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Is the Global Compact on Refugees Fit for Africa's Purposes?

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African perspectives
Global insights

Abstract

The Global Compact for Refugees (GCR) advocates a ‘whole of society’ approach to resolving and managing the forced displacement ‘crisis’ by setting out specific targets, objectives and pathways for UN member states to follow. Its novelty lies in the conjoining of actors, operationalisation of refugee protections, and linkage of migration with development. Africa is host to the largest internally displaced population in the world, and to over half of the most violent conflicts globally. It is a source, site and destination of forced displacement. The GCR, through the Comprehensive Refugee Response Framework (CRRF) and support platforms, offers a potential paradigm shift for African states hosting large-scale displaced populations, as it mobilises coordinated multi-stakeholder action, underpinned by direct fiscal resourcing. However, securing unencumbered fiscal resources is a key challenge for the GCR and will determine the success of a ‘results-orientated’ and ‘evidence-based’ CRRF. Similarly, the success of the GCR will be determined by its ability in getting states to uphold their commitments.

Introduction

The ongoing refugee crisis has revealed the extent to which current frameworks, including the 1951 Convention Relating to the Status of Refugees, are inadequate in the face of large-scale involuntary human movement and suffering. The UN General Assembly (UNGA) met on 19 September 2016 in response to the increasing number of forcibly displaced populations, and sought to establish innovative ways of assisting those forced to flee. This resulted in the New York Declaration for Refugees and Migrants (NY Declaration). The NY Declaration reflects strong political will among international leaders to tackle the challenges facing rising numbers of refugees and migrants throughout the world, and the challenges posed to states. In fulfilling the NY Declaration’s commitments, the UN High Commissioner for Refugees (UNHCR) negotiated two separate compacts with member states. The first compact – the Global Compact for Safe and Orderly Migration (GCM) – pertains to migrants and regular migration, while the second – the Global Compact on Refugees (GCR) – ‘seeks to strengthen the international response to large movements of refugees and protracted refugee situations’.¹ The UNGA adopted these compacts on 11 December 2018 and 17 December 2018 respectively. They represent the shared goal of establishing cooperative frameworks that are evidence based and results orientated through a series of commitments and actions undertaken by states, the UN and its agencies, civil society organisations (CSOs), non-governmental organisations (NGOs) and private entities in managing migratory processes widely viewed as ‘unabating’.²

1 UNHCR (UN High Commissioner for Refugees), ‘Global Compact on Refugees’, <https://www.unhcr.org/ph/the-global-compact-on-refugees>, accessed 12 July 2019.

2 UNHCR, ‘UN refugee chief urges Security Council for firm response to record-high displacement’, 9 April 2019, <https://www.unhcr.org/afr/news/latest/2019/4/5cad10c74.html>, accessed 25 June 2019.

Whether states are capable of changing their current behaviour remains questionable. States have maintained their right to national sovereignty and national security over attending to non-nationals and honouring their international commitments. They have continued to apply systematic barriers in stemming the flow of new arrivals by erecting barriers and fences (eg, Hungary, Bulgaria, Greece, Macedonia, Slovenia and the US), closing their borders or ports (eg, Malta, Spain, France and Italy) or deploying military and naval forces to patrol, intercept, re-route, return or detain migrants (eg the US, Italy and Australia).³ Other states have used military and developmental bilateral aid to lesser developed countries in their region to enact ‘offshore barriers’ and ‘offshore processing zones’, or ‘regional disembarkation platforms’ and ‘controlled centres’, that prevent migrants from reaching more developed countries’ shores and borders to claim non-refoulement (e.g., Australia in its agreement with Papua New Guinea, Nauru and Manus Island; Italy and Libya; the EU and Niger).⁴

In contrast, the AU declared 2019 the year of ‘Refugees, Returnees and Internally Displaced Persons’, with many countries and regions in Africa opting for ‘open borders’.⁵ This paper considers whether the GCR is fit for Africa’s purpose; whether, in UN Secretary General’s Special Representative for International Migration Louise Arbour’s words, the GCR can be ‘adapted to the realities and peculiarities of people movement in the region’.⁶ The paper provides an overview of the UN Convention Relating to the Status of Refugees of 1951 and its 1967 Protocol, and the GCR. Secondly, it discusses the GCR’s Comprehensive Refugee Response Framework (CRRF) and what it seeks to achieve, and explores the challenges facing the CRRF initiative. It highlights the grand ambition and scale of these efforts, and where transformation efforts face clear challenges. The paper also identifies challenges African governments encounter in addressing large-scale involuntary movement on the continent, and how Africa’s refugee management framework relates to the new GCR. In particular, it focuses on South Africa and Tanzania as the two country case studies, highlighting the difficulties in applying the GCR within the African context. This analysis sheds light on whether the GCR is suited to African countries’ refugee management processes and how other parts of Africa have chosen to mould and use GCR principles

