

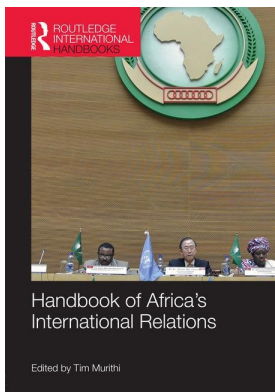
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Tim Murithi

### **Africa, refugees and internally displaced persons**

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# Africa, refugees and internally displaced persons

*Kwesi Sansculotte-Greenidge*

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## Introduction

In the vast majority of cases, the movement of refugees and internally displaced persons (IDPs) is a complex and often chaotic affair. The events prior, during and after their flight leave them scarred both emotionally and physically. In addition to mental trauma, they suffer from the very real loss of country, community, family, prestige, dignity and property. Social bonds and familial relations are often torn asunder; as a result, displacement can become the focus for far-reaching social and cultural change and upheaval. The issue of refugees and IDPs in Africa, collectively known as forced migrants, is a controversial one for the continent. Distinct from economic migrants, forced migrants represent the bulk of population movements on the continent. While the former pertains to migrants who leave their respective country of residence and settle elsewhere in search of economic opportunities or employment, the latter refers to population movements caused by social and political upheavals including, but not limited to, armed conflicts, human rights violations, natural disasters, etc.<sup>1</sup> The key feature of refugees and IDPs is the involuntary nature with which they leave their communities and home states. Forced migrants differ from voluntary migrants since they leave their homes because of changes that make it impossible for them to reside there without fear of death or persecution. As Kunz contextualizes it, while immigrants are *pulled* or attracted to the new lands by opportunities, forced migrants on the other hand are *pushed* out of their homelands.<sup>2</sup>

In the most basic terms Africa is home to two categories of victims of forced displacement: refugees and internally displaced persons; both, however, are victims of the continent's failure not only to protect its citizens from persecution but, more importantly, Africa's inability to find durable solutions to conflicts. Official responses to displacement by both the international humanitarian community (donors, the United Nations (UN) agencies and implementing partners) and national governments have long been informed by a combination of political priorities and rights-based imperatives. Where the two are mutually reinforcing official responses to displacement can be rapid, well-resourced and effective. When rights and political priorities conflict, humanitarian principles are often compromised in the pursuit of short-term or national interests.<sup>3</sup>

The refugees and IDPs affected by forced displacement can be found in three different situations: emergency, initial and protracted displacement. *Emergency situations* occur when people are forced by conflict, violence, or persecution to leave their places of habitual residence or decide on their own to flee the dangers of conflict and move elsewhere in search of safety in

large numbers within relatively short periods of time. *Initial displacement*: in some situations, displacement may last only a few weeks or months but in most cases people will remain in displacement for some time. *Protracted situations* are IDP or refugee situations that, in addition to their prolonged nature, exhibit two key characteristics: the process of finding durable solutions have stalled; and the displaced are marginalized as a consequence of violation or lack of protection of human, economic, social and/or cultural rights.

## Legal dimensions

The status and definition of who is a refugee or IDP is determined by international and regional legal frameworks. The 1951 UN Convention of Refugees was the first legally binding treaty for displaced groups. Specifically the 1951 Refugee Convention relating to the Status of Refugees and its 1967 Protocol defines a refugee as:

any person who lives outside his own country and is unable or unwilling to return to his/her country or to avail him/herself to the protection of his/her government because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.<sup>4</sup>

The 1969 Organization of African Unity (OAU) Refugee Convention broadens this definition to include any person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his/her country of origin or nationality, is compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality (article 1(2)). Thus, the 1969 OAU Convention was very much a document steeped in the politics of anti-colonialism and struggles against white minority regimes. In West Africa the provisions of the five protocols relating to the Free Movement of Persons, Residence and Establishment adopted by the Economic Community of West African States (ECOWAS) in May 1979 opens opportunities for solutions to refugees from one member state residing in another by determining that ‘the Community citizens have the right to enter, reside, and establish in the territory of member states’.<sup>5</sup>

