

Report on the Situation of Refugees in Mauritania:

Findings of a three week exploratory study

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Abstract

This report examines the refugee situation in Mauritania in recent years. It argues that the refugee situation in Mauritania is of interest to academics and professionals in the field who is working on forced migration and refugee issues, especially in view of the lack of literature and field research of Mauritania's refugee situation. The position/status of refugees in Mauritania is of great interest to the Forced Migration and Refugee Studies (FMRS) Programme at the American University of Cairo, Egypt (AUC).

Firstly, although Mauritania has not incorporated its international legal obligations with respect to refugees into national legislation, the recent establishment of a Human Rights Commission in Mauritania may provide a framework in which refugee rights may be realised. It is therefore an apt time to examine the efforts being made and the problems encountered, as much may be learnt for the experiences of other countries.

Secondly, Mauritania geographical location has made it a host of significant influxes of refugees from the neighbouring countries of Mali and Senegal as well as the disputed territory of Western Sahara. Being located just south of Morocco, Mauritania also provides a gateway of immigration towards the European countries.

Thirdly, its own demographic and ethnic make-up has caused refugee flows of its own, to Mali and Senegal, and the extent to which these refugees have become reinstated as full and equal Mauritanian citizens upon repatriation to Mauritania in the late 1990s is examined.

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ONE: INTRODUCTION

1.1 Introduction

A largely desert country, the Islamic Republic of Mauritania¹ forms a link between Arab Maghreb and Western sub-Saharan Africa. As such, it covers a cultural transitional area with the population divided between Arab-Berbers to the north and black Africans to the south. Mauritania is one of the least developed nations in the world. Due to a succession of massive droughts since the 1970s, a rural exodus took place from the agricultural lands towards the economic capital of Nouadhibou and the political capital of Nouakchott. At the time of visiting Mauritania, famine had struck large parts of the rural areas and World Vision International had recently established 181 feeding centres in these areas (World Vision 2002). The degree to which the population of Mauritania is living in abject poverty is striking: half of the population – up to 80% in rural areas - is still living below the poverty line on less than \$1 per day (Government of Mauritania 2002). Legal and social infrastructure remains rudimentary. Political power and economic wealth is concentrated in the hands of a few (Interview: Sall, University of Nouakchott, 11.11.02). It is somewhat paradoxical that the urban refugee population of Nouakchott finds itself in a privileged position vis-à-vis citizens - recognised refugees are able to resort to the financial assistance of UNHCR, although the successful execution of the UNHCR protection mandate can be questioned (see Chapter 6). Understanding and elaborating upon the nature and scope of the complexities caused by the various factors outlined above is beyond the scope of this report, but they should nevertheless be kept in mind when seeking to understand the situation of refugees in Mauritania.

Mauritania is party to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 New York Protocol as well as the 1969 Organisation for African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, but it has not incorporated its obligations under international law into national legislation. Since the UNHCR gained a formal mandate in Mauritania in 1998, the agency has been in dialogue to institute formal government protection of refugees, a task yet unfulfilled.

While Mauritania has produced, and is still producing refugees of its own, its geographical location has made it a host to significant numbers of refugees from the neighbouring countries of Mali and Senegal as well as the disputed territory of Western Sahara. Being located just south of Morocco, Mauritania also provides a gateway of immigration towards the European countries. Mauritania is host to over 50,000 nationals of other West African countries who seek refuge and employment, primarily in Nouakchott and Nouadhibou.

There is a general lack of information and academic literature on the situation refugees face in the Arab World, a fact which provide the impetus for this report. Several reports have been written on the same subject (Yemen, Djibouti, Morocco) or are in the planning stages (Turkey). This report provides an overview of the actors that affect refugees in Mauritania. The fieldwork also aimed at identifying individuals and institutions working with refugees and bringing their attention to the possibility of cooperating with like-minded institutions, such as the American University in Cairo (AUC), to further their knowledge and the refugee cause. The short courses offered at the AUC attracted great interest from most civil society actors. Members of the judiciary were also identified to ascertain their knowledge of refugee affairs and to establish contacts for participation in a seminar for judges on International Human Rights and Refugee Law to be held at the AUC in January 2003. Box 1.1. below outlines the threefold purpose of fieldwork in Mauritania.

¹ The Islamic Republic of Mauritania will hereafter be referred to simply as ‘Mauritania’

1.2 Outline of the report

Box 1.1 The threefold purpose of fieldwork in Mauritania

- 1 To investigate/provide an overview of the general situation pertaining to refugees in Mauritania. In particular:
 - to identify the relevant laws pertaining to refugees
 - to understand the real affects of these laws, or their absence
- 2 To identify contacts to build a network for research and advocacy regarding refugee issues, as part of a larger network throughout the Arab region and Africa
- 3 To promote the AUC Forced Migration and Refugee Studies Programme among professionals working in the refugee field, such as UNHCR and NGO staff, government officials, academics and students

The main body of the report pertains specifically to aim one above. Aims two and three of the fieldwork in Mauritania are outreach-oriented. Consequently, instead of dedicating a chapter to these aims, all contacts with whom communication was made in the pursuit of these latter two aims are compiled into an appendix at the end of the report (see Appendix B: Contacts – Mauritania 2002).

Chapter 2 discusses the fieldwork methods employed and the limitations and advantages that are inherent of this type of qualitative research.

The remainder of the report - Chapters 3 through 6 – outlines the findings of aim one. Chapter 3 examines the sources of refugee law in Mauritania in order to provide a framework for understanding the treatment of asylum-seekers and refugees in the country.

Chapter 4 documents the existence of two refugee populations whom the author of this report was not in direct contact with during the stay in Mauritania, namely the refugee population of the disputed territory of Western Sahara and the Malian refugees residing in camps on the border with Mali.

Chapter 5 provides a background to the major causes of refugee movements from Mauritania towards the neighbouring countries of Senegal and Mali during 1989-91, and examines the extent to which these refugees have become reinstated as full and equal Mauritanian citizens upon repatriation to Mauritania in the late 1990s.

Chapter 6 begins by outlining the demographic make-up of urban refugees in Nouakchott. It proceeds to discuss their socio-economic situation in order to understand the real effects of international and national law and the extent to which their rights are recognised and respected.

The report concludes in Chapter 7 by summarizing the findings of the investigation, discussing their implications and identifying areas for further research.

TWO: METHODS

2.1 Introduction

Preliminary internet-based and library research took place in Cairo in order to uncover any information relating to the status of refugees and internally displaced persons in Mauritania and to establish contacts with any institutions with a mandate to assisting and protecting refugees, i.e.

- Intergovernmental organisations (e.g. UNHCR)
- Non-governmental organisations (e.g. UNHCR implementing partners)
- Civil society (e.g. academics, mosques, churches, newspapers)
- Government officials and the judiciary

General demographic and socio-economic indicators were obtained, as were reports on the human rights situation in the country. However, except for documents published by the UNHCR, no literature was found on the particulars of the legal, social or economic conditions of refugees in Mauritania. Contacts were established prior to arrival with the United Nations Development Programme (UNDP), the Lutheran World Federation World Service in Mauritania (LWF), and Professor Cheik Saad Bouh Kamara, president of the Mauritanian Association for Human Rights.

As of today, Mauritania hosts three distinct refugee populations: the people of Western Sahara on the border to Algeria, refugees from Mali in the south of the country, and the urban refugees of Nouakchott, predominantly from Sierre Leone. There also exists a group of Mauritanian refugees who had been expelled from the country during 1989-91 towards Mali and Senegal, many of whom have returned home but failed to regain full citizenship rights. While this study will address all of these refugee situations, the main bulk of the report will focus on the urban refugees of Nouakchott because it is the only population with whom the author was in direct contact with due to time limitations and geographical constraints.

Speaking of ‘refugees’ in Mauritania posed difficulties, and I was warned by various actors on several occasions to discontinue collecting information on refugees as the ‘refugee’ terminology carried with it memories of the exodus of Black Mauritians from the country. The government denies that such an exodus ever took place. However, when explaining that I was mainly – or only – interested in the foreign refugee population in Mauritania, suspicion was somewhat lessened and I did not encounter any direct obstructions to my work.

The following sections describe how contacts were established with both refugees and actors in the field.

2.2 Refugees

The Lutheran World Federation World Service in Mauritania provided immediate access to the four representatives of the refugee community who assist in the running of their refugee project. The refugee representatives facilitated access to the urban refugee population of Nouakchott. Semi-structured interviews were held with individuals, families and groups of the refugee population from Sierre Leone, Liberia, Angola, Central Democratic Republic of Congo, and Iraq.² I met the refugees – around 50 individuals - in their homes, places of work, church services and in places of Nouakchott where refugees tend to gather. When English or French did not

² It was intended to interview all the nationalities of the refugee population of Nouakchott but I did not gain access to refugees from Ivory Coast, Central African Republic, the Sudan and Congo Brazzaville because they were living in remote areas of the city without a telephone. When calling in on them without an appointment I did not find them at home.

suffice – which it did in most cases – friends and neighbours were called in as translators. Informal in-depth interviews were conducted on a continuous basis with the assistant co-ordinator of the refugee project at LWF – Abu Bakarr Sillah - and the refugee representative responsible for community affairs – Samuel Myers. I am indebted to both for the time, energy and information they offered me throughout my stay in Nouakchott. A primary objective of this study was to provide a general overview of the socio-economic problems refugees encounter. Having identified the refugees and their places of settlement in Nouakchott facilitates future research.

2.3 United Nations

Prior to arrival, contact with the UNHCR representative in Mauritania was sought via e-mail and phone. I was requested to submit a formal letter from the American University in Cairo to explain the purpose of my visit, the kind of information I would like to obtain, as well as a note on the feed-back the UNHCR would receive from me. I was referred to the regional desk officer responsible for North Africa at UNHCR headquarters in Geneva to obtain the information I had requested. This information is currently pending. Although the UNHCR declined to meet me, the Thematic Governance Leader of the UNDP provided contacts to both governmental and inter-governmental organisations useful to my purposes. I do not believe that my failure to gain access to the UNHCR is of great significance in this report since the refugee community itself was highly organised and aware of their rights and obligations. Refugees have good relations with the UNHCR; they keep in regular touch with the office to discuss any issues that might arise.

2.4 Non-governmental organizations and civil society

The repatriation scheme for Malian refugees in 1996-98 was carried out in cooperation with the Mauritanian Red Crescent and other NGOs. However, since the termination of this scheme, UNHCR Mauritania has contracted but one implementing partner, namely the Lutheran World Federation. No other organisation in Mauritania has a specific mandate relating to refugees but many development organisations are present in Mauritania due to the lack of infrastructure and high level of abject poverty. I sought contacts to these organisations to get to know about their activities and often found that the areas targeted were the most destitute areas of Nouakchott (Sebkha, El Mina and Arafat) where most refugees have self-settled among the indigenous population. Consequently, although not an official target group, refugees are among the main beneficiaries of these development projects, in particular the urban regeneration projects of World Vision International and Caritas. The current situation of refugees in Mauritania, the objectives, successes and problems of the NGOs were identified and discussed.

Professor Kamara³ proved a valuable source of sociological information on Mauritania itself, and the general human rights situation in the country. He also provided me with personal contacts to those independent national human rights NGOs who seek to address, in particular, the abuses committed by the government in the period 1989-91. These NGOs have not been authorised by the government to operate and are therefore not easily tracked down⁴. Of particular interest were the circumstances Mauritanian refugees have faced upon returning to their former areas of habitual residence – many of whom have been rendered effectively stateless. Respect for human

³ Professor Kamara is Professor of Sociology at the University of Nouakchott. He is also the President of the Mauritanian Association for Human Rights, and the vice-President of the International Federation for Human Rights.

⁴ These NGOs include the Collective of Survivors of Political Detention and Torture, the Committee of Solidarity with the Victims of Repression in Mauritania, and the Collective of Workers Victims of the 1989 Events (see Appendix B for Contact details).

rights in Mauritania remains rudimentary, and care was taken in choosing the location of these interviews due to security concerns.⁵

Refugees do not make headlines in Mauritania. However, one opposition newspaper – *Le Calame* - who occasionally writes on refugees and accepts articles written by the refugee community was identified, and an interview was conducted with the journalist responsible for covering this topic. The World Bank Information and Documentation Centre proved another valuable source of information.

