

Africa's Humanitarian Crisis: An African Union's Diplomatic Management

Ashara, Dennis U. & Obuah, Emmanuel E., PhD.

Department of History and Diplomatic Studies, University of Port Harcourt, Nigeria

Corresponding Email: d.ashara82@yahoo.com

Abstract

This study assessed the African Union's diplomatic mechanisms in managing Africa's humanitarian crises. Since the early post-colonial era, Africa has continued to be confronted with myriads of unbearable social, political and economic woes. Usually referred to as the poorest continent, Africa is confronted with a large amount of problems which have undermined its potentials; yet, a large amount of the solutions to the myriad of problems impeding its emergence into an enviable entity in the global arena depends on the determination of the Africans to address their plight. As man-made conflicts – economic, political, ethno-religious, environmental – and cases of natural disasters continue to go on unabated; the rising number of refugees and other displaced persons in the continent remain alarming. The incessant violent conflicts in Africa have compelled the populations to seek refuge beyond their countries. Humanitarian crisis in Africa has become a major challenge to the African Union since its displacement of the OAU in 2002. While the AU made significant efforts at addressing the problem of refugees on the continent irrespective of the myriad of challenges which confronted it, Africa continues to witness rising refugee flows, and humanitarian crises that turned into a menace. This research study assessed the role of the AU at addressing the African refugee crises since its inception. Through the generation of primary and secondary data, the research interrogated the AU's diplomatic modes with regards to the humanitarian crises management. The study revealed that protracted refugee situations, intractable violent conflicts, and lack of capacity to manage refugee problems, as well as lack of commitment from member-States of the AU are some of the factors which resulted in the crisis situation. Hence, the study made policy recommendations such as improved multilateral arrangements aimed at preventing factors that cause forced population migration and more strategic cooperation.

Keywords: African Union, Conflicts, Humanitarian crises, Management

Introduction

Since the early post-colonial era, Africa has continued to be confronted with myriads of unbearable social, political and economic woes. Usually referred to as the poorest continent of the world, Africa has remained the continent with the most impoverished people, and lowest human development index. The 2015 United Nations Human Development report indicated that about 35 countries in Africa (mainly sub-Saharan Africa) have very low human development index, with the least put at 0.348; irrespective of the global body's projection of the population of the region exceeding 2 billion after 2050 (UN, 2015). The particular document also shows that 218 million people are undernourished. Characterized by incessant socio-cultural conflicts cum political unrests, civil wars and occasional national disasters such as droughts; poverty, unemployment, human rights abuses, hunger, illiteracy and bad governance/leadership, Africa seemed to be engrossed in unending crises over the years.

A major consequence of these violent conflicts in Africa is the rising flow of refugees and other forms of human displacements such as internally displaced persons. The former has occupied discussions not only in Africa, but in the global arena since the inception of the United Nations. Refugee flows and internal displacements constitute aspects of concern for the international

community. According to Afolayan, “Africa provides a good ground for studying the dynamics of refugees flows in the world” (2003:66). The rate of incessant violent conflicts in Africa has resulted in severe humanitarian crises which continue to deny the continent of sustainable growth and development. Refugee flows in Africa is a recurrent phenomenon. According to the United Nations High Commissioner for Refugees (UNHCR) estimates, Africa’s share of the world’s refugee flows amounted to 28.5% (3,270,860) and repatriate 68% (1,296,770) respectively in 1998; and between 1998 and 1999, it became the highest at 7.7% (UNHCR, 2000:17).

Continued social conflicts, insurgencies and other forms of violence, human rights abuses, and even natural disasters such as droughts and political unrests in many African countries have caused more displacements since 2001 when the Organization of African Unity’s (OAU) successor the African Union (AU) came into being. Civil wars and violent conflicts in Eastern Africa, Horn of Africa, Great Lakes Region and Central Africa – Burundi, Sudan, Somalia, Central African Republic (CAR), South Sudan, etc – have given rise to serious humanitarian concerns. In 2013 Somalia had 1 million refugees scattered in neighboring countries; this prompted the UNHCR to commission a Global Initiative on Somali Refugees in 2013 to enable a durable solution to the humanitarian crises that ensued. By 2015, the South Sudanese crises had resulted in the influx 450,000 new refugees into Sudan, Ethiopia, Kenya and Uganda; leading to a protracted humanitarian situation, with the already 243,000 Sudanese refugees domiciled in Sudan requiring immediate humanitarian needs and assistance (UNHCR, 2015).

The AU came to be confronted with the existing structural impediments to Africa’s attainment of sustainable development. Refugee crises continue to plague the continent in the midst of excruciating poverty and economic down-turns. The management of refugee problems depends on available capacity to prevent a crisis. So many factors contribute to making a refugee problem transform to a crisis situation. Yet, the AU seems overwhelmed by the rising humanitarian crisis on the continent. While efforts have been made to consolidate on the OAU achievements in refugee management, there are prospects for strategies for management of African's humanitarian crises.

In barely one year of the existence of the AU, Africa became host to over 3.3 million refugees; constituting 32% of world refugee figures (UN, 2020). Burundi, Sudan, Angola, Somalia, the DRC, Eritrea, Liberia and Sierra-Leone were major producers. The United Nations reported that East Africa and the Horn of Africa had a total of 940,000 refugees by the beginning of 2003; creating severe humanitarian challenges; Central Africa and the Great lakes region had 1.3 million refugees; West Africa had about 400,000 refugees, while Southern Africa hosted 685,000 refugees thereby exacerbating the humanitarian situations (UN, 2020). In view of this, it became glaring that the AU was already confronted with severe refugee/humanitarian crises.

