

Comparative table of required standards of treatment for selected rights of refugees

	Responsibilities to State	Non-discrimination	Freedom of Movement	Unlawful presence	Expulsion	Non-refoulement	Naturalization	Identity Papers	Travel Documents	Residence	Work (wage-earning employment)	Work (self-employment)	Work (liberal professions)	Property
1951 Convention	Art. 2 – conform to national laws and regulations	Art. 3 – provisions of Convention without discrimination as to race, religion or country of origin	Art. 26 – move freely within territory subject to regulations applicable to aliens generally, for refugees lawfully in territory	Art. 31 – no penalties for illegal entry if coming from life or freedom threatening territory and present without delay and show good cause for illegal entry or presence	Art. 32 – only on grounds of national security or public order, for refugees lawfully in territory, following due process of law; opportunity to obtain admission to third country	Art. 33 – no return to territories where life or freedom threatened for Convention reasons except danger to security of country or convicted particularly serious crime and danger to community	Art. 34 – as far as possible states shall facilitate the assimilation and naturalization of refugees and in particular expedite proceedings and reduce applicable fees	Art. 27 – state shall issue identity papers to refugees who do not possess valid travel documents	Art. 28 – state shall issue to refugees except where compelling reasons of national security or public order, for refugees lawfully staying in territory		Art. 17 – most favourable treatment accorded to nationals of a foreign country in same circumstances, for refugees lawfully staying in territory; exemption from restrictive measures against aliens after 3 years’ residence or if spouse or child nationality of host country	Art. 18 – for self-employment in agriculture, industry, handicrafts, commerce and establishment of commercial and industrial companies, for refugees lawfully in territory, treatment as favourable as possible and not less favourable than that accorded to aliens generally in same circumstances	Art. 19 – for refugees lawfully staying in territory who hold diplomas recognized by competent authorities of host state, treatment as favourable as possible and not less favourable than that accorded to aliens generally in the same circumstances	Art. 13 – for acquisition of movable and immovable property, treatment as favourable as possible and not less favourable than that accorded to aliens generally in the same circumstances
1969 OAU Convention	Art. III – conform to national laws and regulations; prohibited from subversive activities against any Member State	Art. IV – provisions of Convention without discrimination as to race, religion, nationality, membership of a particular social group or political opinion				Art. II(3) – no rejection at frontier or return or expulsion where would compel return to or remain in territory where life, physical integrity or liberty threatened			Art. VI – states shall issue travel documents to refugees lawfully in territories except where compelling reasons of national security or public order	Art II(5) – if refugee no right to reside in any country, may obtain temporary residence in first country where presented pending resettlement to another OAU country				
ECOWAS Treaty and Protocols	SP86 Art. 5 – acquisition of ECOWAS residence card or permit mandatory (to take advantage of entitlements in Protocols)	SP85 Art. 7(5) – community citizens same conditions as nationals to prosecute and defend rights SP90 Art. 4 – non-discriminatory treatment in establishment and services for nationals and companies of other member states except where exigencies of public order, security or health SP 90 Art 7(1) – no confiscation or expropriation of assets or capital on a discriminatory basis	Revised Treaty Art. 3(d)(iii) – removal of obstacles to the free movement of persons Revised Treaty Art 59 – right of entry, residence and establishment	Prot Art. 4 – states can refuse admission to inadmissible immigrants under its laws SP85 Art. 3 – fundamental human rights guaranteed for illegal and expelled immigrants SP85 Art. 5 – regularization of illegal immigrants in some circumstances	Prot Art. 11 – decision to expel requires notification to citizen; expenses borne by expelling state; security guaranteed SP85 Art. 3 – reasonable time to return to country; expulsion may not violate fundamental human rights; human dignity respected SP86 Art. 13 – no expulsions en masse; individual consideration SP86 Art 14 – expulsions only based on law, with suspensive appeal, for national security, public order or morality; public health; non-fulfillment of essential condition of residence or work permit; and laws and regulations of host state	SP 85 Art. 8 – duty (on state) to inform Executive Secretariat in the event of border closure owing to internal security concerns		Prot Art. 3 – must possess valid travel document (and international health certificate) SP85 Art. 2(1) – members states to ensure their nationals traveling to the territory of another member state possess valid travel documents	Prot Art. 3 – must possess valid travel document (and international health certificate) SP85 Art. 2(1) – members states to ensure their nationals traveling to the territory of another member state possess valid travel documents SP86 Art. 3 – subject to restrictions justified on public order, public security or public health grounds, right of residence includes applying for jobs effectively offered, travel for this purpose, residing in state to take up employment in accordance with national legislation SP86 Art 5 – acquisition of Residence Card obligatory; Art 9 – harmonized, ECOWAS Card envisage (and actually realized); Art. 23 – if comply with residence rules entitled equal treatment with nationals on security of employment and related rights	Revised Treaty Arts. 3(d)(iii) and 59 - right of residence Prot Art. 2 – right of ECOWAS citizen to reside in ECOWAS member country (for purpose seeking and carrying out employment) SP85 Art 2 urges stricter control by states over illegal recruitment SP85 Art 6 states to suppress smuggling of illegal workers SP86 Art. 2 – right of residence includes seeking and carrying out income-earning employment SP86 Art 8 - delays in acquisition of ECOWAS residence card or permit cannot delay execution of employment contracts	Revised Treaty Arts. 3(d)(iii) and 59 – right of establishment SP85 defines to include access to economic activities and right to hold employment SP85 Art 2 urges stricter control by states over illegal recruitment SP85 Art 6 states to suppress smuggling of illegal workers SP86 Art. 2 – right of residence includes seeking and carrying out income-earning employment SP86 Art 8 - delays in acquisition of ECOWAS residence card or permit cannot delay execution of employment contracts	Revised Treaty Arts. 3(d)(iii) and 59 – right of establishment SP85 defines to include carrying out economic activities and setting up and managing enterprises SP90 Art. 2 – establishment includes non-salaried activities and creation and management of enterprises and companies, on same terms as for nationals	Revised Treaty Arts. 3(d)(iii) and 59 – right of establishment SP85 defines to include access to economic activities and carrying out such activities	Prot Art. 11 – property guaranteed in case of expulsion SP85 Art. 7 – host states obliged to protect legally acquired property of community citizens, no detrimental measures if not applicable to own nationals, where detrimental measures taken, compensation payable SP86 Art 17 – entitlement to transfer all or part of earnings according to modalities under national law SP90 Art 7(2) – fair and equitable compensation for confiscation, expropriation or nationalization

Full names of instruments (with short versions used in table in parentheses):

1951 *Convention relating to the Status of Refugees*

1969 *OAU Convention governing the specific aspects of refugee problems in Africa*

1975 *Treaty of ECOWAS* (Treaty)

1979 *Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment* (Prot)

1985 *Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment* (SP85)

1986 *Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment* (SP86)

1989 *Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment* (SP89)

1990 *Supplementary Protocol A/SP.2/5/90 on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment* (SP90)

1993 *Revised Treaty of ECOWAS* (Revised Treaty)