3 Human Rights Watch, *World Report 2019: Events of 2018*, 2019, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf, accessed 25 June 2019; *The Independent*, ‘The EU has built 1000km of border walls since fall of Berlin Wall’, 9 November 2018, <https://www.independent.co.uk/news/world/europe/eu-border-wall-berlin-migration-human-rights-immigration-borders-a8624706.html>, accessed 25 June 2019.

4 Maiani F, ‘Regional Disembarkation Platforms and Controlled Centres: Lifting the Drawbridge, Reaching out Across the Mediterranean or Going Nowhere?’, *RefLaw*, 18 September 2018, www.reflaw.org/regional-disembarkation-platforms-and-controlled-centres-lifting-the-drawbridge-reaching-out-across-the-mediterranean-or-going-nowhere/#, accessed 25 June 2019; Human Rights Watch, 2019, *op. cit.*

5 AU, ‘32nd African Union Summit: Year of Refugees, Returnees and Internally Displaced Persons’, 21 February 2019, <https://www.africa-eu-partnership.org/en/stay-informed/news/32nd-african-union-summit-year-refugees-returnees-and-internally-displaced>, accessed 25 June 2019; Mukeredzi T, ‘Pan-Africa passport to open up borders’, *Africa Renewal*, August 2016, <https://www.un.org/africanrenewal/magazine/august-2016/pan-africa-passport-open-borders>, accessed 25 June 2019.

6 UN, ‘Statement, Ms Louise Arbour, UN Secretary General Special Representative for International Migration, African Regional Meeting of the Global Compact for Safe, Orderly and Regular Migration, 26-27 October 2017, Addis Ababa, Ethiopia’, https://www.uneca.org/sites/default/files/uploaded-documents/SocialDevelopment/Global-Compact-Migration-2017/statement-by-ms-louise-arbour_africa-regional-consultative-meeting-on-global-compact-on-migration.pdf, accessed 25 June 2019.

for domestication. The paper concludes with recommendations on how the UNHCR can ensure that the GCR becomes a success in Africa.

The global compact on refugees

Forced displacement is at a record high. According to the UNHCR's 2019 *Global Trends Report*, 70.8 million people around the world had been forcibly displaced by the end of 2018. Of this figure, approximately 25.9 million were refugees,⁷ 41.3 million internally displaced persons (IDPs) and 3.5 million asylum seekers.⁸ Developing countries host approximately 85% of the world's refugee population, with 10 of the least developed countries (LDCs) in the world hosting 33% of the global refugee total.⁹ Africa is home to 24 million displaced persons, of whom 6.3 million are refugees, 509 000 asylum seekers, 712 000 stateless persons, and 14.5 million IDPs.¹⁰ The 'crisis' of forced displacement is overwhelmingly driven by conditions within developing countries, and its impact is disproportionately shouldered by neighbouring developing countries.

Developing countries host approximately 85% of the world's refugee population, with 10 of the least developed countries (LDCs) in the world hosting 33% of the global refugee total

The drivers of forced displacement remain rooted in war, violence, conflict, repression and persecution, although other drivers are increasingly being recognised, such as environmental degradation, climatic events (eg, droughts and floods), large-scale development projects, structural inequality and poverty, and terrorism/counter-terrorism operations.¹¹ Those who are forced to flee face significant hurdles in securing safety: some fall prey to human smugglers, human traffickers or corrupt border officials; others take huge risks and pay with their lives in crossing oceans, deserts and other treacherous terrain to reach a border; some encounter closed militarised borders or are detained even before reaching a border, preventing them from claiming the right to non-refoulement. For those who are detained, many camps and processing centres offer little to no basic services, and of those who successfully reach safety,

7 UNHCR, 'Global Trends: Forced Displacement in 2018', 19 June 2019, <https://www.unhcr.org/5d08d7ee7.pdf>, accessed 25 June 2019.