At the University of Nouakchott (the only accredited university in the country except for the National Institute of Advanced Islamic Studies) several academics were identified by the General Secretary of the University:

- **Mohamed Lemine O. Haless, Vice Dean of the University of Nouakchott**
Commissioned by NATO Defence College to write on the challenges immigration poses for security and stability in the Mediterranean region
- **Amadou Sall, Lecturer in Sociology**
Research on internal migration towards urban areas
- **Sidi Abdullai Ould Mahaboubi, Lecturer in Geography**
Patterns and structures of internal migration

While no academics are working on issues related to refugees in Mauritania itself, the interviews were very useful in understanding the demographic composition of Mauritania and its relationship to other West African States, which significantly impact on the conditions refugees live under, with regard to their freedom of movement and residence, and their right to work.

2.5 Government

The UNDP provided me with contacts to the Ministry of Justice who were helpful in both providing a legal context for the situation of refugees, supplying legal texts, as well as the names of judges in the Mauritanian judiciary. They also sought to facilitate my access to the Ministry of Interior (Direction des Libertés Publiques et Politiques) although I eventually was not granted an interview with the Director despite repeated attempts.

I established contacts to the National Office of Statistics, who provided me with primary statistics of the demographic situation of Mauritania. I spoke to the government-affiliated Commission on Human Rights, the Fight Against Poverty and Social Inclusion (Commissariat aux Droits de l'Homme, a la Lutte contre la Pauvreté et à l'Insertion) who is currently in partnership with the government and the UNDP to institute a National Plan of Action on Human Rights. It is also cooperating with the UNHCR to have refugees officially recognised by the Ministry of Interior.

2.6 Conclusion

The human rights NGOs, international development NGOs, other civil society actors and the refugee community itself were keen to 'let the world know' of the lack of human rights and democracy in Mauritania. My initial points of contact greatly facilitated access to other associations. However, the political security climate of the country – the taboo associated with the refugee terminology - meant that particular institutions, especially the government departments, proved difficult to 'break into'. The next chapters detail the results gathered relating to the objective of investigating the general refugee situation in Mauritania.

⁵ Several human rights activists expressed concern that my documents might disappear from the hostel I was staying.

THREE: SOURCES OF THE LAW

Despite the fact that Mauritania has acceded to the 1951 Geneva Convention Relating to the Status of Refugees and its associated 1969 New York Protocol as well as the 1969 Organisation for African Unity Convention Governing the Specific Problems of Refugees in Africa, Mauritania has still not adopted a national law regarding the status of refugees, nor has it established a national eligibility procedure for the granting of asylum

- UNHCR 1998

3.1 Introduction

The international and national legislation that codify refugee law and the administrative framework in Mauritania will determine refugees' legal status and actual treatment by the Government. Thus, in order to understand the types of problems that refugees face in Mauritania, it is necessary to understand this legal and administrative framework.

Mauritania is an Islamic Republic dominated by a strong presidency. The 12 July 1991 Constitution provides for a civilian government composed of an executive branch, a senate and a national assembly. President Taya has governed since 1984, for fourteen years as head of a military junta, and, since a 1992 multiparty election, as head of a civilian government. In December 1997, Taya was re-elected president in an election widely regarded as fraudulent, receiving over 90 percent of the vote.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which are open to the public. If defendants lack the ability to pay for counsel, the court appoints an attorney, from a list prepared by the National Order of Lawyers, who provides defence free of charge (US Dept. of State 1998).

Section 3.2 examines the international sources of refugee law to which Mauritania is obligated while section 3.3 considers the national sources of refugee law. Section 3.4 provides a human rights context and argues that the absence of nationally legislated rights for refugees is due, in part, to a general absence of human rights legislation in Mauritania. Section 3.5 then examines the prospects for change embodied in the recent creation of the Commission on Human Rights, the Fight Against Poverty and Social Inclusion, the governmental institution mandated to formulate a National Plan of Action on Human Rights. Section 3.6 concludes the chapter

3.2 International sources of refugee law

Mauritania ratified the 1969 Organisation for African Unity Convention Governing the Specific Aspects for Refugees in Africa on 22 July 1972 and on 5 May 1987, Mauritania signed onto the 1951 Geneva Convention relating to the Status of Refugees and its 1967 New York Protocol. It is also signatory to various other international human rights treaties which articulate a respect for refugee rights (see Appendix C). Nevertheless, despite pledges at the international level, as the quotation at the beginning of this chapter suggests, the Government of Mauritania has done little to translate its commitments into practicable national legislation.

3.3 National sources of refugee law

The Government of Mauritania has not published its ratification of the above-mentioned international treaties on refugees in its Official Journal as required by Mauritanian Law for it to take effect, but Article 80 of the Constitution provides that all international treaties take precedence over national law. That is, international law must be applied to domestic law; it need not be passed as national legislation before it can take effect. According to the *Charge de Mission* at the Ministry of Justice, if an individual is granted refugee status by the UNHCR, he or she is automatically recognized by the government (Interview: Ramdan, Ministry of Justice, 4.11.02). This policy, in theory, represents the first step towards translating international commitment into practicable national policy.

However, since the proclamation of the 1991 Constitution, there has been no significant progress on the creation of a comprehensive national refugee legislation. No administrative or other legal measures have been introduced to uphold the rights enshrined in the 1951 Geneva Convention, the 1967 Protocol and the 1969 OAU Convention, such as refugees' right to identity papers, travel documents, and family reunion. Decree No. 62.160 of 12 July 1962 published in the Official Journal on 17 April 1963 states the possibility of delivering identity cards and travel documents for refugees and stateless persons, but in practice this procedure has never been applied (UNHCR 1998).

Although it technically is the responsibility of the Ministry of Interior (Direction des Libertés Publiques et Politiques)⁶ to issue identity documents, no refugees that the author spoke to had obtained these documents. Upon recognition, the UNHCR makes recommendations to the Ministry of Interior in order for the Mauritanian authorities examine the situation of the aforesaid refugee. According to the UNHCR, the government recognized for the first time two Rwandan refugees in 1994, after the office submitted their file. Since 1989, the office transmitted more than 10 cases to the Government, but their recognition are still pending (UNHCR 1998). It is not known why only 10 cases had been submitted by the Ministry of Interior at the end of 1998, given the presence of 250 urban refugees at the time. According to the President of the Federation of International NGOs in Mauritania, the government does not want to grant refugees formal status and issue residence permits because they do not want to create incentives for refugees to arrive in Mauritania and create expectations on the part of the resident refugee population to realise their rights as formal residents in Mauritania (Interview: Coerver, FONGIM, 4.11.02).

According to the UNHCR 1998 Annual Protection report, the office has proposed on repeated occasions, in vain, to help the Mauritanian government to create legal texts for the application of international instruments related to the status of refugees and to not only provide technical assistance but entirely finance the development and the issuance of travel documents and identity cards. It should, however, be noted that the administrative system of the government of Mauritania is rudimentary. For example, there is no obligation on the part of the indigenous population to register births and deaths in Mauritania. Consequently, Mauritania does not have an exhaustive registry of the Mauritanian population.

The absence of national refugee legislation means that asylum-seekers and refugees are treated no differently under the law from any other foreigners on the territory of Mauritania. Treating refugees as foreigners ignores the particularly vulnerable situation of refugees. This creates many problems for urban refugees discussed in detail in Chapter 7.

⁶ Despite repeated attempts, it was not possible for the author to secure an interview with the Ministry of Interior (Direction des Libertés Publiques et Politiques).

3.4 Human Rights Framework

The lack of national legislation concerning the status of refugees must be seen in the light of a general deficit of human rights legislation in general. The envisaged implementation of a National Plan of Action on Human Rights (NPAHR) has the potential to create a framework in which the protection of human rights, hereunder refugee rights, can be realised (see Section 3.5).⁷ The fundamental rights and freedoms enshrined in the 1991 Constitution are subject to chronic violation by the authorities. Human rights violations, including political killings, ‘disappearances’ and torture, were widespread during the late 1980s and early 1990s. More than 500 black Mauritians were reportedly killed in military custody in 1990 and 1991 (see chapter 5). The Mauritanian authorities have consistently prevented investigations into past human rights violations.⁸ Human rights organizations, the media and opposition political parties operate with great difficulty in Mauritania. The press is subject to censorship by the authorities, and political opposition parties are banned with regular intervals.

The Constitution provides for freedom of association (Art. 10); however, the Government circumscribes the efforts of some NGOs by denying them official recognition. In 1998, a number of prominent human rights defenders were arrested, tried, convicted and sentenced to prison terms for having operated without government authorisation.⁹ For example, the Mauritanian Association for Human Rights (MAHR) was set up in June 1991 and an application for formal recognition was submitted to the Ministry of Interior (Droits Libertes Publiques et Individuel), as required by law. According to a law on associations of 1964, the government must respond within one month to a request for such an authorization. However, despite repeated requests (the last request submitted in the summer of 2002), no response has been received from the Ministry of Interior. In the fall of 1991, MAHR filed a request to the Supreme Court to judge the legality of the non-response from the Ministry of Interior. As of today, the Supreme Court has not replied to the request (Interview: M’baye, MAHR 30.11.02, FONADH 2002).¹⁰ Meanwhile, the government has approved the establishment of more than 600 NGOs in various fields, but those NGOs relating to human rights are “more adequately termed GONGOs” [government-organised non-governmental organisations] (Interview: M’Baye, MAHR 30.11.02).

The National Forum of Human Rights NGOs (FONADH) was set up in 2000 as an umbrella association of those independent human rights organisations not recognised by the government. FONADH mainly comprises of NGOs that seek to fight government impunity for the human rights violations committed by the government when more than 70,000 Black Mauritians were

⁷ Negotiations between the Ministry of Interior, the CDHLPI and the UNHCR are currently taking place to secure the issuance of refugee cards by the Ministry of Interior (Interview: Sillah, LWF, 31.10.02).

⁸ The MAHR set up a committee of lawyers which dealt with questions of abuse during the period of 1989-91 as well as a committee of doctors who provided medical attestations of alleged human rights abuses. These committees were prevented from functioning by the government following the denunciation of the Mauritanian authorities’ human rights record at the 1993 Vienna Conference on Human Rights (Interview: M’Baye, MAHR, 30.10.02)

⁹ More recently, the vice-president of the MAHR was refused by the state to participate on the United Nations Conference on the Rights of Women in Beijing, China. On the occasion of the 31st session of the African Commission of Human and Peoples’ Rights in May 2002 in Pretoria, FONADH had prepared a report but its delegate was prevented from participating. The report was presented by partners at the conference (Interview: Blomtan, FONADH, 7.11.02).

¹⁰ When the Director of Human Rights Promotion at the government-created Commission on Human Rights, the Fight Against Poverty and Social Inclusion was questioned on this issue, he cited internal problems within the MAHR, and further emphasised that no application submitted to the Ministry of Interior had been rejected and that those NGOs whose application is still pending with the Ministry of Interior have no obstacles to realising their activities in public (Interview: Tijani, CDHLPI, 12.11.02).

expelled by the government in 1989-90 as well as the 503 Black Mauritanian soldiers who were killed and many thousands detained by the police between November 1990 and March 1991. Representatives of most of these NGOs were interviewed by the author (Chapter 5). Because of their lack of legal status, these NGOs have no funds to operate on the national level as they receive no funding from the Ministry of Interior and are not able to fundraise in public. FONADH produces an annual report but it is not distributed widely as it would be confiscated by the Mauritanian authorities. The national activities of FONADH are further circumscribed by the fact that there exists no right of assembly without police authorization.

3.5 National Plan of Action on Human Rights

The Commission on Human Rights, the Fight Against Poverty and Social Inclusion (CDHLPI) was created in 1998 in order to lay down and implement legislation relative to these issues: "it is necessary to adopt a more consolidated approach to economic and social issues in order to resolve the problem of poverty which is the most egregious of human rights violations" (Koita in Amnesty 2002b). Although NPAHR is a modest venture as it primarily addresses very basic human rights issue (Interview: Coerver, LWF, 4.11.02), it bodes well that a programme of action has been launched. It has organised thematic days on the importance of the National Plan of Action as a participative process and convened workshops and training seminars on human rights for civil servants, national consultants as well as instructors from the civil society (Interview: Ly, UNDP, 31.10.02). The first draft of the NPAHR on the legislative framework is to be published in the first half of 2003.