Statement of the Problem

As people of concern, refugees have a host of problems – ranging from shelter to protection issues; vulnerable populations such as women, children and the elderly, lack access to psychosocial support and repatriation matters. In the past, African refugees had suffered ranges of attacks and hostile receptions and even forced repatriation which are against the principle of non-refoulment. Therefore, the need to address these problems is vital to managing Africa’s refugee crisis. Humanitarian disaster has become a distinctive feature of the contemporary African international affairs which has drawn global attention. Africa continues to bear the burden of one-third of the global refugee flows, as devastating and intractable conflicts are on the increase. While the OAU initiated efforts to address problems associated with refugee flows, the advent of the AU in 2001 has been challenged by severe humanitarian crisis, owing to the inability of the apex continental organization to manage its refugee

problems effectively due to certain diplomatic oversights – hence, the crisis state. Continuous violent clashes increase the flows of refugees as some states’ attitude to asylum seekers compound their problems. Poverty and famine, plus forced repatriations contribute to Africa’s refugee crises phenomenon. More so, the lack of the application of available diplomatic strategies such as preventive diplomacy at addressing contemporary African problems has also exacerbated the situation in Africa.

Aim and Objectives of the Study

The aim of this study was to assess African Union’s diplomatic mechanisms for addressing Africa’s humanitarian crises. Specifically, the study was guided by the following objectives:

1. To assess the causes of refugee crises in Africa;
2. To examine African Union’s diplomatic mechanisms for addressing refugee problems;
3. To investigate strategies for prevention of refugee crisis.

Methodology

The study is a qualitative survey which adopted descriptive analysis. The study made use of methods such as in-depth interviews (IDI), observations and focused group discussions (FGD). The study made use of both primary and secondary data sources. Primary data sources such as the United Nations, UNHCR, and African Union/OAU publications, documents and achieves, as well as interviews on the National Refugee Commission (Nigeria) and the Federal Ministry of Foreign Affairs (Abuja) were used to supplement the rich body of secondary sources which included reliable websites articles, newspapers, journal articles, books and also periodicals. The primary data collected were analyzed after transcriptions. These were later carefully assessed with the different documents for evidence.

African Union’s Diplomatic Framework for Refugee Problems

The AU established vast machinery to attain its objectives (Sharpe, 2011). This section examines the mechanisms adopted by the AU in the management humanitarian issues.

- i. **The Kigali Declaration:** As stated earlier, the first AU Ministerial Conference on Human Rights held in Kigali, Rwanda (8 May, 2003) resulted in the adoption of the Kigali Declaration, which marked the beginning of concerted efforts to refugee protection in Africa. The Declaration recognized the AU Constitutive Act; Okugbule (2004) notes that the adoption of the Constitutive Act implied the AU was committed to addressing Africa’s refugee problems through the creation of a continental refugee protection body. The Kigali Declaration paid much interest to human rights issues in Africa, with emphasis on the rights to protection by people forcefully displaced from their places of habitual residence; as well as circumstances that cause refugee flows. For example, the following sections addressed refugee protection:

“Calls on Member-States to implement all the relevant international and African instruments relating to the protection of refugees; internally displaced persons and returnees, and also discharge their responsibilities as stipulated by the AU Convention Governing Specific Aspects of Refugee Problems in Africa”. (AU Kigali Declaration, 2003; para 12).

While the OAU failed in establishing mechanisms to enforce implementation of its 1969 Convention, the AU Kigali Declaration also emphatically calls on Member States who were yet to ratify the AU Convention Governing the Specific Aspects of Refugee Problems in Africa and other international treaties relating to refugee protections to adhere to these rules (Para 13). Paragraphs 14 and 15

accordingly requests “relevant organs of the AU which function to build peace and resolve conflicts to include human rights, humanitarian principles and other legal protection measures in peace agreements, in order to facilitate the voluntary repatriation and reintegration of refugees returnees and former combatants in countries of origin; and also encouraged the signing of a Memorandum of Understanding between the African Commission on Human and Peoples’ Rights and the UNHCR, as well the international community and relevant stake-holders to contribute to the solutions for Africa’s refugees and other displaced persons in a spirit of international solidarity and burden sharing”. The Kigali Declaration also recognized special protection for vulnerable groups such as woman, children, the elderly and disabled, ensuring their rights are protected. A number of other efforts also were made for refugee protection by the AU; they are discussed below.

a. Coordination and Harmonization of Humanitarian Assistance: Aspects of the AU’s diplomatic mechanisms for addressing refugee problems include the coordination and harmonization of humanitarian efforts between its agencies; among member- States, as well as regional and international agencies contributing to manage refugee problems. The AU has committees and sub-committees which carryout these responsibilities. For example, the Permanent Representative Committee (PRC) has sub-committees which are saddled with specific obligations (Tigere & Amukhobu, 2005). According to Okugbule (2004:188), “The sub-Committee on Refugees has a responsibility to make decisions and also compliment the AU Commission on refugee matters; it is responsible for field missions, and in-country needs assistance; it also builds responses to emergencies; and also make financial support available to host-States. It is also the AU’s mouthpiece when it comes to broadcasting the experiences and problems of refugees to AU member-States, and relevant Stakeholders in the international community (Tigere & Amukhobu, 2005:189). This role results in accelerated attention from agencies such as the UNHCR, WHO, ICRC, IRC etc, and national bodies’ responses.