8 *Ibid.*

9 *Ibid.*

10 Dare O & AM Abebe, 'Regional solutions and the Global Compact on Refugees: The experience from Africa', *International Journal of Refugee Law*, 30, 4, 2018, pp. 704-706.

11 Here there is a divergence in position between the GCR (para. 8-9), which notes a linkage between displacement, climate change, environmental degradation, natural disasters, poverty and development, but does not define them as causes of displacement, and the AU Migration Policy Framework and Plan of Action 2018-2027, which views the above as drivers of displacement (Article 3 b, Article 4 a-h, Article 5 (4), and Article 10).

most are unaware of and unable to enforce their legal rights in their host countries, leaving them vulnerable to further human rights violations.

For host states, large arrivals of people place a strain on resources, infrastructure, services and capacity. In many developing countries that host large forcibly displaced communities, the presence of camps puts pressure on land, fuel, food and water resources, as well as health and education systems.¹² These strains increase tensions between refugee populations and their host communities and can lead to sporadic violence, as evidenced in Bidi Bidi, Uganda (2019), Fugnida and Gambella in Ethiopia (2016, 2019), Timangolo, Cameroon (2015) and Dadaab and Kakuma, Kenya (2014 and 2003), to name a few.¹³ In South Africa, a non-encampment country, competition for low-skilled, low-paid jobs has amplified tensions between the host population and refugees/asylum seekers/migrants, resulting in repeated xenophobic violence, the most intense of which occurred in 1998, 2000, 2008, 2009, 2013 and 2015.¹⁴ These empirical realities are at odds with international refugee protection mechanisms, a glaring gap the NY Declaration and GCR seek to address.

Understanding the complexities behind refugee status

Refugee protection mechanisms date back to the mid-20th century, when the refugee convention was adopted by the UN on 28 July 1951 and entered into force on 22 April 1954. The 1951 convention was a response to the mass involuntary and forced displacement caused by World War II, which gave rise to the legal concept and definition of a 'refugee'. However, the definition was limited in its application, applying geographical limitations that only focused on Europeans who had become refugees prior to 1951. Accordingly, the 1951 definition was amended by the 1967 protocol to make it applicable to all new refugees.¹⁵

The 1951 convention and its 1967 protocol define a refugee as:¹⁶

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

12 Hussein M & L Azoulay, 'Helping refugees become self-reliant: The Uganda model', *Great Insights*, 7, 1, 2018.

13 These clashes were variously over firewood, cattle/livestock, agricultural land, and grazing land. The clashes were also characterised as ethnic in Ethiopia. See Dawa I, 'Conflict dynamics in the Bidi Bidi refugee settlement in Uganda', *Conflict Trends*, 4, 11 February 2019, <https://www.accord.org.za/conflict-trends/conflict-dynamics-in-the-bidibidi-refugee-settlement-in-uganda/>, accessed 25 June 2019; Crisp J, 'Forms and sources of violence in Kenya's refugee camps', *Refugee Survey Quarterly*, 19, 1, 2000; Akokpari J, 'The state, refugees and migration in sub-Saharan Africa', *International Migration*, 36, 2, 1998; Martin A, 'Environmental conflict between refugee and host communities', *Journal of Peace Research*, 42, 3, 2005; IRIN, 'Refugee relations turn sour in Cameroon', 11 August 2015, <https://www.refworld.org/docid/55cb14614.html>, accessed 25 June 2019.

14 Scannapieco D, 'Building resilience, creating new opportunities in the EU neighbourhood', *Great Insights*, 7, 1, 2018.

15 Willie N & P Mfubu, 'Responsibility sharing: Towards a unified refugee protection framework in Africa', *AHMR*, 2, 3, 2016, pp. 542-566.

16 UNHCR, 'Convention and Protocol Relating to the Status of Refugees', 2010, <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>, accessed 25 June 2019.

