Afrika Peacebuilding Network | Social Science Research Council | www.ssrc.org

For more information please contact the APN: apn@ssrc.org

Africa and the Global Compact on Refugees: Inclusive Policy Responses to Forced Displacement

By Amanda Coffie, Richard Alemdjrodo, Patience Adzande, and Jocelyn Perry

According to United Nations High Commissioner for Refugees (UNHCR) estimates, nearly sixty-six million people had been forced to leave their homes and migrate as a result of conflict, political violence, ethnic and religious tensions, and natural disasters as of 2016. These rather high estimates contributed to the UN’s 2016 launch of the New York Declaration for Migrants and Refugees to enshrine global commitments to the challenges posed by high levels of forced displacement, and develop concrete plans for their resolution.

This policy briefing note addresses the African Union and African governments, as well as African scholars and policymakers regarding Africa’s particular position within global displacement and migration trends. It provides recommendations in the lead-up to the adoption of the Global Compact on Refugees (GCR) at a special summit in Morocco in December 2018.

AFRICA’S REFUGEE CRISIS

About a third of the estimated total population of displaced persons are from African countries. Six of the top ten source countries for refugees—South Sudan, Somalia, Sudan, Democratic Republic of Congo (DRC), Central African Republic, and Eritrea—are in Africa, as well as five of the top ten host countries—Uganda, Ethiopia, Kenya, Democratic Republic of Congo, and Chad. These trends are complex and dynamic; over time, countries may change from refugee hosts to source countries, or vice versa. Often, countries may be both at once, such as Ethiopia and DRC.

RECOMMENDATIONS

The UNHCR should:
- Genuinely engage with, and include the voices of African refugees, as well as the particular concerns of African states and communities, to achieve the inclusive objective of the forthcoming Global Compact on Refugees (GCR).

The African Union and African governments should:
- Actively express and mobilize support for the inclusion of African perspectives on population displacement in the UNHCR GCR consultations and outcome document;
- Update the provisions of the OAU Convention, including the definition of a refugee, to ensure that it effectively addresses the emerging challenges posed by displacement;
- Work collaboratively through both the AU and Regional Economic Communities (RECs), such as ECOWAS, EAC, and SADC, and partner with African scholars to support research that addresses the root causes, drivers and consequences of displacement.

African scholars and policymakers should:
- Prioritize the use of the results of such evidence-based research findings by the AU, RECs, and African governments to inform policies and mechanisms for responding to the challenges posed by forced displacement on the continent.

Amanda Coffie is a research fellow at the Legon Center for International Affairs and Diplomacy (LECIAD), University of Ghana. She was a 2016 APN Individual Research Grant recipient.

Patience Adzande is a lecturer in the Department of Urban and Regional Planning, Benue State University, Nigeria. She was a 2017 APN Individual Research Grant recipient and a Next Generation Social Sciences in Africa fellow in 2013 and 2014.

Richard Alemdjrodo is a lecturer in the Faculty of Law at the University of Lomé, Togo. He was a 2016 APN Individual Research Grant recipient.

Jocelyn Perry is a Fulbright public policy fellow in Malawi, where she works for the Department of Refugees. Previously, she was the APN’s communications and editorial assistant.


Many countries are also on transit routes to other countries in Africa and beyond. Major challenges in protecting and supporting displaced populations include, porous borders, lack of data and documentation of refugees and Internally Displaced Persons (IDPs), and the failure of African governments to respond effectively to the drivers of forced migration.

AFRICA’S GOVERNANCE APPROACHES

To respond to these evolving trends, African countries need comprehensive legal frameworks and instruments. The only international legal norms applying specifically to refugees at the global level are the 1951 United Nations Convention and 1967 Protocol Relating to the Status of Refugees. Their definition of refugees is limited as they exclude IDPs, economic migrants, victims of natural disasters, and persons fleeing violent conflict who are not subject to discrimination amounting to persecution.3

The Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which was adopted in 1969 and entered into force in 1974, offers a broader definition of “refugee.” Because the main concern at that time was the large number of Africans fleeing conflicts arising from struggles against colonialism, the OAU Convention adopted a “prima facie” approach to refugee recognition. This entailed recognition of refugee status by states on the basis of readily apparent, objective circumstances in the country of origin giving rise to the exodus, rather than the determination of specific persecution of an individual as required under the UN Convention and Protocol.

The OAU Convention had a significant impact on the development of the 2009 African Union Convention for the Protection and Assistance of IDPs in Africa (Kampala Convention), which codified the right to protection from arbitrary displacement into a legally binding norm. Though only a regional instrument, the Kampala Convention is nevertheless indicative of the fact that African states recognized that a legal gap needed to be filled to ensure the rights of IDPs and for states to be responsible for their protection. International humanitarian and human rights organizations thus have a new advocacy tool to demand that African states provide protection and address the causes of displacement.

AFRICA AND THE GLOBAL COMPACT ON REFUGEES

The Kampala Convention’s focus on IDP issues contrasts sharply with the silence of the UNHCR’s GCR draft on the fate of IDPs. This lacuna is troubling as it excludes the protection needs of a significant category of displaced people in Africa for whom a new compact might have to be developed.

Additionally, the draft marginalizes the issue of resettlement and emphasizes aid as a solution to the current unequal burden-sharing—the majority shouldered by host-states in Africa (and others in the Global South). Increasing aid instead of expanding resettlement options for refugees, unfortunately, feeds into the narrative of keeping refugees in their “home” regions, leaving African states to continue hosting large numbers of refugees in the expectation that aid will continue to trickle in. Relying on external aid is neither a good protection policy nor a sustainable option.

Furthermore, the GCR’s non-binding nature and call for interested states to act (without a contingency plan if none takes action) betray a lack of genuine commitment to the promise of fairer responsibility sharing and provide a weak mechanism for the protection of refugees. Indeed, the Compact’s inability to demand that state parties treat refugees fairly will promote the status quo already deemed unfair by African states.

Finally, the draft’s emphasis on the need to collect “reliable, comparable, and timely data” on refugees presents implementational challenges for African States. Linking support and aid to data may result in data manipulation and deprivation of resources to African states that host large numbers of refugees because they are unable to adequately or accurately count for them.

POLICY RECOMMENDATIONS

The UNHCR should:

- Genuinely engage with, and include the voices of African refugees, as well as the particular concerns of African states and communities, to achieve the inclusive objective of the forthcoming Global Compact on Refugees (GCR).

The African Union and African governments should:

- Actively express and mobilize support for the inclusion of African perspectives on population displacement in the UNHCR GCR consultations and outcome document;
- Update the provisions of the OAU Convention, including the definition of a refugee, to ensure that it effectively addresses the emerging challenges posed by displacement;
- Work collaboratively through both the AU and Regional Economic Communities (RECs), such as ECOWAS, EAC, and SADC, and partner with African scholars to support research that addresses the root causes, drivers and consequences of displacement.

African scholars and policymakers should:

- Prioritize the use of the results of such evidence-based research findings by the AU, RECs, and African governments to inform policies and mechanisms for responding to the challenges posed by forced displacement on the continent.

---