The rights of IDPs have been compiled in the 1998 UN Guiding Principles on Internal Displacement.<sup>6</sup> The Guiding Principles identify IDPs as ‘persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border’. However, while not binding in themselves, the Guiding Principles are based upon and reflect international human rights and humanitarian law.<sup>7</sup> They have been recognized by the 2005 Summit Outcome documents and the UN General Assembly as an ‘important international framework for the protection of internally displaced persons’.<sup>8</sup> Forced displacement within one’s home state, however, does not confer the same legal status as becoming a refugee. IDPs remain citizens or habitual residents of their home state and are entitled, though rarely allowed, to enjoy the rights available to the population as a whole. Another regional milestone was reached with the adoption by the African Union of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa in Kampala on 22 October 2009.<sup>9</sup> The Kampala Convention builds very much on the UN’s Guiding Principles on Internal Displacement and is carefully worded to promote regional and national measures to prevent and mitigate

the negative impacts of internal displacement. The convention also seeks to provide durable solutions.

In spite of these legal protections it is often much easier for the UN and other aid agencies to provide assistance to refugees than it is for them to assist IDPs, because in many instances individuals are actually fleeing their own governments. In such cases governments may obstruct the flow of aid or even commandeer aid for their own purposes, as in Somalia during the early 1990s. As a result refugees often have better legal protection and better access to aid. This holds true not only for Darfur and Somalia but also in most situations of displacement, as Barbara Hendrie's work on refugees in IDPs and refugees in Ethiopia highlights.<sup>10</sup> In the mid-to-late 1980s refugees from Tigray fled war in Ethiopia and moved to Sudan with little-to-no external assistance as the province was a military theatre. Those in government-controlled regions of the Ethiopian province had some access to aid but those in rebel-held areas were forced either to fend for themselves or make the dangerous journey to the Sudan, where they could receive some international support.<sup>11</sup> Thus, while there exists a body of legal instruments regulating and defining 'refugees' at both the international and regional level, it is in the implementation of these instruments that the continent faces its most severe challenges.

### A game of numbers

The current number of displaced peoples assisted by the UN's refugee agency (UNHCR) is estimated at 27.1 million IDPs and 15.6 million refugees. While refugee numbers have dropped, the actual decrease has been negligible; however, there has been a 4% rise in IDPs and a huge fall in returning refugees—to the lowest level in 20 years.<sup>12</sup> At the beginning of this decade sub-Saharan Africa was home to over 2 million UNHCR-recognized refugees, a significant reduction from the 3.4 million in 2000.<sup>13</sup> While some of this reduction is a result of large-scale repatriation, local integration of thousands of refugees in host countries has also contributed to the reduction in numbers.<sup>14</sup> Proceeding almost simultaneously to these processes of repatriation, escalating conflicts, persecution and humanitarian crises are causing new refugee and IDP movements, most notably in Sudan, the Democratic Republic of the Congo (DRC), Somalia, and more recently Libya and Côte d'Ivoire. Aside from refugees and IDPs, sub-Saharan Africa is also experiencing a crisis in terms of asylum seekers. The region registered 420,000 individual asylum-seekers in 2009, more than half of them in South Africa, which has the largest number of asylum applications world-wide and three times higher than that of the USA, the number two destination.<sup>15</sup>

The majority of refugees and displaced persons in Africa are victims of armed conflict. African states that have the largest numbers of IDPs include: Sudan, the DRC, Somalia, Uganda, Côte d'Ivoire, the Central African Republic (CAR) and Kenya.<sup>16</sup> The UNHCR's budget for sub-Saharan Africa was US\$1.12 billion in 2010. The budget for the region in 2011 totals some \$1.5 billion.<sup>17</sup> However, with an increase in the number of IDPs, a widening gap has been developing between the needs of displaced people and official responses. It is somewhat troubling that this gap has developed at precisely the same time that conflicts have become more complex in the region. As a result in many cases of displacement, communities are forced to come up with their own solutions to the problems confronting them. In the majority of cases of displacement in the Horn a dual approach has been adopted, with displaced peoples utilizing assistance from external actors to supplement their own strategies for survival.

## African responses to an African problem

South Sudanese scholar and leading expert on displacement Francis Deng cites internal and ethnic conflicts as the main causes of forced migration in Africa.<sup>18</sup> Milner goes further to argue that while migration has been a key feature of the continent's history, it was not until the advent of the anti-colonial struggle that forced migration came to the fore.<sup>19</sup> However, it was the transatlantic slave trade that marked the beginning of the epoch of forced migration on the continent. Though the system, as part of Wallerstein's 'world system', laid the foundations for the development of the capitalist world economy, its benefit to Africa was negligible.<sup>20</sup> The second current of forced migration on the continent came from the colonial policies in settler states (Algeria, Southern Africa, Kenya and, to a lesser extent, Libya, Eritrea, etc.). In these states colonial regimes and white settlers colluded to expropriate lands of entire communities. Displaced communities were purposefully resettled on infertile land that could not support large communities to create a labour reserve, in a sense creating the first African proletariats.

