What Promise Does the Global Compact on Refugees Hold for African Refugees?

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For too long, most refugees in Africa have been dependent on the care and maintenance programmes of the United Nations High Commissioner for Refugees (UNHCR). Critics have justifiably described refugees in Africa as ‘languishing in camps’ for prolonged periods and have accused UNHCR of ‘administering human misery’. Regrettably, this has been the case despite efforts by host States and UNHCR to provide protection. Much of the assistance provided to refugees in camps in Africa has been dehumanizing, from group status determinations to mass warehousing. It has been more about crisis management than about addressing – or even recognizing – individual needs.

It is true that many African countries have ratified international and regional refugee and human rights instruments, but somehow, they have not afforded refugees the dignity they should have. It remains prudent to bear in mind that these are the most vulnerable of persons who have narrowly escaped persecution and war-torn countries, and are seeking safety and security at their closest border. They are mostly women and children, for whom life has stood still. The application of existing refugee law is deficient in providing them with adequate protection. Does the Global Compact on Refugees (Refugee Compact) offer them any hope? Fortunately, we think it does.

The human rights approach and the narrative of sustainable development, which underscore the Refugee Compact, are precisely what make it attractive to developing countries. International solidarity sits at the centre of the Compact, involving a far broader range of stakeholders than has traditionally been the case in refugee protection:

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national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, the media, and refugees themselves (para 3). Further, the Comprehensive Refugee Response Framework (CRRF), which forms a part of the Compact, provides a mechanism for the implementation of refugee rights, a strategy to meet specific targets, and a system to measure those outcomes. It strengthens the abilities of host countries to cope with increasing numbers of refugees and, in particular, strengthens the abilities of countries on the receiving end of protracted crises.

The Refugee Compact offers new ground for hope. It shifts the prior framework away from burden sharing to responsibility sharing so that refugees are not seen as burdens but as integrated, contributing, and rights-holding members of host countries and communities. Through its four core objectives – to (i) ease pressures on host countries and communities; (ii) enhance refugee self-reliance; (iii) expand access to third country solutions; and (iv) support conditions in countries of origin for return of refugees in safety and dignity – this reframing is not only achievable but works within both ‘whole-of-country’ and ‘whole-of-society’ approaches. By mainstreaming sustainable development through each of the core objectives, the Refugee Compact directly addresses the issues that have arisen within African host countries by promoting ‘predictable and equitable burden- and responsibility-sharing’ (para 3). Such burden and responsibility sharing, as envisioned by the Compact, includes financial support (para 18), information and technology to close employment gaps through private partnerships (para 32), humanitarian support (para 23), and local and municipal support to improve infrastructure (para 37). This aid is all in an effort to ensure that the plight of host countries, host communities, and refugees is not aggravated, but improved.

The Refugee Compact builds on the sentiments expressed in the 1969 OAU Convention of minimum risk, harm, and fear, and international and intergovernmental assistance to facilitate returns, by incorporating ‘humanitarian, peacebuilding, and development interventions’ (Refugee Compact, para 88). This formula is reflective of the 2030 Agenda for Sustainable Development Goals, and together with mechanisms for livelihood and economic opportunities, facilitates dignified repatriation. The Compact’s framing of durable solutions builds on the OAU Convention’s articles on burden sharing and voluntary repatriation which suits refugee host nations, especially low-income nations, which are often in the position of hosting numbers of refugees that far exceed their capacities. Resource constraints have contributed to the inability of many Sub-Saharan African host States to extend socio-economic rights to refugees, and as noted, the OAU Convention has been silent in this regard. By contrast, the Refugee Compact addresses development and protection concurrently.

Through the implementation of the CRRF and the Refugee Compact’s sustainable development approach, African host countries stand a better chance at achieving equitable international cooperation. The CRRF creates an opportunity for economic and institutional sustainability, as well as refugee self-reliance through multi-sector aid. This is possible because the Refugee Compact offers whole-sector financial support and a recognition that low-income countries necessitate resource and infrastructural assistance to support the most vulnerable.
In the seven African States that have already rolled out the CRRF (Chad, Djibouti, Ethiopia, Kenya, Rwanda, Uganda, and Zambia), we have seen a strengthening in refugee institutions, a growing resilience within refugee communities, refugee integration into host communities, and a general progression in legislation that addresses refugee rights. Forging such sustainable solutions through strategies to provide refugees with access to education, health care, and employment, however, is a multilateral task. The capital needed to bring forth such substantive changes has typically been lacking in these countries, which is why ongoing external investment in these pathways for change remains crucial. These mechanisms for self-reliance could not only positively affect the lives of refugees (both individually and collectively), but could also enable refugees and host communities to foster relationships of reciprocity, as refugees contribute to, and are included in, society.

The Refugee Compact has not escaped disapproval; it is criticized for not being legally binding, yet many of its principles are founded on the 1951 Refugee Convention and human rights treaties, and its normative force is implied. To date, the African countries that have implemented the CRRF are States parties to both the Refugee Convention and its 1967 Protocol, and all, with the exception of Somalia (which is a signatory), have ratified the OAU Convention. The Refugee Compact is also criticized for not changing the spatial allocation of refugees. While that may be the case, for the many women and children languishing in camps, the Compact can make a difference to ‘the sheer waste of human potential’ that is currently the status quo. As it stands, only a minority of refugees within African States can seek refuge elsewhere. Many are localized within the African continent, often fleeing to neighbouring countries. Because of this, it remains important to nuance the responsibility-sharing dialogue. International cooperation to meet refugees where they are will do much not only to help host countries prosper, but to equalize opportunities for refugees within African nations.

In conclusion, it remains crucial to focus on the ways in which the Refugee Compact can benefit refugees, host communities, and host countries in Africa: that is, by addressing issues affecting resource-strained host countries and countries of origin that face large numbers of fleeing and repatriating people, but lack the mechanisms to cope. The Refugee Compact’s human rights and humanitarian perspective has shifted the framework within which the refugee question is situated, to one which produces robust and tangible solutions: for refugee self-reliance and integration into urban spaces; for decreased usage of and need for refugee camps; for assessments of the reasons people seek refuge; and for shared and equitable international responsibility. The Refugee Compact has recognized that in Africa, there is ‘a crisis within the refugee crisis, one of sheer waste of human potential that demands a response beyond basic humanitarian assistance’. Undoubtedly, the Refugee Compact can assist these refugees.

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4 ibid.