.5 indicates that there is 38 percent of help offered by international aid, while 24 percent feel that the help is not there enough to be acknowledged due to its insufficiency for all and 14 percent decided not to expressed their mind for a reason best known to them.

Table 3.6 **ON JUSTICE AND DEMOCRACY**

RESPONSE	RESPONDENT	PERCENTAGE
Male Female	41 9	82 18
TOTAL	50	100

Source: Personal Research, 1999.

In Table 3.6, all the respondents male and female do not have the knowledge of how to channel their grievances, because they are not citizens of the new country and lack knowledge of international law. With different cultural and social background as such they may consciously or unconsciously break laws and they also are vulnerable to any form of human rights abuse. And 100 percent are wishing to have Democratic governance with which they believed to have a lasting peace and progress in their states of origin.

CHAPTER FOUR

CONCLUSIONS AND RECOMMENDATIONS

4.1 CONCLUSIONS

The aim of this study was to find ways and mean by which refugees problems could be given a possible lasting solution and be addressed in a more proper and effective rule under international law by nation states.

In an effort to alleviate refugees problems such as their human rights violation at:

- Borders - check points entry,
- Integration and living conditions,
- Employment, and
- Democratic rights and freedom.

KASHIM IBRAHIM

Refugees are made to undergo through humiliating scrutiny by the custom, immigration, other security personnel check points. and they are forced to pay their ways (bribery). Thereby making the refugees to prefer illegal entry through porous channels and making it very hash for them. Even those with valid papers are not spared the must give money or what the wish of the extortion officer desire.

The refugees that are lucky to scale through, faces the hardship of living conditions such as lack of decent housing facilities usually in slums and unhygienic dirty, highly crowded and lack those social facilities as water,

electricity, toilet, school hospital and security; therefore classified to those without any basic element of human rights.

The jobs offered to them are usually dangerous and an undignified. Also are not contractual binding but a poorly paid and humiliating job.

Democracy as self determinant giving room to improved conditions of human rights, remove the problems mentioned as supported by Dr. S. Bako's Handout (2000) that; they became easy target to police and immigration invasion extortion, extraditions and deportation. And most of the time live in the most insecure, alienated, isolated and discriminated conditions. On which if not addressed it could be the root to social evils like; spread of disease, reduction of normal birth rate, break up of family and community life, destitution and vagrancy, wasteful dissipation of manpower and unsatisfactory conditions of employment.

In summarising the research, an introduction to the study, statement of the problem, objectives were narrowed essentially as some of the features of the research work were carried out and commended in this chapter. the chapter also emphasis on research methodology and plan of the research work. in other words, it entails the methods used in conducting the research and how pre-work is planned. it is on this background that this chapter is chosen as an introductory chapter of the entire project. this contains the backbone features of the entire research.

In chapter two, various theories and literatures have been written to enhance efficiency and effectiveness of refugees condition, by upholding rules of international laws on various states. Some of these theories and literature were used in conducting this research. In addition, framework and reviews of these literatures were theoretically discussed, using both local and international write-ups (sources).

The research deals with specific cases of refugees and the distribution of refugees, available in the UNHRC gazettes.

The third chapter comprises of all data collected from various sources, presented and analysed accordingly. The chapter enlightened on how vital it is, to accord the refugees a humanitarian rights designed by international law. Finally, the fourth segment rounds up the chapter by summarizing all the research work by brief conclusion and necessary recommendation to ease hardship in understanding to the reader.

4.2 RECOMMENDATIONS

It is recommended on general attitudes of heads of states, not only refugees on human factor, but the basic needs was brought about in this chapter, to conclude the entire research.

Democratic governance is said to be the alternative that could bring about "hope for peace, stability and development" as declared by Heads of government of ECOWAS in 22 LOME, TOGO session. Governance should be transparent not only highly "classified document" as the word to obnoxious governance. Where Jessey Jackson was quoted saying leaders must operate in the light, not in the dark as against those that operate secretly to his subjects.

Professor Ali A. Mazrui had suggested to those under Military rule, to operate on a mixed or bi-lagislate; civilian and military governance as a half-to-half operative governance. And a possible intermediary council when at logger heads, to avoid conflict and military take overs. And this suggestion has been floored by most politicians and intellectuals.

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Detention should be a measure of last resort for newly arrived asylum seekers and in its latest guidelines UNHCR suggests the following alternatives:

> An asylum seeker could be allowed to live in the local community provided he or she reports periodically to an appropriate local authority.
> Alternatively, asylum seekers could be required to live at a specific address or within a particular administrative region pending their status determination.
> A guarantor could provide surety and be responsible for ensuring the appearance of the individual at appointments and hearings.

> Persons could be released on a "reasonable" bail.
> Asylum seekers could be housed in collective `open centres' and allowed to leave during the day.

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APPENDIX

QUESTIONNAIRE

NAME: Idris Suleiman

REGISTRATION NUMBER: MIAD/SOC.SCI/19649/98-99

I am a student in the Department of Political Sciences in Ahmadu Bello University, Zaria. I please require your assistance in filling this questionnaire which is in partial fulfillment of my course.

1. Age..... Sex:.....
2. Occupation:.....
3. Do you agree refugees suffer numerous problems like Health, Security and Idleness?
   (a) Yes [ ] No [ ]
   (b) How umpteenth time by classification? Health [ ] Security [ ] Idleness [ ]
4. Do you believe refugees suffer human rights violation? Yes [ ] No [ ]
5. What security would you say they enjoy?.....
   .....
6. Does law give adequate protection to refugees? Yes [ ] No [ ]
7. Do you think they have enough carrier placement? Yes [ ] No [ ]
8. How would you rate assistance offered to refugees? Food/shelter [ ] Health [ ] Security [ ]
9. Would you say international bodies offer the refugees any attention? Yes [ ] No [ ]
10. Do you believe democracy would be the best in offering refugees solution? Yes [ ] No [ ]