Furthermore, the Coordinating Committee on Assistance and Protection to Refugees, Returnees, and Internationally Displaced Persons (CCAPRRI) is an advisory organ directly to the Sub-Committee on Refugees. According to Tigere & Amukhobu, the CCAPRRI “Provides a forum and interface between the refugee Practitioners and the decision-making and policy organs” (2005:53). For example, in 2003, the CCAPRRI was mandated to assess the possibility of promoting the adoption of a protocol to the 1969 OAU Refugee Convention in order to cover issues which were not sufficiently addressed in the 1969 document (Murray, 2004:195). But some bureaucratic challenges have hindered the CCAPRRI from fulfilling its roles of refugee protection.

Another specialized AU body responsible for addressing refugee problems through coordination of humanitarian affairs is the Division of Humanitarian Affairs, Refugees and Displaced Persons (HARDP). “It is a division of the AU Commission’s Department of Political Affairs” (Sharpe, 2011:29). It is more or less a coordinating department for all other bodies or committees responsible for refugee issues or matters; presiding over functions and policies; and also coordinating the interconnection between the AU’s humanitarian actors and decision-makers” (Tigere & Amukhobu, 2005:53). Most important too, the HARDP is responsible for coordination, documentation and liaison of the work of the AU Commission, AU organs, as well as other partners on matters dealing on forced displacements (Ibid, 55). According to the African Union Structure of the Commission, the HARDP’s function in refugee management is summarized as follow:

1. Finding durable solutions to the problems of refugees and other displaced persons in Africa;

2. Harmonizing the policies and activities among the AU Member-States, with regards to the repatriation and resettlement of displaced persons;
3. Advocates for, and encourage cooperation with relevant regional and international organizations and also promote the application of international humanitarian law; and
4. Rendering assistance through collaboration with other departments, agencies responsible for refugees.

The Banjul Charter: The Banjul Charter, otherwise known as the African Charter on Human and Peoples' Rights is an African international human rights instrument which aims at protecting the rights and freedoms of people in, and of the continent. The African Commission on Human and Peoples' Rights (established in 1987), interprets the Charter. This instrument empowers the African Commission to ensure the protection of human rights in Africa. According to Sharpe (2011), the African Commission shares its roles with the African Court on Human and Peoples' Rights; and has been active on refugees. Murray (2004) noted that the Commission jointly hosted a seminar in Harare in 1994 on 'African Refugee and Internally Displaced Persons. Under the AU, the Commission has made notable efforts towards refugee protection, especially with its collaboration with the UNHCR. In 2003, a meeting was organized between the commission and UNHCR in Kigali in which it was acknowledged that there should be no discrimination between refugees and other humans. It also noted that refugees' rights are integral parts of human rights, hence universal, indivisible, inter-dependent and inter-related (Murray, 2004:195). It therefore recommended that national laws should aim to protect refugees.

The meeting also culminated in a Memorandum of Understanding between the Commission and UNHCR, which singled out certain areas of cooperation such as sharing of information, joint research publication, provision of training in international human rights, refugee and humanitarian law, joint action to implement Commission resolutions on refugees, as well as promoting closer cooperation between the UNHCR, the Commission and the AU (AU, 2003). Also, in 2006, parts of the AU's diplomacy resulted in the Joint Africa–EU Declaration on Migration and Development after a meeting of Ministers of Foreign Affairs, Ministers responsible for Migration and development from Africa and the EU, and AU & EC Commissioners, including other representatives in Tripoli, Libya. It also emphasized collaboration on effective protection for refugees.

Other Specific Approaches: The AU has adopted several other approaches such as inter-governmental meetings in addressing its refugee problems. Sharpe (2011) noted that the AU though has been unable to organize inter-organizational gatherings, apart from others such as the Africa Parliamentary Union and the UNHCR which brought the UNHCR and the African Parliamentarians to a conference on Refugees in Africa in 2004. Nonetheless, between June 1st and 2nd, 2006; the AU held an inter-governmental meeting on refugees in Ouagadougou; this was the result of its Executive Council decision (AU, 2006: 220, para 8). A decision on the convening of a ministerial meeting on forced human displacement on the continent should be done biennially. The meeting also approved the Ouagadougou Declaration.

Subsequently, in 2008, the council of Ministers had convened again in the capital of Ethiopia – Addis Ababa where they decided to convene an 'AU Special Summit on Refugees, Returnees and Internally Displaced Persons in Africa to be held between 19th & 23rd October, 2009 in Kampala, Uganda (Sharpe 2011). After thorough deliberations and commitment, this summit emerged with the adoption of the Kampala Declaration which attended to issues such as the prevention of causes of refugees; refugee protection; vulnerable groups such as women and children, and the need for

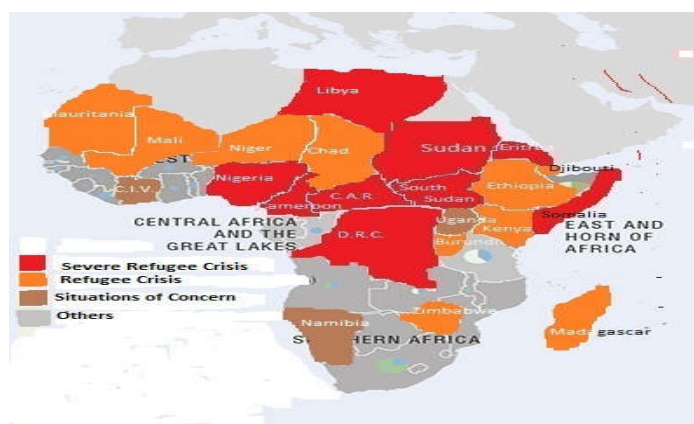
collaborations in finding solutions to the refugee problems (AU, 2009). Observing major problem with implementation of resolutions, the AU Commission was subsequently mandated to ensure the implementation of the Kampala Declaration and also to develop a plan of action (AU, 2010).