The Commission is the one with the broadest stated mandate in West Africa in that it explicitly includes economic and social integration. National human rights commissions rarely address poverty alleviation and social inequities from a human rights perspective, and the Mauritanian commission is breaking new ground in formally expanding the traditional activities taken up by state human rights commissions (Interview: Tijani, CDHLPI, 12.11.02). However, attention to economic and social rights should not be a screen behind which the commission hides in order to avoid dealing with more politically sensitive civil and political rights abuses by the government. The activities of the CDHLPI does not include the human rights context particular to Mauritania, such as the measures of redress victims of human rights abuses can be expected to claim once legislation has been laid down and put into force: "People must be informed of their human rights before one can begin to address violations of these rights" (Interview: Tijani, CDHLPI, 12.11.02). No attention has been directed towards addressing the problems suffered in the aftermath of systematic human rights violations that occurred between 1986 to 1991, the issues of racial discrimination and the systematic social exclusion of the black community, as well as the harassment of human rights activists.

Of concern is the lack of collaboration with and support for the independent human rights NGOs which the government has refused to recognise. This deficiency is perhaps most accurately attributed to the commission's lack of independence from the executive branch. The prime minister appoints the commissioner and has a representative on the supervisory council charged with approving the actions of the commission (Amnesty 2002b). Because of the intimate relationship between the executive branch and the judiciary, there exists no willingness of the part of judges to be associated with the human rights cause (Interview: Ebetty, National Order of Lawyers, 7.11.02). FONADH argues that the CDHLPI merely serves as a smokescreen for the international community to pacify donors (FONADH 2002). The CDHLPI has been mandated as focal point for human rights complaints brought forward by citizens to the address of the Ministry of Justice. The most pressing issue for the CDHLPI must be to ensure its practical ability to receive and investigate human rights complaints and to take independent and effective action as laid down in its remit. No such efforts are being undertaken at the time of writing.

3.6 Conclusion

Mauritania must be commended for its willingness to sign international treaties such as the 1951 Geneva Convention to protect the rights of refugees. Yet, as described in section 3.3, the government of Mauritania has not yet translated its commitment on the international level into national legislation. Despite serious shortcomings, the creation of the Commission on Human Rights, the Fight Against Poverty and Social Inclusion is a potential progressive step towards the realisation of basic human rights within a legal framework, hopefully elaborating on a framework of rights for refugees as well. It is beyond the scope of this study to examine the relative reasons for the legislative implementation deficit related to the rights of refugees or to assess the prospects of the CDHLPI. Instead, the following chapter investigates how this failure has affected refugees and whether it has led to the abrogation of their rights.

FOUR: REFUGEES FROM MALI AND WESTERN SAHARA

Today, 4,000 Malian refugees unwilling to return home under a UNHCR repatriation scheme [during the late 1990s] have been stripped of their refugee status and are continuing to live near the Mauritania-Mali border without assistance

- Coerver, 4.11.02¹¹

4.1 Introduction

The UNHCR 2000 Statistical Overview documents the existence of 350 refugees and 29,500 persons otherwise of concern to the agency.¹² The group ‘of concern’ to the UNHCR, i.e. those people formally assisted outside the official mandate of the UNHCR can be broken down into 3,500 Malians and 26,000 from Western Sahara (UNHCR 2000).

This chapter will examine these two refugee groups ‘of concern’ to the UNHCR. Section 4.2 will briefly outline the causes and consequences of the civil unrest in Mali for the people who fled to Mauritania, while section 4.3 will provide a brief historical context to the disputed territory of Western Sahara and the consequences it has had for the displaced Saharawi population currently residing in Mauritania. Note that the author has had no direct contact with any of these refugee groups due to time limitations and geographical constraints. This section draws on internet-based research and interviews with various civil society actors in the capital of Nouakchott.

¹¹ Mr. Coerver is the President of the Federation of International NGOs in Mauritania and Representative of the Lutheran World Federation World Service Mauritania.

¹² There seems to be some confusion, however, in the statistical overview. The figures cited are taken from Table 1.2 ‘Indicative number of refugees and others of concern to UNHCR by country/territory of asylum, end-2000’ but it should be noted that Table II.6 documents the existence of 4,000 refugees, a figure that does not correspond, neither to the number of recognised refugees within the mandate of the UNHCR nor to the total number of refugees ‘of concern’ to the UNHCR.

4.2 Refugees from Mali

Until the late 1980s, successive droughts in the north of the Mali aggravated competition for water and pasture lands among the populations. These tensions produced an armed conflict which led to the flight of some 150,000 refugees (mainly Tuaregs and ethnic Moors) between 1990 and 1994.¹³ In 1991, Mauritanian authorities asked the UNHCR to intervene in the city of Bassikounou, in the Hodh Ech-Chargui region situated in the south-east of Mauritania. The UNHCR provided emergency assistance to the refugee population, numbering as many as 85,000 at its peak in 1992. The UNHCR set up camps and provided assistance in education, health, and nutrition in collaboration with the United Nations World Food Programme, the Red Crescent, and a wide range of other implementing partners (Interview: Ould Raby, Red Crescent, 3.11.02).

The Malian refugees were recognised *prima facie* by the UNHCR and no restrictions were made by the government concerning their rights to movement and residence on the territory of Mauritania. However, the Mauritanian authorities never granted the UNHCR a formal mandate to assist and protect the refugees: they did not officially recognise the location of camps in Hodh Ech-Chargui and they did not issue any identity documents other than those the refugees might have brought with them from Mali. Nevertheless, Malians were free to practice their trade but in order not to distort competition between the local population and the refugees, the authorities insisted that production activities were localised in the camps although sale was allowed in the neighbouring villages (UNHCR 1998).

In mid-1994, the UNHCR and the governments of Mauritania and Mali signed a tripartite repatriation agreement. Renewed violence in Mali, however, produced an influx of 30,000 new refugees to Mauritania in 1994 and delayed large-scale repatriation. Following the peace in Mali in June 1995, the UNHCR collaborated with the Mauritanian authorities with regard to a voluntary repatriation programme, which removed blanket refugee status to the entire population (Interview: Coerver, LWF, 4.11.02). More than 20,000 refugees repatriated from Mauritania during 1995-96 and some 13,000 refugees repatriated from Mauritania in the first half of 1997 where after the voluntary repatriation programme was terminated. Many others went home on their own (UNHCR 1998). Following the departure of refugees, the UNHCR, in cooperation with the authorities of the region of Hodh Ech-Chargui, instituted a 'post-refugee' programme targeted at rehabilitating the economic and ecological environment formerly habituated by the Malian refugees. UNHCR withdrew from the Hodh Ech-Chargui region of Mauritania in June 1998, leaving behind an estimated 1,5000 individuals, determined not 'of concern' to the agency.

In 2001, the US Committee for Refugees reported that about 4,000 Malians¹⁴ remained unwilling to repatriate from the area around M'Berra, a significant increase from the 1998 figures above (USCR 2002). These individual Malian refugees are stripped of their refugee status and continue to live in the area near the Mauritania-Mail border without assistance in "refugee-like circumstances". This population is known to consist primarily of women and children. According to the representative of the Lutheran World Federation, the UNHCR is willing to provide support

¹³ The estimate above represents the average estimate put forward by various actors during interviews with the author. It seems fairly accurate in that only a little more than half of the refugee population had accessed UNHCR assistance in camps as many were known to have self-settled temporarily elsewhere (Interview: Sall, University of Nouakchott, 11.11.02). The number of Tuaregs from Mali in refugee camps was set as high as 300,000 by one respondent (Interview: Ramdan, Ministry of Justice, 4.11.02).

¹⁴ This figure is confirmed by the President of Federation of International NGOs in Mauritania (Interview: Coerver 4.11.02)

for repatriation¹⁵, but the reluctance on part of this population to return home, despite difficult conditions at the camp, indicates that they may possess real and genuine fears if they return back home. Another explanation is expressed by the Project Coordinator at Caritas, “they [Malian refugees] are not anymore refugees, they have integrated into the villages” (Interview: Dialla, Caritas, 3.11.02). The Lutheran World Federation intervened with an emergency supplementary project in Bassikounou following a poor harvest in 2000 (Interview: Coerver, LWF, 4.11.02). In September 2001, the Mauritanian government provided services, e.g. infrastructure, health and educations, but there exists “no official integration, only minimum needs are being met” (Interview: Coerver, LWF, 4.11.02)

4.3 Saharawi Refugees

Since 1906, the native Saharawi population of Western Sahara have been fighting for independence from Spanish colonial rule since its colonisation in 1884. In 1970, the political movement was officially banned. The armed struggle by the Polisario Front began in 1973, which caused an influx of Saharawi refugees from Western Sahara into Mauritania. With the end of the Spanish colonial mandate, the Saharawi Arab Democratic Republic was formed and governed in exile. However, the territorial claims of neighbouring Morocco and Mauritania continued. November 1975 saw a secret meeting between Morocco and Mauritania in Madrid which agreed on the division of the Western Sahara between the two; the northern two-thirds to Morocco and the southern third to Mauritania. Spain and Morocco were to share the territory’s phosphate deposits. The agreement provoked outrage by denying the Saharawi people the chance to determine their own fate, and Mauritania abandoned its claim in 1979. The situation with Morocco remains complicated, although a ceasefire was agreed in 1991. A United Nations presence - the Identification Commission of the United Nations for the Referendum in Western Sahara (MINURSO) - has been deployed in the region since 1991, mandated to organise a free poll to determine whether the population wish to be integrated into Morocco or remain independent. As yet, no agreement has been reached over who is eligible to vote.

Mauritania hosted an estimated 5,000 refugees from Western Sahara in 1998 (USCR 1998). In 2001, as in previous years, uncertainty about the political future of Western Sahara deterred the refugee population from returning home. 165,000 Saharawis (government estimates) are residing in four camps in the Tindouf area of Algeria (UNHCR 2002a). Although assistance is given to the Saharawi refugee population in Tindouf, an undetermined number of Saharawi refugees arrived in Mauritania during 2001 after many years of living in Algeria. The newly arrived refugees migrated to Mauritania in part because of “harsh economic conditions” in their camps in Algeria, the UNHCR reported. Refugees from Western Sahara are not recognised as refugees but rather regarded as citizens by the Mauritanian authorities. As such, the majority of these people can obtain identity papers from Mauritania (UNHCR 1998). According to Haless, the Saharawis are well integrated among the local population, mostly residing in the northwest village of Zouerte and the town of Nouahdibou (Interview: Haless, University of Nouakchott, 10.11.02). Although it is hard to distinguish Saharawi refugees from Mauritanian citizens because many originate from the same tribes, the registration of 26,426 Saharawi refugees found eligible to vote by MINURSO was completed in Mauritania in 2002 (UNHCR 2002). Although the UNHCR recognises the existence of Western Saharawis in Mauritania not only in their statistical overview but also in their 2002 Global Appeal, which seeks to raise funds for assisting and protecting refugee populations of concern to the UNHCR, the agency have had virtually no contact with them.

¹⁵ The UNHCR 2000 Statistical Overview lists 3,500 Malian refugees ‘of concern’ to the agency. However, as no assistance or protection is being granted this population, it seems fair to state that this refugee population is ‘of concern’ only to the UNHCR if accepting ‘voluntary repatriation’ to Mali.

FIVE: RETURNING MAURITANIAN REFUGEES

“The [Mauritanian] government clearly wanted to purge the country of non-Moors and the border row [with Senegal] was simply a pretext. It got worse later. The government whipped up a fake coup story and then executed hundreds of Black Mauritians in the army. You want to know what went wrong for me in 1989? My black skin. See here, my skin is black. That's all there is to it”

- Refugee in Simpson (2001)

5.1 Introduction

This chapter provides an overview of the factors that led to the exit of more than 75,000 black Mauritians (also known as *Kewri*) from the country between 1989-91. These factors include the precarious ethnic composition of Mauritania, a series of prolonged droughts of the 1970s and 1980s as well as the proclaimed government policy of ‘Arabisation’ of Mauritania (see Section 5.2).¹⁶ According to the USCR, nearly 50,000 Mauritians were refugees at the end of 2001, including an estimated 40,000 in Senegal, some 5,000 in Mali, and 4,000 in Europe and other Western countries (USCR 2002). FONADH, however, sets the number of Mauritanian refugees significantly higher at 80,000 (FONADH 2002). It is beyond the scope of this report to examine the circumstances of Mauritanian refugees,¹⁷ as is the international population displacements that have occurred as a result of severe drought.¹⁸ Section 5.3 will outline the background to the conflict of the late 1980s and early 1990s, while section 5.4 will focus on the voluntary repatriation of Mauritanian refugees. This section will examine the extent to which returning Mauritanian refugees have regained full citizenship rights. It will be showed that, although some returnees have successfully reintegrated into Mauritanian society, many more find themselves in a situation of *de facto statelessness* on Mauritanian territory.