The 1951 convention requires states to protect refugees' rights by not discriminating against refugees and providing them with access to courts. It also facilitates a number of socio-economic rights, including the right to work, housing, education, social security and welfare assistance. Further, the 1951 convention advocates for freedom of movement and for the provision of identity and travel documents to refugees, as well as states' facilitating the settlement, assimilation and integration of refugees. Under the 1951 convention, the UNHCR is mandated to:

- coordinate and lead international action for the protection of refugees worldwide and to provide solutions to refugee problems;
- promote the reduction of statelessness and the protection of stateless people (this includes assisting individuals and states to resolve the situation of stateless persons); and
- lead the international protection of refugees, managing camps as well as emergency camp clusters to benefit IDPs in conflict situations, including natural disaster situations.¹⁷

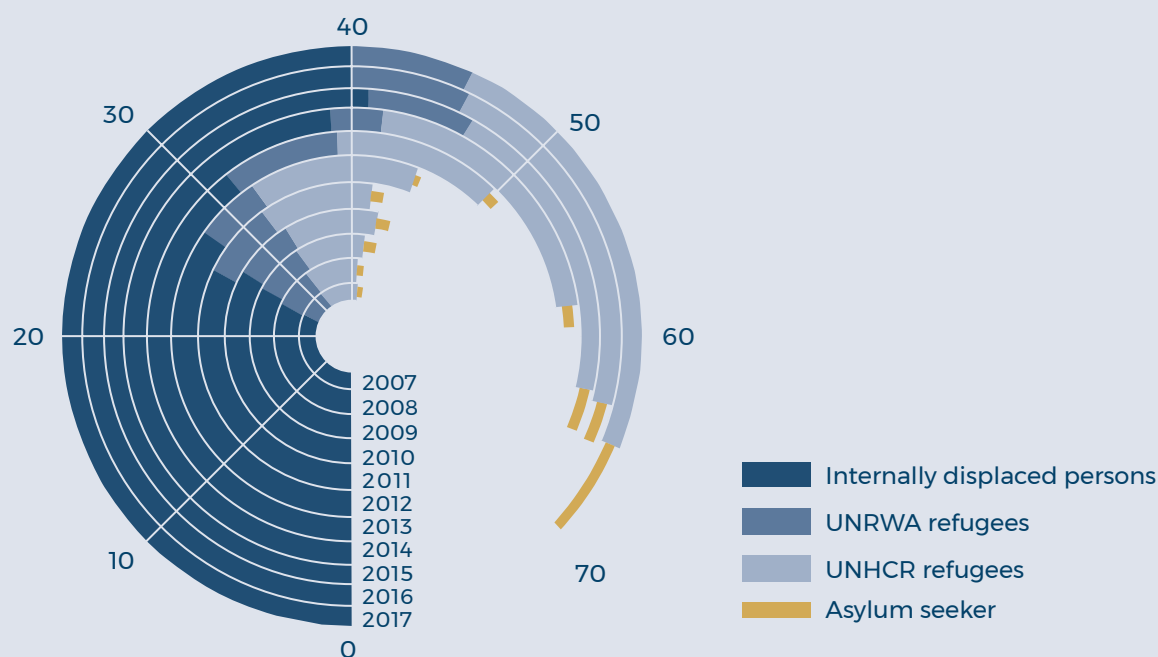
However, the factors giving rise to refugees today are more complex than those captured in the 1951 and 1967 protocol definition. Table 1 gives an overview of the different categories of vulnerable people of concern as currently defined by the UNHCR.

TABLE 1 CATEGORIES OF UNHCR POPULATION OF CONCERN	
Population of concern	Definition
Refugees	People who are given temporary or complementary forms of protection
Asylum seekers	People who are seeking international protection and whose claim to refugee status has not been determined yet
Internally displaced persons (IDPs)	People who have not crossed an international border but are forced to leave their homes in order to avoid the effects of conflict, violence, violations of human rights and/or natural or man-made disasters
Returned refugees	Former refugees who have returned to their country of origin but are yet to be fully integrated
Returned IDPs	Beneficiaries of the UNHCR's protection who returned to their areas of origin during the year
Stateless persons	Persons who are not considered as nationals by any state under the operation of its law
Others of concerns	Individuals who do not necessarily fall directly into any of the groups above, but to whom the UNHCR extends its protection and/or assistance services, based on special grounds

Source: UNHCR (UN Refugee Agency), 'Who we help', <http://www.unhcr.org/afr/who-we-help.html>, accessed 16 September 2019

17 *Ibid.*

Figure 1 Trends in global displacement 2007–2017 (in millions)



Note: The figure represents totals for the year ending 2017, as the year ending 2018 is not yet available diagrammatically. The figure remains useful in observing the trends.