The AU Conference on Security, Stability, Development and Cooperation in Africa is another diplomatic effort to ensure refugees protection in Africa. The Conference observers that “the plight of African refugees and internally displaced persons constitutes a scar on the conscience of African governments and peoples” Murray (2004:102). The conference made effort to ensure better refugee protection. On the protection of vulnerable groups such as women, the AU also adopted the Protocol on Women’s Rights in 2003. It categorically protects women from all forms of abuse, attacks and discrimination, especially in times of forced displacements. It also recognizes and encourages the application of international humanitarian law in dealings with women. For instance, article 11 which deals with the protection of women during armed conflict emphatically states that Member-States which are parties must ensure to “Protect asylum-seeking women, refugees, returnees and internally displaced persons against all forms of violence, rape, and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction (Women’s Rights Protocol, 2003, art 11).

Causes of Africa’s Refugee Crises

Africa’s refugee problems seem to have overwhelmed the AU, as well as the management techniques. Ashara (2015) opined that when refugee problems become protracted, it may result in a crisis. Africa’s refugee crises have been the result of many factors ranging from protracted and intractable violent conflicts, simultaneous flows, institutional breakdowns, lack of implementation of various AU refugee protection instruments, donor fatigue etc. All these have combined to cause the African refugee crises (Adekanye, 1998; Evans, 1998; Ashara, 2015). While the AU has made concerted and commendable efforts at addressing the continent’s refugee issues, the continent has continued to witness a rise in its refugee populations, with a large number at risk (OCHA, 2014). According to the UNHCR (2010:1) “by 2009, out of 43.3 million people who are forcibly displaced worldwide, 15.2 million people were refugees; majority or who were in developing countries. In 2015, Africa’s refugee numbers rose above 3 million (UNHCR, 2015).

Figure 1 – Map of Africa: Regional Refugee Crises



Source: Developed by the Researchers

With the rising flows of refugees especially in Central Africa, Great lakes region, Horn of Africa, Sudan and Eastern Africa, as well as internal displacements in northeastern Nigeria due to unending violent conflicts, the UNHCR noted that Africa faced severe humanitarian crises.

Protracted and Intractable Conflicts

The AU at inception was confronted with various violent conflicts ravaging its member-States. For instance, Burundi was faced with serious internal strife which resulted in mass exodus of its population. According to Galadima (2006:295), “Africa has been challenged by a variety of complex political, economic, environmental and social upheavals, in degrees and intensity that are unprecedented since the turn of the 21st century”. Majority of these conflicts remain uncontrollable and protracted in nature. While Somalia remained a ‘collapsed state’ irrespective of attempts to resuscitate it, South Sudan and Sudan, CAR, DRC, Burundi, have remained flashpoints with horrible humanitarian catastrophes. As conflicts remain intractable and protracted, these regions witnessed simultaneous flows of refugees (UNHCR, 2014).

East/Horn of Africa and Central Africa and the Great Lakes regions, as well as Nigeria have remained Africa’s most troubled spots with the highest burdens of humanitarian crises in the last decade. At beginning of 2003, Africa already hosted 3.3 million refugees (about 32% global refugee population); with large numbers emanating from Burundi, Sudan, Somalia, DRC, Angola, Eritrea, Liberia & Sierra Leone (UNHCR, 2003:3). In 2013, the UNHCR also launched the Global Initiative on Somali Refugees – a Tripartite Agreement for the repatriation of Somali refugees to address the severe humanitarian crises caused by unending wars. By 2019, internally displaced persons numbers had remained over 2 million.

Despite the high humanitarian crises, the UNHCR (2019) estimates show that 330,000 Burundians; more persons from the regions under study would seek refuge in other countries by the end of 2016 due to protracted and intractable conflicts in those areas, as well as the unbearable spate of socio-economic circumstances.

Internal violence in countries like the DRC, CAR, and Nigeria have resulted in the flows to Cameroon, Congo, Chad and DRC simultaneously with several more displaced internally in north east Nigeria. In South Sudan, new violence in December 2013 resulted in severe refugee crises as the violence continued to uproot more people who fled for safety. According to the UNHCR (2015), 450,000 more refugees from South-Sudan fled to Kenya, Ethiopia, Sudan and Uganda; meanwhile, over 243,000 Sudanese refugees were already domiciled in South-Sudan waiting, for urgent humanitarian supports.

Simultaneous flows have contributed to the humanitarian crises. Refugees escaping the protracted socio-political turbulence in Burundi fled to Rwanda, Tanzania, Uganda and the DRC. According to the UNHCR (Dec 2015), the number hovers around 227,000; and estimates indicated that about 330,000 people would seek refuge in neighboring countries by the end of 2016; at the same time, Burundi is hosting over 53,000 refugees from the DRC settled in the regions of Ngozi, Muyingi, Ruyigi and Cankuzo (UNHCR, 2019). By December 2019, Uganda’s refugee population had increased to 512,700, while CAR’s refugees in neighbouring countries hit 456,700 (OCHA, 2020). In some cases, refugees faced multiple displacements; due to ethnic clashes in Sudan, some 30,000 refugees had been further displaced within the camp (UNHCR, 2019) causing severe humanitarian crises. The LRA had also attacked Acho-Pii camp in Uganda causing 23,950 Sudanese refugees to flee (UNHCR, 2003), thereby exacerbating the refugee situation.