5.2 Background to the Conflict

Mauritania straddles the seam between the Arab world and black Africa. The Mauritanian population – estimated at 2,7 million (NOS 2001) is made up by several distinct ethnic groups. The group dominating the political and economic sphere since independence in 1960 is that of white Moors of Arab-Berber descent who speak Hassaniya (a dialect of Arabic). The second group consists of black Moors, or Haratines (freed slaves) who remain culturally and

¹⁶ This Arab tendency might be best illustrated by the government’s support for Iraq in the 1991 Gulf War.

¹⁷ Mauritanian human rights organizations estimated that 80,000 or more people were still refugees, refusing to return because the Mauritanian government did not meet their demands for repatriation (organised return under the auspices of the UNHCR, return of property, recognition as Mauritanian citizens) (FONADH 2000, see also Simpson 2001).

¹⁸ Internal displacement has occurred due to droughts which have resulted in loss of livestock, marked decreases in agricultural production and desertification. According to Church World Services, the droughts have forced the nomadic population into settlements as well as causing a profound rural exodus. Though it is difficult to determine the exact number of people forced to relocate to settlements, the World Food Programme puts the figure affected by the drought at 200,000, between 30-40% of the region’s population. As recently as 17 September 2002, World Vision said that they were to establish 181 feeding centres in the central Tagant and Assaba regions of Mauritania declared as a “category one emergency”. Other relief agencies have reported that one million of Mauritania’s 2.7 million people face food shortages. On 1 September, the government said 9 of 13 regions were seriously affected (allAfrican.com 2002).

economically linked to their former masters. The principal black African tribes (also known as *Kewri*) are the Pular (who are directly related to the widely dispersed Fulani people), the Sonike and the Wolof.¹⁹

The last official population survey which distinguished between the components of the Moorish community in 1965 found that 60-70% were of white Moorish background and 30-40% were black Moors. The results of a 1977 census were never made public (Fleischman 1994). Recent official estimates are not available since this information is apparently so threatening that the government refuses to release census figures (Interview: Kamara, MAHR 1.11.02). Nevertheless, international experts estimate that the growth of the *Kewri* communities has outstripped that of the white Moor community (see Figure 5.1). This ethnic composition contextualizes most of the violent events over the past two decades, as will be shown below.

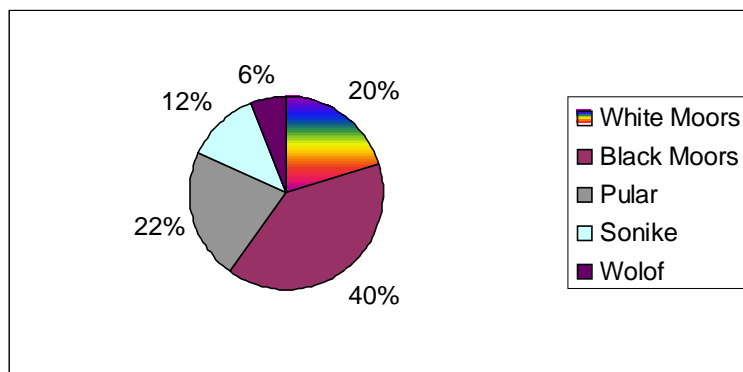


Figure 5.1 The Ethnic Composition of Mauritania²⁰

Despite the monopoly in the economic and political sphere, White Moors today account for only approximately 20% of the total population. The *Kewri* was regarded as a threat to the security and stability of the Moor dominated state, and processes of assimilating Black African Culture to Arab Culture has been taking place since independence. Other precipitant factors include an acceleration of desertification during the 1970's that destroyed much of the traditional economic basis of Moorish society,²¹ and an upsurge of Arab nationalism among White Moors during the 1980's. For example, most schools are exclusively Arabic-speaking. Discrimination are found in all socio-economic spheres; an explicit example is in a Government land reform programme in place since the early 1980's where a net redistribution of land has taken place from southerners to both Black Moors and White Moors displaced from the northern and central regions by desertification since the 1970's. It is beyond the scope of this report to account in detail for the ways in which these various factors interacted to determine the events of the late 1980s and early 1990s; it will merely focus on its consequences.

¹⁹ The *Kewri* are distributed along the Senegal River with Wolof to the west, Pular in the middle valley, and the Sonike towards the east (see map) (Interview: Sall, University of Nouakchott, 11.11.02).

²⁰ The figure displays the average of estimates of various respondents (Interview: Kamara, MAHR, MAHR, 1.11.02, Interview: Blomtan, 7.11.02, Interview: Sall, University of Nouakchott, 11.11.02)

²¹ The Moors are a traditional nomadic people of the desert and Savannah areas, but a prolonged drought in the 1970s caused a massive movement into cities such as Nouakchott. The nomadic population - some 83% of the total in 1963 - was reduced to only 25% by 1986 and 4.8% in 2001 (NOS 2001).

5.3 Mauritania's 'Campaign of Terror'

Now I am anxious to confirm here that Mauritania has never expelled any of its citizens. The events of April 1989 constituted a real tragedy for both of our peoples [Mauritanians and Senegalese]...This situation has now been put behind us. We believe that all Mauritanian citizens who are in Senegal or elsewhere are free to return to their country. This has always been the case.

- Prime Minister Ould Boubacar, May 1992

The ethnic composition of the country and the desire to control and distribute scarce agricultural resources by the White Moor elite culminated in what Human Rights Watch has called Mauritania's Campaign of Terror (1994) to eliminate black culture in Mauritania. In April 1989, ethnic confrontations occurred in Dakar, Senegal and Nouakchott because of a border dispute over farming rights and allegations of cattle raids by both countries. Partly in retaliation to the deportation of Moors from Senegal in April and May 1989 the government expelled approximately 75,000 Kewri (60-65,000 towards Senegal, 10-15,000 towards Mali), mostly residing in the Senegal River Valley. 371 villages (from the regions of Assaba, Brakna, Gorgol, Guidimake and Trarza) were entirely cleared out of their inhabitants before being renamed and yielded to the Moor population. While most of the expelled refugees were stock breeders and peasants, soldiers, civil servants and senior executives were not spared (ARMS 1995). An unknown number of thousands others fled to escape persecution during 1989-90. The Mauritanian authorities denounced the Kewri as saboteurs, Senegalese fifth columnists, or 'Mauritanians of Senegalese origin', and have in fact never officially recognised that these were refugees. The Mauritanian authorities deliberately destroyed or confiscated the certificates of birth of the expelled population (ARMS 1995). Moreover, an additional 15,000 or so nomadic Mauritanians who were in Mali during the upheaval were barred from returning.

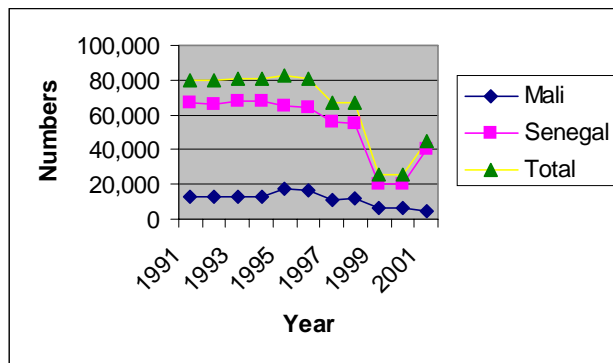


Figure 5.2 Mauritanian refugees in Mali and Senegal (UNHCR 2000, USCR 2001)

UNHCR official statistics display a marked decrease of refugees between 1996-99, where the voluntary repatriation programme took place. However, the estimated increases thereafter indicate one of two things: either the UNHCR set the estimates lower to account for its success of the voluntary repatriation programme in order to being able to conclude it, or many refugees have been leaving Mauritania after realising that their formal rights had not been reinstated upon return (see section 5.4).

Further, 503 Black Mauritanian soldiers were killed by the police in November and December of 1990 in response to an alleged plot to overthrow the government. This group was among the more than 3,000 black Africans in the military and civil service who were “arrested without charge, held in incommunicado detention, and subjected to vicious physical abuse” (Fleischman 1994) for anywhere between a couple of months to five years until they were released (Interview: Kamara, MAHR, 1.11.02). Having lost their jobs and having received no compensation for the time spent in prison, these people have not been able to reintegrate into Mauritanian society.

Despite abundant evidence directly linking high-ranking government officials to human rights abuses against black ethnic groups, the Mauritanian government refuses to acknowledge responsibility or to allow any independent investigation. In order to guarantee immunity for those responsible and to block any attempts at accountability for past abuses, an amnesty was declared by Law 93 of 14 June 1993 covering all crimes committed by the armed forces and security forces between April 1989 and April 1992 (Interview: M’Baye, MAHR, 30.10.02).

5.4 Voluntary Repatriation

The Government stated in 1992 that any Mauritanian outside the country were free to return. However, the Mauritanian authorities have refused to acknowledge blanket citizenship for the entire refugee population; they insisted that it would evaluate citizenship on a case-by-case basis. A 2-year Special Plan for Rapid Integration (PSIR) under the auspices of the UNHCR and its implementing partners began to assist returnees in mid-1996. The government of Mauritania allowed the operation but did not have any formal involvement with the repatriation project. The UNHCR undertook 223 small agriculture, water, health, education, and construction projects in 130 villages to assist returnees (Interview: Ould Raby, Red Crescent, 3.11.02). The UNHCR has documented 33,248 returnees to 4 southern provinces along the Senegal River (USCR 1998). Considering its mission completed, the UNHCR terminated its Rapid Integration programme for refugees at the end of December (US Dept. of State 1998). At the CDHLPI, the Director of Human Rights Promotion spoke of the Black Mauritians expelled from Mauritania during the event of 1989-91 as ‘refugees’, a terminology usually not employed by government officials. He stated that all Mauritians have been both formally and socially integrated into Mauritanian society (Interview: Tijani, CDHLPI, 12.11.02). Many accounts, however, point to the opposite.

The expellees who have decided to stay in Senegal and Mali have been rendered effectively stateless as neither of these three governments consider them to be refugees. They are still formally under UNHCR protection but are no longer provided assistance, apparently because the UNHCR sees no impediment to their return to Mauritania – despite the fact that the UNHCR itself has reported that attempts by many villagers to recuperate all or even part of their land have been unsuccessful (USCR 1998). Some returnees have sought to integrate in other villages that those inhabited prior to flight (Interview: Amadou, National Forum of Human Rights NGOs, 7.11.02). The MAHR relates that the voluntary repatriation programme of HCR was not in any way respected by the government. The Mauritanian state was to guarantee that everybody was able to regain their citizenship rights, but the state did not do anything other than to allow them re-entry into the country. The citizenship evaluation on a case-by-case basis did not result in the state reissuing identity documents. According to FONADH (2002) and the US Department of State (1998), returnees are excluded from public employment and have been unable to regain access to their homes; the professionals from the cities have not regained their former occupational positions, nor have the farmers regained their lands.

According to the US Department of State (1998), arbitrary arrests and intimidation of returned refugees committed by security forces were reported. There were unconfirmed reports that the security forces physically abused or detained some members of southern ethnic groups when they

tried to reoccupy their former land and homes or when trying to use the legal system to regain farmland confiscated from them. Local authorities often detained local residents involved in land disputes, or in disputes between farmers and nomads along the river.