National policies on refugees can be categorized into two distinct periods, each with their own overriding logic and purpose. The first can be seen as an extension of the pan-Africanist politics that characterized the early independence era. During this period African states recognized refugees as products of liberation struggles against colonial or white minority regimes. The situation during this time was characterized by high levels of host community support for efforts to assist internally displaced persons and refugees—often justified through pan-Africanism, anti-colonial and anti-minority regime solidarity. During this period the international community through the offices of the UNHCR and international non-governmental organizations provided substantial amounts of assistance. These same bodies were also actively involved in finding solutions to displacement with a particular emphasis on the local integration of refugee populations.<sup>21</sup> The various host countries not only tolerated refugees but, contrary to internal law, armed and trained refugees to 'take the fight to their home states', so to speak. The consequences of such activities include cross-border attacks on both host states and countries of origin and on humanitarian personnel, refugees and civilian populations, as was the case for many communities in Southern Africa as their governments supported the struggle against white minority rule. As a result, cross-border flows are still viewed with some suspicion by many states. Some movements are perceived by host states as encroachments on their national sovereignty, especially given the tenuous control of many central governments over their border regions, such as with Darfur refugees in Chad. This support to refugees involved in armed struggle for independence continued despite the reprisals from regimes concerned, particularly in Southern Africa. After the independence of these countries and the demise of the white minority regimes, the moral and political imperative for supporting refugee populations dissipated.<sup>22</sup>

The so-called golden age of refugee and IDP policy, like so many things, came to an end with the end of the Cold War. By the 1990s a combination of economic stagnation and increased democratic competition meant that policy and practice were characterized by a retreat from the fundamental principles of asylum, international refugee law and the abrogation of the host states' responsibilities to protect forced migrants. Rather than welcoming them as comrades, states increasingly introduced restrictive measures to stem the flow of forced migrants and to remove such populations from within their territories. During this time there was a drive by African states to frame the rights or interests of states and host populations, couched in notions of citizenship, as more important than refugee rights. Several studies on the change in the refugee policy in Africa in the 1990s argue that the change was caused by the introduction of structural adjustment programmes (SAPs) and other economic restructuring policies of the World Bank and the International Monetary Fund in the 1980s.<sup>23</sup>

Beginning in the early 1990s, the international community's engagement with refugees has primarily had a dual focus. First, to provide assistance to recently displaced populations in a timely manner by delivering humanitarian assistance to refugees and war-affected populations. The second focus has been on repatriation. Brought on by geopolitical changes during the early 1990s, the push for repatriation in international refugee policies and in UNHCR policies and programmes has had profound impacts. While international support for the emergency situations is commendable, it is somewhat counterproductive, given the fact that over two-thirds of refugees in the world today are not in emergency situations but instead are trapped in protracted refugee situations.<sup>24</sup>

### The current state of affairs

Currently the vast majority of forced migrants in Africa are fleeing their own governments or forces bent on overthrowing these polities, not colonial or settler regimes. The primary cause of forced migration and displacement is the inability to deal with African conflict situations promptly; this has resulted in what can only be described as *protracted displacement situations*. UNHCR defines a protracted refugee situation as one in which 25,000 or more refugees of the same nationality have been in exile for five years or longer in any given asylum country. Based on this definition, it is estimated that some 7.2 million refugees were in a protracted situation by the end of 2010. The 7.2 million refugees were living in 24 host countries, accounting for a total of 29 protracted situations globally.<sup>25</sup>

Jamal Arafat argues that 'protracted refugee situations are neither natural nor inevitable consequences of involuntary population flows; they are the result of political actions, both in the country of origin (the persecution or violence that led to flight) and in the country of asylum'.<sup>26</sup> While some scholars<sup>27</sup> would argue that displacement populations are key causes of continuing conflict and instability since they obstruct peace processes and undermine attempts at economic development, I would argue that they are merely a symptom of the international systems to act decisively to rectify the situations that necessitated their flight. The interesting feature of these protracted situations in Africa is that for many displaced persons, particularly IDPs, while in exile their lives may no longer be at risk since the removal or containment of the civilian is often the purpose of the military activity that drove them from their homes. What ensues is an extended period, of decades in some cases, where their basic rights as citizens and essential economic and social needs are infringed upon.