Lack of Access to Humanitarian Assistance

A major problem that African refugees and IDPs face is lack of access to humanitarian assistance, which is usually caused by lack of capacity by relevant agencies to manage these problems; donor fatigue and AU's financial incapacitation, as well as institutional breakdown and poverty-ridden status of most African States. Displaced people's wellbeing depends on their access to humanitarian assistance and supports – security, food, portable water, shelter, and psychosocial supports (Verdirame & Harrell-Bond, 2005:19). According to Ashara (2015), lack of access to humanitarian assistance results in humanitarian crises, as people who have been forcefully displaced stand the risk of extinction; this is the major reason behind the 'burden-sharing' principle of Common humanity. Okechukwu Ibeanu had opined that "a central issue in population displacement is group security: security of livelihoods, food security, security of identity, security against exclusion, environmental security, and above all, physical security, (2003:166).

Food Security is an essential ingredient of humanitarian assistance to displaced persons. Access to quality food and portable water has been another major problem for refugees, especially those in Africa. Food falls among the basic needs of man which Ameen (2013) identified as 'critical aspects of refugees' needs. Several factors contribute to denying African refugees access to quality and adequate food and water. Maslow, in his human needs' theory, identified food as essential for normal human functioning and wellbeing. Faleti (2006:51) in analyzing the human needs theory, opined that: "it is similar to that of Frustration-Aggression and Relative Deprivation theory; its main assumption is that all humans (irrespective of their states) have basic needs by other groups or individuals could affect them immediately, thereby heading to conflict". Rosati et al (1990) add that basic needs in this sense include food. Burton also draws the nexus between basic needs which forces humans into acts of aggression. Because refugees are humans, and have same rights irrespective of their status "they are subject to react; especially in situations of stiff competition" (Ameen, 2013:15).

African refugees face several threats to their wellbeing; most of them lack access to protection either on transit, at settlement camps (in host societies) or on return home. In some cases, refugees face attacks, forceful conscriptions, rape, kidnappings and even loss of access to their property when they return (Afolayan, 2003:78). The UNHCR (2015) reports show that there is severe humanitarian crisis with cases of lack of access to assistance, especially for those in the enclaves of PK5 and other affected communities in the outskirts of Bangui, the capital of CAR, due to armed groups' control of roads leading to humanitarian assistance. In another report, protection issues had become major setbacks to refugees' wellbeing; in most cases, refugees are subjected to attacks, abuse, kidnapping and even infiltrations by warring factions. For instance, refugees from the DRC settled in Burundi had requested relocations due to the political unrest in that country, and the risk it posed to their safety (UNHCR, 2015). According to an international report on the condition of refugees in Burundi, Burundian opposition forces have forcibly recruited refugees into military training camps in Rwanda and DRC (Refugees International, 2014). According to the International Office for Migration, 75% of displaced children lack access to child protection mechanisms in Burundi (IOM, 2015).

Poverty, famine and serious economic challenges of most African states subject the refugee population to food insecurity, lack of access portable water and means of livelihood. The UN notes that African refugees face serious challenges of access to food security, livelihoods, health services, nutrition, shelter, education etc. (OCHA, 2015). The World Food Programme reports that more than 360,000 refugees in Uganda rely on food assistance (WFP, 2015). There is restricted access to humanitarian assistance for refugees (UNHCR, 2015). UNICEF (2015) noted that 435,000 children are at the risk of severe acute malnutrition in 2016 due to the socio-economic situation in Ethiopia, which puts the refugee population at risk. According to other reports, 10.2 million people are in need

of food assistance, while 5.8 million lack access to safe drinking water and sanitation facilities in Eastern Africa (WHO, 2014). The high food insecurity in the East of Africa and Central Africa puts the refugees at risk of starvation, and further raises tensions in these areas.

The WFP (2015) reports indicate there is famine in South-Sudan, while Ethiopia and Kenya suffer from flooding. Many refugees Camps in Ethiopia have reached full capacity; overcrowding, malnutrition and sharp drop in humanitarian assistance have become major issues (UNHCR, 2014, 2015). OCHA (2020) also reports that in the CAR, only about 25% of the population have access to adequate sanitation facilities and safe water; yet the country has an estimated 2.7 million persons who are in dire need of humanitarian assistance. OCHA (2020) observed that the severe drought which hit Eastern Africa between July 2011 and 2012 resulted in unbearable food scarcity in Somalia, Ethiopia, Djibouti and Kenya; the refugees in these areas were faced with daunting health and nutritional obstacles; many died (Gordts, 2011).

Protection Problems

According to the 1951 and 1969 Conventions, host states have a primary responsibility of ensuring the protection of refugees within their territorial jurisdictions; but because of the porous security system of some African states, and overwhelming pressure on international support, refugees have faced serious threats to their physical protections. Ameen (2013:23) opined that “most African states, with regards to Central and East Africa, are already confronted with severe internal security issues which seem to overwhelm their security institutions-they hence, may not be able to avail ‘foreigners’ of such desired protection. Women and children also face several threats because of their vulnerability in such situations of despair. Ibeanu (2003:161) notes that “there can be little doubt that children in circumstances of displacement suffer tremendously” and in “The DRC, where human rights abuses have been indiscriminate, children and women refugee face daunting tasks to their safety; hence, the AU is locked in a dilemma” (Ameen, 2013:31). Also, according to Sarah Licher, certain refugees have been identified to create serious security risks. In 2013, 107 refugees from Sudan died from ethnic clashes in Ethiopia (Western region) (UNHCR, 2020).