Source: UNHCR, 'Global Trends: Forced Displacement in 2018', <https://www.unhcr.org/5d08d7ee7.pdf>, accessed 19 June 2019

The definition of 'refugee' as contained in the 1951 convention was developed to address the plight of Holocaust survivors after World War II and refugees from Central and Eastern Europe. In this sense the 1951 convention has been criticised for being outdated in its conceptualisation. The 1951 framing of persecution is limited: individuals no longer solely flee for fear of being persecuted for political, racial, religious, nationality or social group reasons. For example, calls for 'climate change refugees' to be recognised are growing, and persecution based on sexual preference and expanded categories of gender identification is increasingly grounds for asylum seeking. Indeed, the modern era has 'push' factors that are deep-seated and structural, tied to political and economic governance issues at the national and international level. This includes displacement caused by rapid population growth, stultified rural development, unequal socio-economic development, food insecurity, and shortages of medicine, fuel and fresh water. It also includes displacement resulting from the increase in internationalised violent non-state actor and extremist group activities (eg, ISIS, al-Qaeda)¹⁸ and transnational organised criminal syndicates (eg, Mexico,

18 Lindley A, 'Leaving Mogadishu: The War on Terror and Displacement Dynamics in the Somali Regions', MICROCON Research Working Paper, 15, June 2009, <https://pdfs.semanticscholar.org/2de1/f2bd9cc6465620576e4ca82fadf24143d7ba.pdf>, accessed 25 June 2019; Ramdeen M, 'Countering terrorism and violent extremism in Africa', *Conflict Trends*, 2, 21 July 2017.

Colombia, El Salvador, Guatemala and Honduras). These are non-state actors and processes that the 1951 convention never envisaged.¹⁹ Further, it does not offer protection to asylum seekers, IDPs and stateless persons, which represent a growing number of those forcibly displaced.

Figure 1 shows not only that IDPs outnumber refugees but also that asylum seekers as a category of forced migrants are on the rise.

The NY Declaration, a consensus-driven proposal towards greater responsibility sharing, attempts to close these gaps by considering individuals who are forced to flee or are displaced across borders owing to natural disasters, climate change, human trafficking and smuggling, and/or risk or harm owing to personal circumstances.²⁰ Emergent frameworks such as the NY Declaration and its associated global compacts attempt to bridge the shortcomings of the 1951 convention in responding to the forced displacement realities of today.

The NY Declaration

The NY Declaration (Resolution 17/1) was unanimously adopted by UN member states at the UNGA Summit for Refugees and Migrants on 19 September 2016.²¹ The summit's purpose was to address the manner in which international communities respond to the large movement of refugees and migrants by protecting refugees who are forced to flee, supporting host communities and sharing international responsibility.²²

First and foremost, the NY Declaration affirms and upholds 'fundamental freedoms' as contained in the UN Charter, the Universal Declaration of Human Rights (UDHR) and international humanitarian and refugee law. However, it falls short of citing specific treaties, covenants or articles.²³ The NY Declaration is 'people-orientated' but delineates and separates the protections and rights of refugees from those of migrants, which are contained in the two separate compacts.²⁴ It lays out a series of comprehensive commitments made by heads of state and government and high representatives that apply to refugees and forcibly displaced communities on issues ranging from protecting the human rights of refugees, regardless of their status; to ensuring that refugees/displaced persons receive healthcare, education, shelter, food and sanitation; condemning xenophobia, racism, intolerance and hate crimes against refugee and migrant populations; and promoting the self-reliance and sustainable development of

19 Cantor DJ, 'The new wave: Displacement caused by organised crime in Central America and Mexico', *Refugee Studies Quarterly*, 33, 3, 2014; Pickering S, 'Transnational crime and refugee protection', *Social Justice*, 24, 2, 2007.

20 UNGA (UN General Assembly), 'New York Declaration for Refugees and Migrants' Resolution adopted by the United Nations General Assembly on 19 September 2016, A/RES/71/1, I:1 & I:12-14, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1, accessed 3 June 2019.