The UNHCR estimated in 1999 that there were 20,000 Mauritanian refugees remaining in Senegal. In 2001, however, UNHCR statistics sets the number at 40,000 (USCR 1998, 2002). There is reason to believe that many returnees have been going back to Senegal because of their inability to regain their former rights in Mauritania, an observation confirmed by Professor Kamara (Interview: Kamara, MAHR, 1.11.02)

“Time does not heal. The material matters of reparation and compensation do not matter so much as does Justice”

- Interview: Aicha, Committee of Solidarity, 8.11.02

Although the Mauritanian human rights organisation’s fight against impunity is heavily obstructed by the authorities, they continue to call attention to the problems which remain unresolved 13 years after they took place. Professor Kamara related that the Mauritanian authorities regard their agenda as political, but “how can it be if all we adopt is a human rights based approach to involving the duty of memory, and the demands for truth, justice and reparation?”, he asked (Interview: Kamara, MAHR, 1.11.02). Information and documentation supplied by the NGOs led to the issuing of a statement at the 1997 session of the African Commission on Human and Peoples’ Rights demanding: (a) the return of the population expelled during 1989-90 under the auspices of the HCR. This is to include the regaining of civil status and full citizenship rights, as well as social re-integration; (b) an independent enquiry into the disappearance of Black Mauritanian officers during late 1990; (c) bringing to justice those officers who has committed human rights abuses during 1989-90 but who has been granted amnesty by the government of Mauritania; (d) reimbursement of those families who have fallen victims to such abuses, and to those families whose belongings were lost; (e) to reinstate civil servants who lost their jobs during the events of 1989-90. These demands have been recognised and reiterated by the African Commission on Human and Peoples’ Rights at its session in Algiers in 2000 (ACHPR 2000). However, as was shown in Chapter 3, the Mauritanian authorities have not carried out any measures to address these issues, despite pressures at the international level.

The next chapter will turn to the contemporary legal-administrative and socio-economic situation of non-Mauritanian urban refugees in Nouakchott, the population with whom the author was in direct contact.

SIX: URBAN REFUGEES IN NOUAKCHOTT

“I appreciate that someone come here to ask about us, how we are. It almost makes me think that we are human beings, too”

“How can the Mauritians help us refugees when they themselves are living in poverty and starving as much as me?”

- Refugee voices

6.1 Introduction

The following sections discuss the present situation of non-Mauritanian urban refugees in Nouakchott in order to understand, *inter alia*, the effects of the absence of a national refugee law. Section 6.2 details the demography of Mauritania’s urban refugee population while section 6.3 examines the refugee status determination process conducted by the UNHCR. Section 6.4 examines refugees’ access to work, education and healthcare, which largely depends on the UNHCR-Lutheran World Federation Refugee Project. Section 6.5 examines the extent to which refugees find themselves in a situation of insecurity due to discrimination and the threat of detention and deportation. Section 6.6 concludes the chapter with a summary of the findings.

This chapter is primarily based on interviews with individuals, families and groups of urban refugees in Nouakchott between 1 November and 12 November 2002. Semi-structured interviews were held with refugees from Sierre Leone (35), Liberia (4), Angola (1), Central Democratic Republic of Congo (3), and Iraq (3). I met the refugees in their homes, places of work, church services and in places of Nouakchott where refugees tend to gather.

6.2 Refugees in numbers

The majority of urban refugees²² in Nouakchott are from Sierre Leone (see figure 6.2) who began to arrive in 1997 at a time when the UNHCR was about to close their offices upon conclusion of their voluntary repatriation scheme for Malian refugees. Since then, the refugee population has been steadily increasing with 50-100 new arrivals each year (see figure 6.1). The majority are between 18 and 59 years of age (20% are under 18 years of age), 43% of the total population are female (UNHCR 2000). Mauritania has had 27 new refugee arrivals so far this year, primarily from Liberia²³ and some Sierre Leoneans who are coming from other first countries of asylum in West Africa. During the three weeks the author was in Nouakchott, two Liberians arrived in Nouakchott and submitted their claims to the UNHCR. One young Sierre Leonean arrived to join his family.

²² UNHCR states that all 350 refugees in Nouakchott are living in camps/centres as opposed to urban areas or other unknown locations (UNHCR 2000 Table III.3-4). However, there are no refugee camps or centres in Nouakchott; refugees have self-settled within the community and must therefore fall under the category of ‘urban refugees’.

²³ Most of the new arrivals from Liberia are single young men, fleeing the ongoing civil war where they are either forced to join the government forces or facing persecution as alleged collaborators with dissident forces.

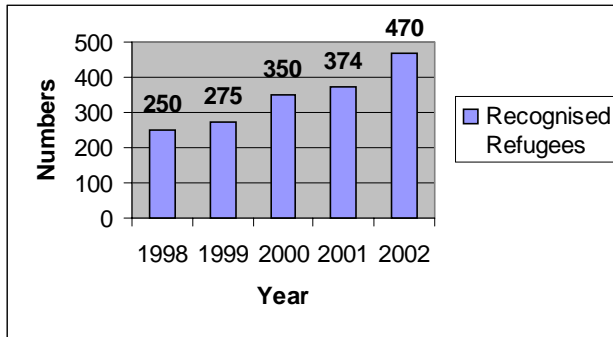


Figure 6.1 Number of Recognised Refugees (UNHCR 1998, 2000; Interview: Sillah, LWF 31.10.02)

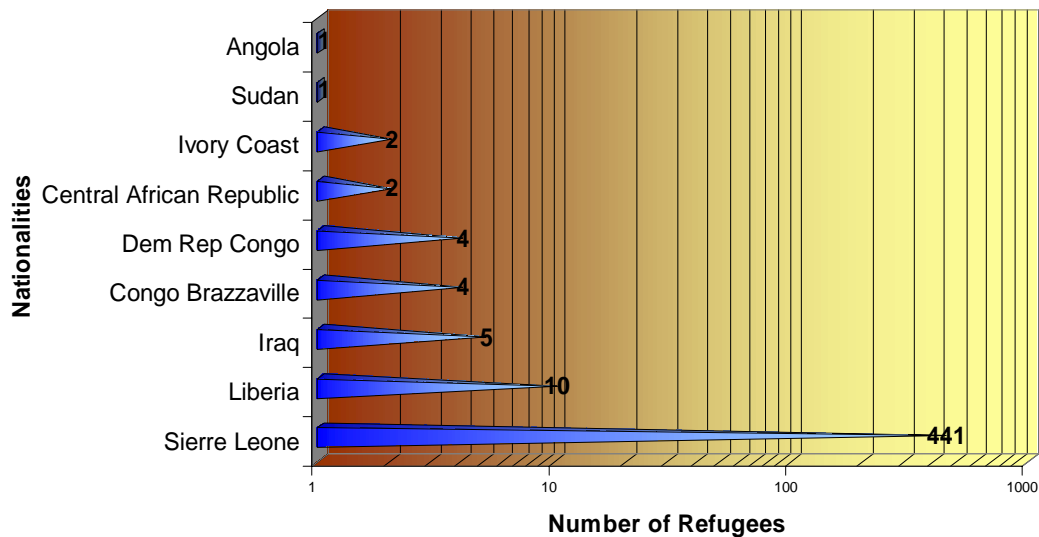


Figure 6.2 Nationality Breakdown of Recognised Refugees (Interview: Sillah, LWF, 31.10.02)

During 1998, 223 applications for asylum were submitted to UNHCR Nouakchott adding to the 27 cases pending. Whereas 185 received refugee status, 65 applicants were rejected. On 1 January 2000, UNHCR Nouakchott had 65 pending cases and an additional 137 applications came in through the year. Out of these 202 cases, 135 cases were accepted, 26 were rejected, with 44 cases still pending at year’s end (UNHCR 2000). Although the refugee population of Nouakchott is too low to generate statistically valid recognition rates, figure 6.3 below shows that, according to UNHCR 2000 statistics, the majority of refugees are recognised by the agency, except for 1999. This figure, however, excludes the unknown number of refugees judged to possess a ‘manifestly unfounded’ claim for asylum in the initial screening process. This number might be significant as UNHCR stated in its 1998 Annual Protection Report that “the majority of asylum-seekers in Mauritania are economic migrants with Mauritania representing the starting point towards European destinations” (UNHR 1998).

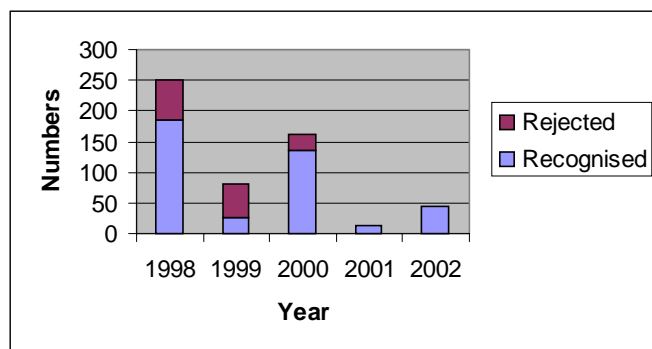


Figure 6.3 UNHCR recognition rate (UNHCR 2000)

The majority of refugees have come directly from their countries of origin to Nouakchott or Nouadhibou. Most refugees from the West African countries arrive with fishing boats to Nouadhibou²⁴, the economic capital of Mauritania because of its vibrant fishing industry. Most refugees were aware of the UNHCR prior to arrival; those who came into the harbour of Nouadhibou immediately made their way to Nouakchott. One Iraqi refugee family had taken five years (via Jordan, Egypt, Libya, Niger), before arriving in Mauritania in 1997.

6.3 UNHCR Status Determination

Due to the conflict between Senegal and Mauritania in 1989, the United Nations High Commissioner for Refugees (UNHCR) opened its office in Nouakchott in September 1989 upon request from the Mauritanian authorities. Since the end of the conflict in Mali, UNHCR maintains a limited presence in Mauritania to fulfil its mandate regarding the preparatory activities of the United Nations plan on Western Sahara, and the small number of urban refugees originating from Sierra Leone and other West African countries.

As Chapter 3 has shown, Mauritania has no legal structure to deal with the claims submitted by asylum-seekers. Hence, the office of the UNHCR in Nouakchott examines all requests for asylum. Previously, no status determination was carried out by the office in Nouakchott; it merely served an administrative function. The Protection Officer was based in Geneva and came to Mauritania on mission once or twice a year. While some refugees were lucky to arrive around the time of the UNHCR missions and had their claims for asylum dealt with within a very short period of time (three days), most asylum-seekers waited up to one year for the Geneva mission to appear in Nouakchott; this was particularly the case for Sierra Leonean refugees who arrived in 1997.

2001 saw the arrival of a permanent UNHCR Protection Officer in Nouakchott.²⁵ Since then, the status determination procedure seems to have undergone many changes to the better. According

²⁴ There was only one exception to this trajectory of flight: one Sierra Leonean had come by air from Gambia in 1998.

²⁵ In letters to the UNHCR Geneva (on file with the author), the representative of the Sierra Leonean refugees demanded the “immediate presence of a well-trained international refugee protection officer and the allowance of refugee participation in any decision that concerns the life of refugees” (Turay 1999). A former refugee representative of the Sierra Leonean refugees reports that more than one hundred letters had been addressed to the UNHCR in Geneva prior to the arrival of the Protection Officer (Interview: Sillah 31.10.02). It is not known to what extent these lobbying activities influenced the decision to institute a permanent Protection Officer in Nouakchott, but it nevertheless points to the mobilisation of social

to the refugees, refugee status determination is carried out by two persons: the senior protection officer and the national administrator. An initial screening process is carried out by the office; those refugees who are not deemed ‘manifestly unfounded’ applicants are issued an appointment slip/temporary attestation which is to provide protection during the asylum procedure. For most of the refugees that this author spoke to, status determination interviews had been postponed up to three times before the first appointment. The average number of interviews among refugee respondents were two interviews (one Angolan refugee reported to having been interviewed more than fifteen times before being granted status, suggesting that care is taken before rejecting a refugee). Following final status determination interview at the UNHCR, it usually takes between one and four months before a decision has been reached on an asylum application. UNHCR issues no official paper or refugee card to recognize this population as refugees, except for a renewable attestation which is valid for between three and six months at a time. The attestation is only a document of protection; it does not necessarily grant refugees the right to resettlement or financial assistance. Moreover, this paper is not respected by the law-enforcement authorities (see section 6.5).

It is not known according to what international law the UNHCR conducts status determination. UNHCR is to recognise refugees both according to the 1951 and 1969 Conventions, but according to the UNHCR 2000 Statistical Overview, the various refugee populations on Mauritanian territory are not grouped in either of these categories, but rather populations ‘of concern’ to the office (UNHCR 2000).