Providing humanitarian assistance to refugees and other displaced persons can be very encompassing; it goes beyond providing physical safety, to providing psychosocial support and trauma healing. Displacements (forced) come with severe traumatic experiences – thoughts of witnessing the killing of a loved-one, missing relatives, suddenly abandoning one’s place of habitual residence, with no hope of returning with claims to property; the stressful experiences of flight; and sometimes torture – can leave permanent marks on an individual. Ashara (2013) noted that not responding to the psychosocial needs of refugees creates a severe humanitarian crisis. Some accounts observed that trends in human displacements vary; some tend to describe the traumatic experiences of (for instance) children; issues such as the poor conditions in which displaced children find themselves, the psychological impact of displacement, especially related to violent conflicts are important (Ibeanu, 2003; Human Rights Watch, 1997; 1997b; Machel, 1996). Ameen concludes that African refugees struggle with psychosocial trauma (2013:18).

Another impediment to humanitarian assistance is attacks on humanitarian aid workers. For instance, the voice of America reports that violence in some areas prevented truck drivers in Cameroon from sending food and other humanitarian needs to the CAR (VOA, 20/10/2015). In 2015, OCHA reported 200 attacks against some humanitarian agencies. According to the UNHCR (2015), humanitarian agencies became objects of targets which compounded the humanitarian situations. More so, UN agencies, non-governmental organizations were also soft-targets (IOM, 2015). USAID (2015), OCHA (2015) also reported cases of abuse and kidnappings of humanitarian staff. According to

Human Rights Watch (2015), over 19,000 persons have been rendered vulnerable due to the suspension of humanitarian assistance to those in Mpoko camp as a result of security challenges.

Weak Institutions, Poor Financial Commitment and Implementation Problems

Though the AU had set up reliable legal and diplomatic mechanisms to address its refugee problems and prevent the current humanitarian crises beclouding the continent, it has done little in practice than theory. The UN and other members of the civil society have carried much of AU's refugee burdens. Nyanduga (2004) had questioned the effectiveness of the AU in managing its refugee rights violations. Ameen (2013) singled out weak financial commitment, as well as lack of effective institutions to address Africa's refugee crises. The AU has not done enough to prevent violent conflicts which ravage its member-States. Most States in Africa have porous border security which endangers the lives of refugees. For instance, security flaws such as poor border controls synonymous with most African states, are responsible for inappropriate figures of the number of Burundian refugees in Uganda (UNICEF, 2015). Poor border controls have also led to infiltrations by militant groups into refugee camps in the DRC, Rwanda, Burundi, CAR (Ameen, 2013:33). Institutions responsible for migration in Africa have been adjudged to be weak (Ashara, 2013). Refugees usually face registration and documentation problems, whether in camps or on return home. According to the IOM (2014), about 122,000 Burundian returnees encountered frictions at the reintegration process. OCHA (2015) also observed that poor administrative systems prevent many persons in need, especially returnees from accessing vital documents such as identification materials, property documents and even birth and marriage certificates. Children refugees have been subjected to certain degrees of risks due to statelessness or delay in granting of asylum.

The sub-Saharan Africa has been described as one of the poorest regions of the world; yet violent conflicts and poor per capita income make standard of living one of the lowest anywhere in the world (World Bank 2014). The UN notes that countries that are classified as the least developed host about 80% of Africa's refugees, with greater burden on their lean resources (OCHA, 2010). With millions of internal displacements experienced by more than half of the populations, commitments to refugee problems become a dilemma. Ameen (2013) had argued that financial incapacitations of most countries in Africa, together with bad leadership styles impede the implementation of several refugee instruments that seek to protect refugees.

The lack of implementation of various AU instruments and guidelines on refugee protection by member-States is the result of failure to give formal declarations or validity to these treaties. Treaty-ratification has been identified as a major setback in the implementation process; Ameen (2013) notes that the AU "still prides itself on respect for the sovereignty of members. According to the AU's concept note for the Regional Brainstorming on strategy to speed up ratification, accession and implementation of OAU/AU treaties of the African Union, held between 25-26 July, 2014, in Nairobi-Kenya, it emphasized the need to ensure effective protection for refugees and other displaced persons. Revelations made include that – 41 member-States have signed the 1969 Convention Governing Specific Aspects of Refugees Problems in Africa; 45 also ratified it in the East African region, Eritrea, Djibouti, Somalia, Madagascar, Mauritius, South-Sudan, were yet to ratify the Charter.

Also, 48 and 36 member-States signed and ratified the Protocol to the African Charter on Human and People's Rights and the Rights of Women in Africa 2003 respectively; while in Eastern Africa, Ethiopia, South Sudan, Mauritius, Somalia, Sudan, Eritrea, and Madagascar were yet to ratify the Charter, as shown in the map 3 below. (AU, 2014).