21 *Ibid.*

22 *Ibid.*

23 *Ibid.*

24 *Ibid.* (The GCR and the Global Compact for Safe, Orderly and Regular Migration (GCM).)

those forced to flee.²⁵ Importantly, the NY Declaration sets forth a plan of action that is multi-stakeholder orientated and conjoins UN member states to act with UN agencies, international organisations, international financial institutions (IFIs), regional institutions, CSOs, the private sector and refugees themselves in finding durable solutions to the root causes of displacement, and to the conditions faced in displacement.²⁶ Specifically, the NY Declaration calls on the UNHCR to develop ‘a whole of society’ approach by initiating multi-stakeholder collaborations engaging development actors in sustainable responses towards improving the situation for refugees, displaced populations and host communities. The document lays out a process to achieve this via the CRRF and the GCR. Importantly, the NY Declaration, the GCR and the CRRF require countries to overhaul their domestic responses to refugees and those forced to flee by removing restrictions that prevent them from accessing healthcare, education and employment.²⁷

However, the NY Declaration has been criticised for not challenging the narrow category of ‘refugee’ or calling for legal status and legal protections for other forced migrants.²⁸ Further, the NY Declaration has no teeth: it applies no mechanisms against states that maintain restrictive, interdiction or containment measures along their borders and shores. In this sense, the compact is neither global nor equal. The NY Declaration is therefore limited as an expression of political will; it does not *require* political action by all states, as it is voluntary and non-binding. For example, at the Leaders’ Summit hosted by then US president Barack Obama a day after the NY Declaration, UN members pledged their commitment to accept more refugees; ensure that refugees have access to education, formal employment and social services; and increase humanitarian aid and expand access to third country solutions. However, in late September 2017 US President Donald Trump announced his plans to limit the number of refugees admitted into the US to 45 000, while EU members are increasingly sending refugees back to Afghanistan and restricting the number of admissions.²⁹

The NY Declaration lacks targeted measures to tackle the root causes of displacement and concretely address the multivariate push and pull factors that cause people to flee their countries.³⁰ While these are acknowledged in the document, no measures or indicators are used to assess progress. While the NY Declaration calls for greater burden-sharing between host communities that continue to receive and host large numbers of refugees, and

25 *Ibid.*

26 *Ibid.*

27 Larking E, ‘The New York Declaration for Refugees and Migrants: What’s Missing?’, Centre for International Governance & Justice, RegNet, 24 October 2016, <http://asiapacific.anu.edu.au/regarding-rights/2016/10/24/the-new-york-declaration-for-refugees-and-migrants-whats-missing/>, accessed 25 June 2019.

28 *Ibid.*

29 Clarkson A, ‘The New York Declaration on Refugees: One year on’, Open Democracy, 18 October 2017, <https://www.opendemocracy.net/amanda-clarkson/new-york-declaration-on-refugees-one-year-on>, accessed 25 June 2019; The US rate of refugee admissions has fallen year on year from 45 000 in 2017–2018, 30 000 in 2018–2019, and to a proposed 18 000 in 2019–2020 see Krogstad, JM, ‘Key Facts About Refugees to the US’, Pew Research Centre, 27 September 2019, <https://www.pewresearch.org/fact-tank/2019/09/27/key-facts-about-refugees-to-the-u-s/>, accessed 30 September 2019.

30 *The Guardian*, ‘The Guardian view on the New York Declaration: Better than nothing’, 19 September 2016, <https://www.theguardian.com/commentisfree/2016/sep/19/the-guardian-view-on-the-new-york-declaration-better-than-nothing>, accessed 25 June 2019.

potential host countries (such as the US and Germany),³¹ there are no in-built mechanisms to make countries abide by their burden-sharing pledges or commitments. Responsibility sharing exists only as an expression and not as a required action that countries are prepared to undertake and to which they will dedicate their national resources. Pledges and commitments to financially support host countries that carry heavy burdens are not concretely developed either: Who provides the financial resources? What criteria must host states meet? What form will these financial resources take, eg, aid, loans, compensation, preferential trade, debt cancellation? This is a key but undeveloped component of the NY Declaration: an under-resourced agreement will prove neither sustainable nor fair. Further, the NY Declaration does not call for more action or responsibility from IFI actors in providing solutions around structural poverty, inequality and development, or even in resourcing the GCR/CRRF.

It is clear that the NY Declaration's goals will be difficult to achieve without deeper action.³² While it reflects the correct positive political movement on refugee management, it is not innovative with regard to improving refugee management and simply reinforces the 1951 convention, which has been repeatedly flouted by states.³³ The GCR attempts to secure new commitments with regard to this gap between the 1951 convention and state obligations.³⁴

Global Compact on Refugees and the Global Refugee Forum

The GCR was affirmed by the UNGA on 17 December 2018 following two years of extensive consultations.³⁵ It is premised on UN members' fulfilling their international obligations by providing a 'blueprint' for equitable and predictable responsibility-sharing arrangements between countries of origin, transit and destination, to address the large movement of refugees.³⁶ The GCR builds upon the 1951 convention and contains 23 additional sets of principles, with four overriding objectives, namely to:

- ease the pressure on host communities;
- build self-reliant refugees;
- expand third country solutions; and
- ensure refugees are able to return safely to their country of origin.³⁷ Countries will be able to accomplish this with the support of the UNHCR.