According to the refugees, reasons for rejection are given but are usually not disclosed within the refugee community: “It is a matter between the UNHCR and the refugee” (Interview: refugee, 4.11.02). The fact that reasons for rejections are not made public within the community implies that the reasons given are valid and adequate for the individual refugee not to disclose it and ask for assistance to appeal. The belief in the professionalism of UNHCR staff was expressed by many refugees: “UNHCR knows best [who is a refugee]” (Interview: refugee, 7.11.02).

When an application for asylum is pending, no assistance is granted to the refugee. Many refugees turn to the mosques and churches²⁶ as well as the Mauritanian Red Crescent who provides blankets, food, and some financial assistance to anyone deemed in need. Destitute refugees have been sleeping on the streets (one Liberian had been sleeping on the streets for three months before making contacts with some other Liberians who helped him find a place to sleep) or have been taken into one of the houses of the already settled refugees. Several refugees related that this initial assistance was insufficient and conceded that begging was a common practice. Upon recognition, refugees depend entirely on the UNHCR-funded - Lutheran World Federation-implemented Refugee Project examined below.

6.4 Access to Work, Education and Health Care

“We have no means of providing for ourselves, we are just receivers, I have surrendered myself to the UNHCR”

- Refugee

A partnership between UNHCR and Lutheran World Federation World Service Mauritania (LWF) – the only implementing partner of the UNHCR in Mauritania was initiated in April 1999:

resources within the refugee community, which has had a very positive influence on the successful execution of the Refugee Project (see section 6.4 below).

²⁶ The Catholic Church, Deeper of Life Church, and the Muslim League was repeatedly mentioned.

UNHCR determines refugee status and provides funds while LWF administers and implements the programme for 'Emergency Assistance of Individual Urban Refugees' in Nouakchott. The project started out with a total budget of \$ 60,000 (\$ 40,000 from the UNHCR and \$20,000 from the LWF). In the following years, UNHCR has entirely financed the project with \$32,000 in 2000, and \$36,000 in 2001 (Interview: Sillah, LWF, 31.10.02). The project currently employs five people: one project co-ordinator and four refugee representatives (all from Sierre Leone) who are responsible for administration, medical assistance, community affairs, and gender issues/family affairs, respectively. Further, LWF assists some rejected asylum-seekers from their own funds to national programmes on an ad-hoc basis.

The Refugee Project seems to be successful in keeping the refugee community "peaceful" (Interview: Sillah, LWF, 31.10.02) and although such a project always can benefit from more money, there was a general satisfaction among the refugees with the services provided. Of concern, however, is the projection that the training and income-generating projects are likely to stop soon. There has been no financial commitment for next year issued by the UNHCR but it "looks like it is going to continue" (Interview: Coerver, LWF, 4.11.02). The primary and age-old problem is that of insufficient resources to meet the high demand for services - the number of refugees requesting services exceeds the capacity of the NGOs to deliver. The problems caused by reduced funding to the UNHCR are exacerbated by the fact that by virtue of the status as implementing partner of the UNHCR, it is fully dependent on its funding to implement the Refugee Project.

Refugees are assisted through the distribution of food, clothing and blankets; coverage of medical bills; costs of shelter and education, the establishment of a refugee school and most recently instituted micro-credit schemes aimed at the self-reliance of the refugee population. Although the President of the LWF related that the refugee project positively discriminates by seeking to target the most vulnerable (Interview: Coerver, LWF, 4.11.02), it was found that equal amounts of assistance are given to each family. According to one of the refugee representatives, this is a relatively new policy on the initiative of the UNHCR Protection Officer to prevent conflicts within the refugee community and avoid allegations of favouritism.

An individual receives 4,000 Ouguiya (\$15) while each family unit (regardless of number) receives 6,000 Ouguiya (\$22) every second month to cover the cost of rent. These funds, however, are not sufficient; refugees pay between 3,000 Ouguiya (\$11) (for a room) and 20,000 (\$75) Ouguiya (for a house with three rooms for a family) every month. Many refugees are living together in one or two rooms. In one case, six refugees reported to live together in a 5 x 5 meters room. The majority of refugees are living in the poorest areas of Nouakchott – Cinquieme and Sixieme – in make-shift shelters, some of which are constructed from brick, while the majority are in shelters erected from corrugated iron and cardboard. Food used to be distributed every month but due to budget cuts, it has only been distributed twice thus far in 2002. A family of 2 receives 1 bag of rice, 5 litres of oil, a family of 3-5 receives 1,5 bags of rice, 10 litres oil, while a family of more than 5 receives 2 bags of rice, 20 litres of oil.

Access to employment

In accordance with Article 17 of the *1951 Geneva Convention*, Mauritania is to permit refugees the right to work.²⁷ However, not one refugee interviewed had been granted a work permit by the

²⁷ The Economic Community of West African States (ECOWAS) is constituted by Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierre Leone, and Togo. It is not only a economic community; it also guarantees the free circulation of citizens of its member states, as well as the right to residence and work. However, Mauritania withdrew

Ministry of Labour nor had they heard of any others being granted such a permit. However, most refugees interviewed believed that a work permit was not necessary to carry out labour in the sectors in which they found work. This observation is confirmed by Mr. Ebetty of the National Order of Lawyers who related that no work permits are required; due to weak administrative infrastructure, the government has adopted a *laissez faire* attitude (Interview: Ebetty, National Order of Lawyers, 7.11.02).

The 2002 UNDP Arab Human Development Report has been unable to obtain statistics on the unemployment rate in Mauritania, the most likely reason being the lack of administrative infrastructure. No sanctions are carried out against people working in the 'informal sector', in part because, except for the political and economic elite of Nouakchott, all are engaged in these sectors of the economy. Consequently, the vast number of both refugees *and* Mauritians work in what may be termed the 'informal sector'. The majority of refugees with whom the author had contact had no work but many are finding their means of living as casual labour in the Capital market, the largest trading market in Nouakchott. Others were occupied as tailors, barbers, hairdressers, carpenters, plumbers, electricians, construction workers and fish mongers. The majority were self-employed in the design and tailoring of cultural cloths. It was not possible to contact some refugees, notably those from the Central African Republic because they reportedly leave their house early in the morning and return late in the night, waiting around the harbour for some casual labour to be offered to them

The second reason that refugees were cynical about work permits is the belief that permission to work from the Mauritanian authorities provides the UNHCR with an excuse not to resettle recognised refugees but, instead, to offer local integration as its 'durable solution'. Of the refugees interviewed, all indicated that, given the choice, they would prefer to resettle in a third country rather than remain in Mauritania.²⁸ Besides the absence of suitable employment, other reasons exist behind this choice, such as discrimination and the constant threat of detention and deportation. These are examined in section 6.5 below.

Micro-credit schemes have been set up in order to create and sustain incentives for entrepreneurial activities. It began in July 2002 and has since then supported 18 groups (around 50 Sierre Leonean) and four individuals from Angola, Liberia and Central African Republic.²⁹ For these enterprises, which ranges from setting up barbershops, coffee shops and restaurants to stone carving, calligraphy and traditional cloth design, 80,000 Ouguiya (\$300) is granted for each project, which must be paid back in six months with a two months grace. Because the project has just been set up, it is not yet possible to evaluate its success. While some refugees reported that the amount was not adequate to set up a sustainable business, the refugee representative in charge of the project nevertheless said that preliminary findings via visits to the entrepreneurial sites showed a good beginning to the project. A second round of entrepreneurs will take off soon.

from ECOWAS in 2000 because the member states instituted measures to pool their funds, of consequence to the sovereignty of Mauritania, it was argued. Thereafter, the Sierre Leonean refugees in particular do not benefit from the advantages of this community. Mauritania is still a member of l'Organisation pour la Mise en Valeur du Fleuve Senegal (OMVS) who has similar aims as ECOWAS, but since it only incorporates Mali, Senegal and Mauritania, no urban refugees benefits from this scheme. These are the only countries who need not obtain visas for entry into Mauritania.

²⁸ No refugee that the author spoke to were aware of any resettlement options open for refugees in Mauritania. Nevertheless, UNHCR says that ten refugees were resettled in 1997 (UNHCR 1998)

²⁹ The selection committee for the micro-credit schemes consists of the LWF project coordinator, a refugee representative and the UNHCR national administrator and financial controller

Access to education and healthcare

Unlike the right to work, access to the rights of education and healthcare do not require permits. As signatory to the 1951 Geneva Convention, Article 22 on 'Public Education' requires Mauritania to accord refugees the same treatment as nationals with respect to elementary education and the same treatment as 'aliens' with respect to secondary and further education. Moreover, Article 24 on 'Social Security' states that refugees must be accorded the same treatment as nationals in this matter. As Mauritania provides neither free elementary education nor healthcare, access to both depend almost entirely on whether one can afford the costs. The difficulties encountered in attaining employment, however, generally mean that refugees find it difficult to afford these costs. No medical facilities are in place at the premises of the LWF, but in case of medical emergencies, the individual refugee is taken to hospital by the refugee representative responsible for medical assistance, and the treatment is being paid for. It includes all health problems, including dental problems. The only thing that the public health gives free is child vaccinations.

For minor medical problems, refugees go to the doctor themselves and are being reimbursed for their expenses, except for the consultations which amount to 3-4000 Ouguiya (\$ 4-5). There were delays for more than one month to have this money reimbursed: "Medical care and treatment is irregular, funds are sometimes delayed or not available at all" (Interview: Liberian refugees, 6.11.02). Nevertheless, according to the assistant coordinator of the project, the health care takes up the largest sum of the total budget, followed by self-reliance projects and then education.

Emphasis has been placed on the schooling of children refugees, and an accord is currently being negotiated with the Mauritanian authorities to grant the primary school official recognition following the adjustment of the syllabus to the Mauritanian curriculum. Uprooted and generally English speakers, these children need a curriculum that is both adapted to their needs and allows them to learn Arabic and French to be able to integrate into the Mauritanian educational system. Two volunteer teachers give free courses for four primary school levels for 75 children. The Canadian Fund for Local Initiatives in Mauritania provide classrooms with the necessary equipment for the children (chairs and boards) as well as school supplies. Refugees reported that there was a severe shortage of not only teachers but also of books, notebooks and other educational materials (Interviews: refugees, various occasions). The number of children enrolled in public schools is unknown but at least 4 children are known to the author (Interviews: refugees from Congo, 5.11.02 and Iraq, 9.11.02).

Adult education, teaching basic literacy skills in the afternoons and at night, was put in place this year and 20 women are currently enrolled. There are no educational opportunities for semi-educated English-speaking refugees as all courses are taught in either Arabic or French. For example, no Liberian refugees are attending school because they are all single young men whose educational requirements do not match any of the existing courses. There exists private language courses at the French Institute etc. but this is out of reach of the budget of the individual refugee (Interview: refugees, 8.11.02).

Many refugees related that they would prefer to return home that staying in Mauritania if the UNHCR was willing to provide funds. According to Coerver, UNHCR encourages repatriation and some refugees have indeed been repatriated. Two refugees returned to Freetown, one of the declared safe areas, earlier this year with the UNHCR financing their air ticket and a grant of 30,000 Ouguiya (\$140). One Sierra Leonean went back on own initiative but returned to Nouakchott because of the bad conditions; hence, he is still a recognised refugee by the UNHCR (Interview: Sillah, LWF, 31.10.02, Interview: Myers, 2.11.02, Interview: Coerver, 4.11.02).

In summary, the obstacles to obtaining work permits and access to education and health arise from the absence of clear national legislation that provides guidelines for the implementation of these refugee rights. In turn, the inability to work hinders people's abilities to access education and healthcare, rendering them in part dependent on services provided by NGOs. Consequently, it may be said that – despite good intentions - the absence of a national refugee law has led to Mauritania's abrogation of fundamental rights for refugees pertaining to employment, education and health.