Figure 2: Ratification of Refugee Convention by Countries



Source: UNHCR, 2015

Refolement and Hostile Reception

Refugees are persons of international concern, hence protected by various international human rights and humanitarian laws. Refugee are normal human, but enjoy certain rights especially in their host states. Interestingly, the hospitable and human nature of the Africans culminated in the adoption of the 1969 convention which extended the rights and classes of refugees. Lambo (2003) observed that ensuring international protection for refugees, as well as seeking ‘durable’ solutions to their problems are at the core of the UNHCR’s aims. Irrespective of this, some refugees have experienced hostility by host states which indicate violations of their rights; and most importantly create humanitarian crises.

The principle of non-refoulment is one of the UNHCR and the AU’s instruments to protect the rights of refugees. Refoulment is the forceful repatriation (or resettlement) of refugees. There are three durable solutions to refugee problems by the UNHCR – voluntary repatriation, resettlement to third countries and local reintegration (Lambo, 2003:62). The principle of non-refoulment seeks to ensure that refugees are repatriated ‘voluntarily’ and when the UNHCR has deemed conditions at home are conducive; and that refugees’ repatriation is done in dignity and safety (Afolayan, 2003). More so, refugees must not be resettled in any third country against their will; unfortunately, Afolayan noted in a report that “forced repatriation and hostile receptions were ongoing in many African countries who were increasingly reluctant to host refugees, and began to develop ‘sympathy fatigue’ as the refugees were viewed as constituting much environmental, social and economic burdens to the hosts, in addition to the serious security problems they posed, both internally and externally” (Afolayan, 2003:71). Hence, some countries closed their borders severally to ward off security risks from refugees who would use camps to build attacks against their governments. Afolayan noted that Tanzania closed its borders due to security threats. According Sharpe (2011:36), “there was a collective expulsion of Burundian refugees from Rwanda”, this resulted in severe humanitarian crisis in the region.

Strategies for Improving Management of Refugee Problems

No doubt, the AU has made commendable efforts in the protection of refugees, and in the management of refugee problems, but it is pertinent to note that a major finding of this study by available evidence, is that the AU has only succeeded in establishing the legal framework (which is vital) to the achievement of great success in dealing with the humanitarian catastrophe called refugee crises. Meanwhile, some factors have been x-rayed to effectively address Africa's refugee crises.

Utilizing the Prospects of Humanitarian Diplomacy

Diplomacy represents the instrument of foreign policy which States and regional groupings adopt in pursuit of their interests – national, regional and global. Whether bilateral or multilateral, diplomatic efforts have achieved great success, especially in the contemporary world where non-state actors have emerged to gain recognition, and shown relevance in addressing many of human problems. In acknowledging the importance of multilateralism in contemporary global politics, Keohane (2013) notes that it gives non-state actors and non-governmental organizations opportunities to solve human problems. Madu (2012) also asserts that multilateralism pulls different resources and areas of expertise, and enables states work together and achieve greater outcomes.

Humanitarian diplomacy is conducted around the premise of common humanity (Harroff-Tavel, 2005: 4). The AU can embark on effective humanitarian diplomacy to achieve its aims; for instance, multilateralism makes sanctions effective. Humanitarian diplomacy through multilateralism hamper on interdependence, agreed norms, institutional rules, international regimes to achieve a robust mechanism and commitment to addressing avoidable humanitarian disasters. On the other hand, humanitarian diplomacy can be bilateral – between the AU and EU; AU and UNHCR, AU and other sub-regional groupings (such as central African & East African blocs) and stakeholders in the humanitarian field; and also, between the AU and host states. According to Madu (2012), the effectiveness of humanitarian diplomacy depends on the commitment and shared interests of members. These kinds of meetings, summits and negotiations “will head to lasting gains in addressing Africa's refugee dilemma (Interview with Mathias of NRC, 15/01/2016).

Africans are famous for hospitality and humane treatment and respect for human dignity. Through diplomacy, AU member-States can effectively incorporate the ‘Ubuntu’ philosophy into national policies to maintain a human consciousness in an average African (Interview with Marvin Kenzo, Staff at ICRC, PHC, 1st March, 2016). A national legal framework can be negotiated for the protection and humane treatment and reception to refugees. As noted by Madu (2012), the experiences refugees face subject them to utmost need for psychosocial support which can ‘informally’ be provided by hosts. *Ubuntu* is “a belief in a universal bond of sharing that connects all humanity” (Gade, 2012:485). Eze Michael, in analyzing the *Ubuntu* philosophy states that:

“A person is a person through other people strikes an affirmation of one's humanity through recognition of an ‘other’ in his or her uniqueness and difference. It is a demand for a creative inter-subjective formation in which the ‘other’ becomes a mirror (but only a mirror) for my subjectivity. This idealism suggests to us that humanity is not embedded in my person solely as an individual; my humanity is co-substantively bestowed upon the other and me. Humanity is a quality we owe to each. We create each other and need to sustain this otherness creation. And if we belong to each other, we participate in our creations: we are because you are, and since you are, definitely I am. The ‘I am’ is not a rigid subject, but a dynamic self-construction dependent on this otherness creation of relation and distance” (Eze, 2008:391).

Ratification and Implementation of Treaties

As stated earlier, the lack of commitment, to sign and ratify various instruments for refugee protection in Africa stalls the implementation process. Member-states of the AU must begin to understand the implications of their failure to ratify these frameworks. According to the AU's Migration Policy Framework for Africa adopted at the 9th Ordinary session of the Executive Council in Banjul 25-29 June, 2006 in the Gambia, "efforts are required at national levels to establish legislative frameworks, polices, and structures giving effect to international protection obligations, redoubling efforts to find durable solutions for refugees in collaboration with UNHCR and other national and international partners, and addressing root causes of refugee movements including conflict and political instability"(AU EX.CL/276 (IX), 2006:19).