31 *Ibid.*

32 Clarkson A, *op. cit.*

33 Nair P, 'The New York Declaration: What next for refugees and migrants?', UN University Migration Network, 24 October 2016, <https://migration.unu.edu/publications/blogs/the-new-york-declaration-what-next-for-refugees-migrants.html>, accessed 25 June 2019.

34 Gammeltoft-Hansen T, 'The normative impact of the Global Compact on Refugees', *International Journal of Refugee Law*, 30, 4, 2018.

35 UNHCR, 'The Global Compact on Refugees', *op. cit.*

36 *Ibid.*

37 *Ibid.*

The GCR principles and objectives are non-binding and place no additional legal obligations on UN member states. What the GCR does seek to do is address one of the major gaps in the 1951 convention by specifying *how* states assume international responsibility and burden sharing.³⁸ As Filippo Grandi, UN High Commissioner for Refugees, envisages, ‘the compact will for the first time have a practical workable model, a set of tools that translates this principle into action’.³⁹ Importantly, the GCR moves away from ‘parallel systems’ for refugees and forcibly displaced persons (such as encampment policies) and advocates for greater protection and integration of displaced populations into host communities.⁴⁰ In realising these objectives and principles, the GCR is made up of three parts: the Programme of Action, the CRRF, and the Global Refugee Forum (GRF). There is much repetition across these different parts of the GCR and it is not clear ‘what flows from what’; how they are operationalised; and how they are measured.⁴¹

The GRF is a high-level ministerial forum to be held every four years and is organised around six areas of focus.⁴² It allows for sharing best practices, stocktaking of current practice, and ‘showcasing’ context-specific national plans from host countries and countries of origin. It also provides a forum at which states can make concrete pledges and commitments in the form of financial, material and/or technical assistance; undertake to change national policies, laws and practices; create or expand resettlement programmes; and/or update/report back on commitment outcomes in line with the goals of the GCR.⁴³ A key challenge for the GRF will be getting states to commit to implement greater resettlement and complementary pathway destinations.⁴⁴ For example, in 2018 the UNHCR received 81 337 submissions for resettlement of which only 55 680 resulted in resettlement departures.⁴⁵ On average, less than 5% of global refugee resettlement needs have been met overall.⁴⁶

The Programme of Action, meanwhile, is the practical and functional component of the GCR, addressing gaps in the operationalisation of the 1951 refugee management system by setting targeted commitments per area that are interlinked, interdependent and complementary vis-à-vis:

- international cooperation;

38 UN News, ‘Global Compact on Refugees: How is this different from the migrants’ pact and how will it help?’, 17 December 2018, <https://news.un.org/en/story/2018/12/1028641>, accessed 25 June 2019.

39 *Ibid.*

40 Turk V, ‘The promise and potential of the Global Compact on Refugees’, *International Journal of Refugee Law*, 30, 4, 2018.

41 Durieux JF, ‘Success under the GCR: Can It Be Measured?’, Refugee Law Initiative, School of Advanced Study, University of London, 29 January 2019, <https://rli.blogs.sas.ac.uk/2019/01/29/success-under-the-gcr-can-it-be-measured/>, accessed 26 June 2019.

42 The first meeting was to take place on 17–18 December 2019. These six areas of focus are 1) arrangements for burden sharing and responsibility sharing; 2) education; 3) jobs and livelihoods; 4) energy and infrastructure; 5) solutions; and 6) protection capacity. See UNHCR, ‘Global Refugee Forum Q&A’, 27 May 2019, <https://www.unhcr.org/events/conferences/5c7009dc4/global-refugee-forum-qa.html>, accessed 25 June 2019.

43 Turk V, *op. cit.*

44 UNHCR, ‘The Global Refugee Forum Concept Note’, 12 December 2018, <https://www.unhcr.org/5c700a654.pdf>, accessed 26 June 2019.