Apart from the refugee project, a few other NGOs are providing assistance to the urban refugees of Nouakchott on an ad-hoc basis. Food assistance and children's products are given out by the Red Crescent once a year (Interview: Ould Raby, Red Crescent, 3.11.02) while World Vision has been supplying clothing to the most destitute refugees (Interview: Sillah, LWF, 31.10.02). The reasons why no other NGOs have engaged with the refugee community are various. Oxfam expressed the opinion that the refugee population was too small to institute a targeted project (Interview: Otanga, Oxfam, 3.11.02). Some meant that assistance to the refugee population, allegedly well-integrated and entrepreneurial, were superfluous compared to the needs of the indigenous population (Interview: Ould Raby, Red Crescent, 3.11.02). Others neglected the existence of refugees entirely and preferred to term them economic migrants: "One cannot really speak of refugees. They are not refugees but rather economic migrants moving towards Europe, Mauritania (Nouadhibou) being the point of entry. These people are not in a situation of destitution" (Interview: Dialla, Caritas, 3.11.02). Caritas points to the destitution of the indigenous population caused by famine and drought and the pressure this 'rural exodus' has generated in the urban areas. Are these people not refugees too?, the Caritas programme coordinator asked. It was observed that there exists little co-ordination of refugee affairs within the NGO community. While some NGOs were aware of the UNHCR-LWF project, the Development programme manager of World Vision was not aware of UNHCR presence in Nouakchott nor did the Secretary General of the Red Crescent know whether or not UNHCR granted assistance to refugees.

6.5 Prevalence of Discrimination, Detention and Deportation

Regardless of nationality, most refugees interviewed asserted that racism and cultural intolerance are prevalent among the Mauritians towards foreigners. However, testimonies of refugees indicate that racial and religious discrimination is not organised but is ubiquitous at various levels, amongst different nationalities and taking various forms. Many refugees recounted stories of harassment on the streets. "They shout at you, or they provoke you to get into a fight...They don't pay their goods at the markets before several weeks later...They make fun of your clothes, or they way you walk and talk" (Interview, refugee, 8.11.02).

The UNHCR attestations are issued to the effect of regularizing residence and providing protection for the refugee population. However, it was widely reported that these attestations are not respected by the law-enforcement authorities who has had no training in refugee affairs (Interview: Kamara, 1.11.02; refugees, various occasions). One refugee related that refugees are treated as enemies of Islam as the UNHCR attestation is regarded as a paper authorised and imposed by the Americans (Interview: refugee, 12.11.02).

Interviews with refugees revealed that the threat of detention was real, despite the possession of a UNHCR attestation. Refugees believed that this was due to a combination of two factors. First, as will be discussed below, the authorities appear to have little intention to actually deport people. Consequently, arresting individuals is often done with intent of extracting a bribe for the person's subsequent release. Although the entire population is harassed by police officers asking for

bribes, refugees are a particularly vulnerable and targeted group.³⁰ While some refugees have never been asked for their papers (those refugees more easily blending in with the indigenous population) the only way some refugees avoid detention is by paying bribes. While some refugees were of the opinion that no problems exist with the police “as long as you stay out of trouble”, many had been harassed. “The police spot you by looking at the way one dress and they ask you for your nationality and identity papers. If you have identity papers, they ask you for your residence permit. If you have a residence permit, they confiscate it. Rest assured, they will find a way to get your money” (Interview: refugee, 4.11.02).

Refugees are often detained without any other charge than being unable to present valid identity documents, release being conditional upon a payment to the police officer in charge. “The police does not respect refugees. Once, the police stopped me and when I was prompted to show them my identity papers, they simply confiscated them and took me to the police station until a friend of mine paid them 1,600 OG [\$2]. They said they would come back to look for me in a week when my friend had made some more money” (Refugee from Sierre Leone). So, whether or not one possesses papers and whether or not one is Mauritanian or part of the foreign population, one will be asked for identity papers or a residence permit. If one is not able to pay bribes (ranging from 500-1,500 Ouguiya (\$0.5-1.5) to the police, refugees report having been detained at the local police station for up to one week before being released. The Mauritanian Association for Human Rights reports substantial abuses in detention committed by police forces against refugees (Interview: M’Baye, MAHR, 30.10.02). Reports include documentation of the abhorrent detention conditions, including the practice of torture. Up to five detainees are kept in the same cell of 2 by 3 meters. Two thirds of the prisoners are in preventive detention and can remain anything between 2-5 years in prison without being judged (MAHR 1996)

Several cases of deportations have been reported. The most widely publicized was the incidence where eight newly arrived refugees from Sierre Leone were deported on 8 July 1999 to the Mauritanian-Senegal border. They had gone to the UNHCR to re-validate their one month attestations and to meet with the UNHCR officer mission to enquire whether any assistance might be available to them as asylum-seekers. During this meeting, “someone from the office called and ordered the police to beat and arrest the refugees” (Turay 1999). Similar incidents were reported to have taken place in 2000 and 2001. On these occasions, all refugees were detained and the majority deported. Most refugees returned to Nouakchott and were later recognized by the UNHCR. They reported to having been kept in detention for five days prior to their deportation. Individual cases of deportations were not known of within the refugee community, but the MAHR documents that when police identity checks of asylum applicants are carried out, they are taken to Rosso on the border to Senegal. The MAHR is aware of ten cases, but it could be many more who have not had the knowledge or resources to contact the organisation (Interview: M’Baye 30.10.02).

Administrative weakness in the form of a lack of understanding at the municipal (e.g. policemen not recognising a refugee card) and national level (e.g. deportation of refugees, thereby violating *non-refoulement* principle) leads to refugees’ unjust treatment. Ironically, however, it is the country’s administrative weakness and underdeveloped economy that simultaneously prevents greater injustice, because they reduce the Government’s capability to actively conduct mass detentions and deportations.

³⁰ The Mauritanian Association for Human Rights (1996) reports that citizens are also victims of arbitrary arrests in the capitals of the regions. Sometimes even the possession of the National Identity Card means little in practice. In Nouakchott, women, children and foreigners are particularly targeted (MAHR 1996).

6.5 Conclusion

The Government of Mauritania has thus far been unable to convert its international obligations towards the protection of refugees' rights into national-level policy. Although it accepts on paper the granting of refugee status carried out by the UNHCR, it does not issue any formal recognition, which in turn means that the government fails to ensure the protection of refugee rights. Despite this, the UNHCR Mauritania continues to 'offer' local integration as its primary – if not only - 'durable solution'. Yet it should not be considered as such until, at a minimum, national laws are in place that will protect refugees; national laws provide the primary structure necessary to give people a real chance of integrating. However, even with national legislation, other impediments appear to exist that prevent individuals from successfully integrating. Discrimination and difficulty in securing employment, due to the country's relatively small economy, are only two such impediments. Mauritania's inability to fulfil its international obligations appears to be due to a combination of factors. Being an underdeveloped country, it finds itself short on the resources with which to ensure that refugees' rights are protected. In addition, Mauritania's weak and unharmonised administrative structures prevent a clear and centralised policy and treatment of refugees. This is exacerbated by the absence of a national refugee law.

SEVEN: CONCLUSION

7.1 Introduction

This study has detailed the findings of three weeks' fieldwork into the general situation of refugees in Mauritania. In particular, it examined the legal context as well as the socio-economic condition of refugees. This chapter concludes the report. Section 6.2 discusses the primary aim of the study and the rationale behind this aim. It concludes with a summation of the study's main findings and identifies its central contributions to the literature on refugees in Mauritania and the Arab world. Section 6.3 concludes the report with some implications for further research.

7.2 Summary

The primary aim of this study was to investigate the general situation of refugees in Mauritania. The absence of any comprehensive literature on this topic provided the rationale for the study. The study focused on identifying the main actors and issues faced by these actors with regards to refugee affairs in Mauritania. It is hoped that this study and the contacts that were made through it will open the way for future research and advocacy towards better protection of refugee rights.

Chapter 3 pointed out that Mauritania is signatory to the relevant international treaties that espouse a commitment to protection of refugee rights. The chapter also discussed the fact that Mauritania has failed so far to translate this commitment into national legislation; its failure most starkly represented by the marked absence of national refugee legislation.

Chapters 4 and 5 dealt with three refugee populations with whom the author had no direct contact. The situation of Malian refugees refusing to return home was elaborated upon, as was the conditions for refugees from Western Sahara on Mauritanian territory. Chapter 5 laid out the background to expulsion of Mauritanian citizens from Mauritania and examined the extent to which this population have been reinstated as full and equal citizens upon return.

Chapter 6 examined the numbers of urban refugees in Nouakchott, before proceeding to examine the main issues that refugees brought up during the course of fieldwork. It elaborated on the various aspects of livelihood and the structures put in place to assist and protect refugees, such as the UNHCR refugee status determination and the Lutheran World Federation Refugee Project. Most importantly, the study found that refugees suffer from the absence of national refugee legislation because they are often treated as foreigners without the special protection of a refugee.

7.3 Implications

The refugee situation in Mauritania is of interest to academics and professionals alike in the field of forced migration because of its proximity to situations of protracted civil conflicts in West-Africa. An examination of the *general* situation in the context of a void in academic literature on the matter, however, has proven that greater research is necessary.

Longer-term research into the Mauritanian's Government's capacity and willingness to assume responsibility for refugee affairs would be highly valuable. Theoretically, Mauritania's status as an underdeveloped country means that it possibly faces problems as large as, if not greater than, those faced by governments worldwide. Consequently, research could provide insight into the problems faced by many governments and such research may contribute to policy recommendations for other nations that are host to refugees.

Finally, more structured research into the prevalence of discrimination and racism in Mauritania society towards refugees would be valuable, as many refugees interviewed asserted that it constitutes one of the largest problems they face. Time constraints on this fieldwork meant that only their perspectives were sought and presented and local Mauritians were not interviewed. As local integration is the most common 'durable solution' offered by the UNHCR, the existence of these problems needs to be addressed.

There are many more areas of the refugee situation in Mauritania that need to be better understood. The heterogeneous nature of Mauritania – being Muslim-dominated but diverse in its north-south history, its geographical features, the extent to which different areas are dominated by tribal politics and, finally, its willingness to admit refugees, yet not to fully accept them – makes it a complex refugee situation to understand.

Appendix A. Logbook

30 October 2002

- Jemba Niang, Refugee Project Coordinator, Lutheran World Federation
- Fatimata M'Baye, Vice-president, Mauritanian Association for Human Rights

31 October 2002

- Abu Bakarr Sillah, Refugee Project Assistant Coordinator, Lutheran World Federation
- Dibril Ly, Thematic Governance Leader, United Nations Development Programme
- Clement Kone, Development Program Manager, World Vision

1 November 2002

- Cheik Saad Bouh Kamara, President, Mauritanian Association for Human Rights
- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

2 November 2002

- Samuel Myers, Refugee Representative, Lutheran World Federation
- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

3 November 2002

- Isata Lamin Sesay, Refugee Representative, Lutheran World Federation
- Ali Otanga, Program Coordinator, Oxfam
- Mohamedou Ould Raby, General Secretary, Mauritanian Red Crescent
- Abdallahi Dialla, Project Coordinator, Caritas

4 November 2002

- Ilsabeth Enku, Program Manager, Terre des Hommes
- Arno Coerver, President, Federation of International NGOs in Mauritania and representative of Lutheran World Federation World Service Mauritania
- Heimud Ramdan, Charge de Mission, Ministry of Justice

5 November 2002

- Abdul Laibu, Information and Documentation Officer, World Bank
- Thiam Mamadou, Journalist, La Calame Newspaper
- Ali Kamara, President, Committee of Sierre Leonean Refugees
- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

6 November 2002

- Clement Kone, Development Program Manager, World Vision
- Mr. Diang, First Secretary, Embassy of Senegal
- Yehdih Ould Tolba, General Secretary, University of Nouakchott
- Saar Abadou Blomtan, President, Collective of Workers Victims of the 1989 Events and Executive Secretary, National Forum of Human Rights NGOs

7 November 2002

- Brahim Ould Ebetty, Secretary General, National Order of Lawyers
- Tradre Ledji, Counsellor to the President, SOS-slaves
- Saar Amadou Blomtan, President, National Forum of Human Rights NGOs
- Sy Aly Babaly, Public Diplomacy Assistant, Embassy of the USA
- Deeper of Life Church
- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

8 November 2002

- Sy Lalla Aicha, President, Committee of Solidarity with the Victims of Repression in Mauritania

9 November 2002

- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

10 November 2002

- Maimouna Alpha Sy, President, Committee of the Widows and the Collective of Survivors
- Jiddou Sounkalo, Lecturer and Chef of Department of English, University of Nouakchott
- Mohamed Lemine O. Hales, Vice Dean, University of Nouakchott
- Diallo Alassane, President, Collective of Workers Victims of Political Detention and Torture

11 November 2002

- Amadou Sall, Lecturer and Director of External Relations, Department of Sociology, University
- Sidi Abdullai Ould Makaboubi, Lecturer, Department of Geography, University of Nouakchott
- National Office for Statistics
- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

12 November 2002

- Mohamedou Ould Tijani, Director of Human Rights Promotion, Commission on Human Rights, the Fight Against Poverty and Social Inclusion
- Visit to refugee residential areas in Nouakchott; interviews with refugees, individually and in groups

APPENDIX B. Contacts of Individuals and Institutions

Mauritania: October-November 2002

Caritas

Full Name: Abdellahi Dialla
Job Title: Project Coordinator
Business Address: Rue Gandhi Ilôt VN 82
BP 515, Nouakchott
Tel: +222 525 1541 / 6560
Mob: +222 641 3659
Fax: +222 525 5178
E-mail: caritas@opt.mr or caritas@mauritel.mr

Caritas instituted a food distribution program from 1993-2000 to help Senegalese refugees from the Senegal River Valley. Caritas does not currently have any specific programs catering to the needs of refugees, but are focusing their activities on integrating rural villages

Collective of Workers Victims of the 1989 Events (Collectif des Victimes Travailleurs des Evénements de 1989)

Full Name: Saar Abadou Blomtan
Job Title: President
Mob: +222 640 8806

The Collective of Workers Victims of the 1989 Events seeks redress for government employees who lost their jobs in the events of 1989.