The Migration Framework also emphatically states that for the AU to achieve progress in its refugee protection objectives, there must be effective implementation of the OAU/AU 1969 Convention the Specific Aspects of Refugee Problems in Africa, the 1951 convention Refugee status, together with its 1967 protocol; as well as other AU initiatives such as the Banjul Charter on Human and Peoples' Rights and the Kampala Declaration. Such relevant treaties on Women and Children rights; Principle of non-refoulment, and protection in host states required ratifications and implementation which will prevent humanitarian crises. In Eastern Africa, where humanitarian crises have rife, the larger number of states which have not ratified significant refugee protection documents and this is a major obstacle.

The AU and UNHCR alike have identified durable solutions to refugee problems-voluntary repatriation, resettlement to a third country, and local re-integration. These solutions can only be achieved when national authorities remain committed to implementing these frameworks. The principle of non-discrimination contained in the Migration framework should be implemented to prevent the unfriendly receptions refugees receive in host states. Refugees should also protected by national laws and policies so they can have access to livelihoods, education, health facilities, protections, and freedom of movement. Strong institutions provided by quality leadership are vital in the implementations of the various AU programmes and frameworks for refugee protection. The failure of states to manage the asylum process, registration issues, data management, and border challenges is the result of weak institutions. Ameen (2013) asserts that for the refugee regime to function successfully in Africa, African States must be committed to building effective institutions vital for the implementation of refugee programmes.

Preventive Diplomacy: The African Union has much to do in preventing and resolving many violent clashes which have resulted in the current humanitarian crises that abound on the continent. No doubt, conflicts have been responsible for Africa's slow path to growth and development (Ashara & Nwankwo, 2015), and have been root causes of forced population displacement on the continent. As revealed by this study, protracted conflicts which characterize most states in Central Africa, the Great Lakes Region, East and Horn of Africa, are major causes of refugee flows, the AU's diplomatic mechanisms must address the root causes of these conflicts, and effectively resolve them.

In ensuring the protection of refugees, humanitarian intelligence – an understanding of the intricacies of the conflicts which caused refugee flows of refugees is a necessity. Humanitarian intelligence is an essential ingredient of humanitarian diplomacy which the AU must utilize effectively. According to Gaya- Best (2006), the management of conflict using peaceful, non-violent methods is essential especially to reduce human casualties. Conflict management is the process of reducing the negative and destructive effect of conflict through a number of measures, and by working with and through

the parties involved in that conflict” (Gaya-Best, 2006:95). There are many conflict management mechanisms available to the AU such as Alternative Dispute Resolution (ADR).

Preventive diplomacy involves establishing mechanisms that will prevent the outbreak of violence, and/or escalation of conflicts and subsequent humanitarian catastrophes. The structural conflict theorists argue that conflict is built into the ways societies are structured and organized – citing political and economic exclusions, injustice, poverty, diseases, exploitations, and inequalities as sources of conflicts (Faleti, 2006:41; Ross, 1993:4). Africa is characterized by bad governance which has consolidated these factors that make African societies/states prone to conflicts. A mechanism for the socio-economic development of the continent will save the negative effects of these problems.

Conclusion

This study assessed the management of Africa’s humanitarian crisis since the emergence of the AU in 2001. The emergence of the AU in 2001 gave much hope on more drastic and effective efforts at addressing Africa’s humanitarian crisis, at least, consolidating on the OAU’s achievements, as well as initiating more effective diplomatic and legal programmes. The study revealed the AU adopted several diplomatic mechanisms at protecting refugees such as declarations, bilateral and multilateral decisions, legal instruments (especially on human rights of refugees), summits and recommendations. Irrespective of the efforts and initiatives, this study showed that the AU is yet overwhelmed with rising humanitarian crises, resulting from causes of large flight, and low capacity to address them. As the number of refugees continue to rise, with worrying challenges, it remained contested how the AU can achieve success in the management of its humanitarian crises.

Recommendations

The study made the following recommendations:

- ✓ The AU must redress the root causes of refugee flows – wars, political instability and other situations that motivated populations to flee from their countries of origin and habitual residence. This can be done through several conflict management and peace-building mechanisms such as conflict suppression, alternative dispute resolution, provision of good governance; encouraging negotiations, conciliation, mediation, arbitration and adjudication. Adopting more drastic measures through commitment to preventing and ending violent conflicts will help prevent refugee problem.
- ✓ The AU must prioritize the rejuvenation of African hospitality through ‘the *Ubuntu* philosophy’ in order to ensure friendly reception of refugees in host countries. Multilateral and bilateral meetings to encourage ‘open arm’ policies for refugee protections in the continent can propel inclusion into national/domestic laws.
- ✓ Member-States of the AU should review domestic policies, and laws to accommodate the interest of refugees’ protection; this can only be achieved with commitment from member-states to protecting refugees; especially through ratification of and implementation various documents and programmes on refugee protection.
- ✓ Bilateral arrangements such as between the AU and the UN/UNHCR; AU and EU/WHO, OCHA/UNICEF/UNDP/WFP etc; and multilateral frameworks such as alliances with various regional and international organizations and institutions; and among various African States to gather supports for humanitarian assistance and collaborations in conflict

resolutions. Through this means, the AU can secure logistics supports, trainings, and humanitarian assistance for its management of humanitarian crisis.

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