Africa hosts the most complex and pressing protracted refugee situations. The majority of African refugees have been in exile for over 10 years. These include Burundians, Liberians, Eritreans, Somalis and South Sudanese. Kenya and Tanzania have two of the most challenging protracted refugee situations in Africa. Kenya has hosted a significant number of Somali and Sudanese refugees since the early 1990s, while Tanzania has hosted hundreds of thousands of refugees fleeing successive wars in Burundi and Rwanda since 1959.<sup>28</sup> Notwithstanding repatriation successes in, namely, Namibia, Mozambique and Rwanda, refugee populations from the Mano River region, Burundi, Somalia and Sudan remained unaddressed, placing a significant strain on host governments and communities.

Though there are numerous cases in which host communities continue to show solidarity and provide assistance even when governments and international actors are absent, the example of Mozambicans living along South Africa's eastern border regions is perhaps the clearest example of what is possible when there are well-established trade or ethnic connections between hosts and the displaced. There are even more cases, usually less publicized, of host communities organizing to exclude foreigners from livelihoods, social services and even territory. Indeed, a tendency towards exclusionary, often xenophobic, practices has become one of the hallmarks of contemporary responses to displacement. From riots in South Africa to the expulsion of Arabs in Niger, refugees and migrants have become political scapegoats across the continent.

The reasons for the shift in host community acceptance of refugees must be understood in light of the fact that refugees and IDPs sometimes impose a heavy burden on host communities. They can place a huge strain on the already limited existing basic services and resources. However, displacement may also have positive impacts. In cases where IDPs and refugees are allowed to obtain gainful employment and access to basic services, displacement may contribute to economic growth benefiting both the displaced and the host communities. Finding economically and socially sustainable solutions to displacement situations therefore constitutes a significant development challenge for the countries with refugees and IDPs. More so in Africa, since as pointed out by Adepoju, 'the poorest countries in Africa have had to bear the heaviest burden imposed on them in the shape of refugees'.<sup>29</sup> Additionally, because of prolonged insecurity, many people, mostly young, active and intellectual, left Africa and settled in more stable countries; thus the continent suffered a double loss due to forced migration, by forcing productive people out of their homes and compounding the brain drain.

## Conclusion

Around the world millions of refugees and IDPs struggle to eke out a living in squalid camps and urban communities in some of the most insecure and poverty-ridden parts of the world. For most of these individuals displacement is looking more like a lifelong affair. In fact, the vast majority of the world's current refugees have been in exile for closer to a decade, rather than the past norm of a few years. Such situations continue to constitute a growing challenge for the international refugee protection regime and the international community. Displacement triggered by conflict creates not only the initial humanitarian crisis, but it also retards political and development progress, especially in poor and conflict-affected states. Protracted displacement situations also leave lasting long-term negative impacts, including retarding human and social development, economic growth, poverty-reduction efforts and environmental sustainability.

Forced displacement in many cases leads to increased vulnerability through the lack of familiarity with an entirely new environment and lifestyle and to negative coping mechanisms. However, it may at times also offer new opportunities for the acquisition of new skill sets and new opportunity for resource accumulation that can make a positive contribution to a durable solution in either exile or upon return. It should be noted that educational or health conditions during the period of exile may be better or worse compared to the place of origin of those displaced, so some refugees and IDP may for the first time have access to a proper formal education. Finding economically and socially sustainable solutions to displacement situations therefore constitute a significant challenge for the host countries as well as for the international community. Finding durable solutions to forced displacement in Africa is key to meeting the Millennium Development Goals (MDGs), since displaced populations tend to be the poorest and often experience particularly difficult access to basic services.

The lack of both an international and continental approach to dealing with refugee populations and the security situations that caused their displacement has meant that programmes of assistance designed to be temporary measures are increasingly becoming semi-permanent features of the continent's humanitarian landscape. In the Horn of Africa humanitarian assistance policies are shaped less by the changing nature of conflict or the needs of the displaced than by the interests of the region's states.

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