Mr. Blomtan is also the Executive Secretary of the National Forum of Human Rights NGOs.

Collective of Survivors of Political Detention and Torture (Collectif des Ressortissants de Détention Politique et Torture)

Full Name: Diallo Alassane
Job Title: President
Tel: +222 525 1540

The Collective of Survivors of Political Detention and Torture was established in 1996 to seek redress for abuses committed during the 1986-87 period.

Commission on Human Rights, the Fight Against Poverty and Social Inclusion (Commissariat aux Droits de l'Homme, a la Lutte contre la Pauvreté et a l'Insertion)

Full Name: Bamariam Koita
Job Title: General Director
Business Address: BP 6808, Nouakchott
Tel: +222 529 2169
Fax: +222 529 0960

Commission on Human Rights, the Fight Against Poverty and Social Inclusion (Commissariat aux Droits de l'Homme, a la Lutte contre la Pauvreté et a l'Insertion - CDHLPI)

Full Name: Mohamedou Ould Tijani
Job Title: Director of Human Rights Promotion
Business Address: BP 6808, Nouakchott
Tel: +222 529 2470
Fax: +222 529 0960
E-mail: tijani@cdhlcpi.mr

**Committee of Solidarity with the Victims of Repression in Mauritania
(Comité de Solidarité avec les Victimes de Répression en Mauritanie)**

Full Name: Sy Lalla Aicha
Job Title: President
Tel: +222 641 2518
E-mail: laicha_99@yahoo.com

The Committee of Solidarity with the Victims of Repression in Mauritania was established to seek redress for abuses committed during the 1986-87 period.

Committee for the Defense of Human Rights in Mauritania (CDHRM)

Full Name: Seybane Tandia
Job Title: Secretary General
Business Address: Kurhausstraße 6
55543 Bad Kreuznach
Germany
E-mail: seybane_tandia@gmx.de
www: <http://cdhrm.de.vu>

**Committee of the Widows and the Collective of Survivors
(Comité des Veuves et Collectif des Surviveurs)**

Full Name: Maimouna Alpha Sy
Job Title: President
Business Address: Infirmerie d'Etat au Centre Neuro-Psychiatrique
Personal Address: BP 5252, Nouakchott
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The Committee of the Widows and the Collective of Survivors comprises of widows and children of those 503 Black Mauritanian soldiers who were killed by the police between November 1990 and March 1991. The Committee demands an enquiry into these events in order to bring the perpetrators to justice and receive compensation for their losses.

Committee of Sierre Leonean Refugees

Full Name: Ali Kamara
Job Title: President

Mr. Kamara is best reached via the refugee representatives at the Lutheran World Federation (see below)

Embassy of the United States of America

Full Name: Sy Aly Babaly
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Federation of International NGOs in Mauritania (Fédération des ONG Internationale de Mauritanie -FONGIM)

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The Federation was founded in 1987. It comprises 20 international NGOs including Caritas, LWF, Oxfam and World Vision. The estimated total budget for 1999 amounted to 1,8 milliard Ouguiya.

Mr. Coerver is also the representative of the Lutheran World Federation World Service in Mauritania.

Fondation Terre des Hommes

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Fondation Terre des Hommes deals exclusively with children: street children, handicapped children, recovery of nutritional deficiencies in children as well as judicial assistance to minors in conflict with the law. It is not known how many refugee minors have benefited from the project.

Le Calame Newspaper

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Lutheran World Federation

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The Lutheran World Federation has had a presence in Mauritania since 1974. The Federation has contracted a wide range of national and international NGOs to carry out joint action on, among other projects, the Protection of the Environment and Village Reforestation Project, the Community Development and Food Security Project in the region of Brakna, Women Groups Rural Development Project, National NGO Support and Mobilisation Project, AIDS awareness project. Moreover, LWF will contribute \$20,000 to the elaboration of the National plan of Action for the promotion of Human Rights. The LWF annual budget for 2001 amounted to \$1,600,000 (LWF 2001).

Lutheran World Federation – Refugee Project

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The Mauritanian Association for Human Rights is a member of the International Federation of Human Rights and has observer status at the African Commission for Human and Peoples' Rights and the United Nations Economic and Social Council. Further, MAHR is a member of the United Nations Working Group on Contemporary Forms of Slavery, and of the World Forum on Racism Steering Committee.

Professor Kamara is lecturing sociology at the University of Nouakchott and provides human rights education to individual students and members of the National Forum for Human Rights NGOs. He is also the vice-president of the International Federation for Human Rights. He was awarded the Anti-Slavery Award in 1998 by the London-based organisation Anti-Slavery International.

Mauritanian Association of Human Rights

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Mauritanian Red Crescent

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The Mauritanian Red Crescent provides ad-hoc assistance to the urban refugees in Nouakchott. It was an implementing partner of the UNHCR in organising the repatriation of Mauritanian refugees from Senegal and Mali in 1997-8.

Ministry of Interior – Direction des Libertés Publiques et Politiques

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Ministry of Justice

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Dr. Ramdan is Charge de Mission at Ministry of Justice and is responsible for the Legal Education of Judges and Civil Servants. He is also responsible for the National Plan of Action for Human Rights currently being formulated with the Human Rights Commission in Geneva and the Mauritanian Commission on Human Rights, the Fight Against Poverty and Social Inclusion.

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Kasia's contact

***National Forum of Human Rights NGOs
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FONADH was set up in November 2000 in order to coordinate the work of 13 independent human rights associations. The mandate of FONADH includes: (1) creating awareness in civil society of what constitute human rights; (2) acting in defence of human rights by exposing human rights abuses; (3) educating human rights advocates, (4) exchanging information; (5) monitoring the implementation of the recommendations made by the African Commission on Human and Peoples' Rights in May 2000; (6) Establishing external relations to the international community, to promote cooperation as well as to establish credibility.

National Office for Statistics

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Mr. Lagdouf is interested in collecting statistics on the ethnic composition of Mauritania as well as the number of foreigners in the country.

***National Order of Lawyers
(Ordre National des Avocats, ONA)***

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The National Order of Lawyers comprises all 230 lawyers with a license to practice in Mauritania. Around ten lawyers have specialised on human rights issues and many recent graduates are expressing interest in becoming human rights lawyers.

Oxfam

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Oxfam is working to bring about changes in some key areas that will enable people to break out of poverty: securing livelihoods (agriculture, micro-credit schemes), promoting girls' education, preparing for and responding to disasters, preventing conflicts and working towards accountable aid and governance.

SOS Slaves Mauritania

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SOS Slaves Mauritania is a member of the International Organization Against Torture and has observer status at the African Commission of Human and Civil Rights.

SOS Slaves Mauritania

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Mr. Bukhari referred me to the Senior Legal Officer for North Africa
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Mr. Haless has recently published a paper on "Immigration: Stability and Security in the Mediterranean Region" for the NATO Defence College.

University of Nouakchott

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University of Nouakchott

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Mr. Mahaboubi has published a theses on the internal migration towards Nouakchott and its development implications.

University of Nouakchott

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Mr. Sall is interested in Mauritanian towards Dakar, Senegal where he has been studying the sociology of the immigration population.

University of Nouakchott

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World Bank

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World Vision

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World Vision assisted the UNHCR and WFP in refugee camps on the border to Mali from 1992-94 as well as the UNHCR repatriation scheme of 1995-99 of Mauritians from Senegal and Mali. World Vision does not currently have any specific programs catering to the needs of refugees, but are focusing their activities in Nouakchott on a \$1 million Urban Area Development Project, which includes health, education, micro-credit schemes and youth support. This project targets inhabitants of the quarter of Arafat, one of the areas where many refugees have settled and are thus direct, although not targeted, beneficiaries of this project.

Appendix C. International Human Rights Treaties to which Mauritania is Signatory

- 1951 Geneva Convention relating to the Status of Refugees and its 1967 New York Protocol
(ratified 5 May 1987)
- 1956 International Convention on the Abolition of Slavery and its 1962 Protocol
(signed 6 June 1986)
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination
(ratified 13 December 1988)
- 1966 International Covenant on Civil and Political Rights
(signed December 1999)
- 1966 International Covenant on Economic, Social and Cultural Rights
(signed December 1999)
- 1969 Organisation for African Unity Convention Governing the Specific Aspects for Refugees in Africa
(ratified 22 July 1972)
- 1979 Convention on the Elimination of All Forms of Discrimination against Women
(signed 20 May 2000)
- 1981 African Charter on Human and Peoples' Rights
(ratified 26 June 1986)
- 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
(signed 1991)
- 1989 Convention on the Rights of the Child
(ratified 8 April 1991)

(Commission for Human Rights, Fight Against Poverty and Integration 2000, Arab Human Development Report 2002)

Appendix D. The Practice of Slavery in Mauritania

Mauritania has officially abolished slavery three times: once under French colonial rule in 1905, at independence in 1960 and again in 1980. Accompanying these laws, however, were no means of implementing them, such as reinserting former slaves into civil society or to define the ways the masters of slaves should be persecuted (See SOS Esclaves Report 2001, Interview: M'Baye, MAHR, 30.10.02). Slavery thus persists. Anyone escaping slavery has no legal protection, there is considerable discrimination against those who have ceased to be enslaved and there is no official will to take the necessary remedial action to fully eradicate this socially divisive system. No reliable statistics are available on the number of slaves, but estimates from human rights groups range from the low thousands to more than 100,000. The U.S. State Department set the figure at 90,000 in 1994, its most recent estimate (Castillo 2002).

The Mauritanian government has on occasions flatly denied the existence of slavery and related human rights abuses. In September 2001, a representative told the UN Committee on the Rights of the Child that: "Mauritanian society has never known servitude, exclusion or discrimination, either in the pre-colonial or colonial period or since independence, and so no vestiges of such practices could thus persist" (Amnesty International 2002:4).

Virtually all cases of slavery in Mauritania concern individuals whose ancestors were enslaved many generations ago. Birth continues to impose slave status on different ethnic groups, whereby they are viewed as slaves by some and as servants or family retainers by others. They typically work as herders of livestock, agricultural workers and domestic servants, but remain completely dependent on their traditional masters to whom they pass virtually all the money they earn or for whom they work directly in exchange for food and lodgings.

There is no penal sanction for employing forced labour, as required by Article 25 of the ILO Convention No. 29 on Forced Labour, and the prohibition against forced labour under the Labour Code is extended to cover all work relationships, even when they are not covered by a contract. SOS-Esclaves stresses that the documented cases represent the tip of the iceberg as most people held in servitude will not overcome the internalized set of values which makes people of slave descent believe that they should remain living with, and working for, the families which enslaved their parents or ancestors. In theory, many could flee their masters, but they lack the ability to make that decision or the resources to escape. Most are deprived of any education and have deep tribal and communal bonds to their oppressors. They thus submit to their current exploitation because they see no alternative options in terms of where they would live or work (UN Commission on Human Rights 2002).

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