45 UNHCR, ‘Resettlement’, May 2019, <https://unhcr.org/resettlement-data.html>, accessed 26 June 2019.

46 Kirisci K, ‘How to Make Concrete Progress on the Global Compact on Refugees’, Brookings, 7 June 2019, <https://www.brookings.edu/blog/order-from-chaos/2019/06/07/how-to-make-concrete-progress-on-the-global-compact-on-refugees/>, accessed 25 June 2019.

- support in specific refugee situations;
- tools for effecting burden and responsibility sharing; and
- areas in need of support (such as early warning, reception and admission, supporting communities, and solutions).⁴⁷

The Programme of Action facilitates the application of a comprehensive response to support countries affected by a large movement of refugees, through the CRRF, resulting in context-specific solutions for each country.⁴⁸

GCR's comprehensive refugee response framework

The CRRF is a development- and market-based response to dealing with forced displacement.⁴⁹ It relates to large-scale situations of displacement and links programmes of work and intervention strategies across host government departments, UN agencies, NGOs and donors so that mechanisms align and build upon one another.⁵⁰

To date, the CRRF has been implemented in 15 countries.⁵¹ The comprehensive response is designed to ease the pressure on host communities, enhance refugee self-reliance and expand resettlement in third countries (ie, settling refugees in a country other than the country of origin); and support conditions in countries of origin for the safe and dignified return of refugees.⁵² The CRRF was developed and initiated by the UNHCR through close coordination with a diverse range of stakeholders, including the International Labour Organization, the World Bank, the International Organization for Migration, the AU, the EU and various other UN agencies.⁵³ It seeks to provide systematic and sustainable responses that benefit both host communities and refugees, underscoring mutual empowerment and mutual benefits. Its core function is to change the way in which states respond to large-scale refugee situations and 'others on the move'.⁵⁴ One mechanism is the proposed 'support platforms', which are context specific and a stand-by arrangement that mobilises resources, funding, contributions and support, taking into account existing responses, where a state's capacity is overwhelmed, exhausted or protracted, or where a solution has arisen

47 UN, 'The Global Compact on Refugees (Final Draft)', 26 June 2018, <https://www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/Global-Compact-on-Refugees.pdf>, accessed 25 June 2019.

48 UNHCR, 'The Global Compact on Refugees, Draft 3', 30 April 2018, <http://www.unhcr.org/5b1579427>, accessed 25 June 2019.

49 Horwood C, Forin R & B Frouws (eds), *Mixed Migration Review 2018: Highlights, Interviews, Essays, Data*, Mixed Migration Centre, 2018, <http://www.mixedmigration.org/wp-content/uploads/2018/11/Mixed-Migration-Review-2018.pdf>, accessed 25 June 2019.

50 UNHCR, 'Two-Year Progress Assessment of the CRRF Approach', December 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/5c63ff144.pdf>, accessed 26 June 2019.

51 *Ibid.* These countries are Afghanistan, Belize, Chad, Costa Rica, Djibouti, Ethiopia, Guatemala, Honduras, Kenya, Mexico, Panama, Rwanda, Somalia, Uganda and Zambia.

52 UNHCR, December 2018, *op. cit.*

53 UN, 26 June 2018, *op. cit.*

54 *Ibid.*

that requires additional coordination.⁵⁵ Another novel and tangible approach that the CRRF emphasises is the integration of displaced persons into host communities as an essential developmental tool that will simultaneously allow refugees and ‘other people of concern’ to be self-reliant and reap developmental dividends for host states through their contributions to the labour force and tax base. It therefore shifts the displaced as burdensome and a drain on already-stretched state resources to productive contributors to society.⁵⁶

Another novel and tangible approach that the CRRF emphasises is the integration of displaced persons into host communities as an essential developmental tool that will simultaneously allow refugees and ‘other people of concern’ to be self-reliant and reap developmental dividends for host states through their contributions to the labour force and tax base

The CRRF also places particular focus on displaced children as ‘the future’, and calls for multi-stakeholder action in ensuring children receive education, healthcare, nutrition and WASH services so that ‘no one is left behind’ as a result of their displacement.⁵⁷ The GCR states that ‘the mobilisation of timely, predictable, adequate and sustainable public and private funding is key to the successful implementation of the global compact’.⁵⁸ The CRRF calls on humanitarian actors, development agencies, the private sector and IFIs to contribute in traditional and novel targeted ways, such as through renewable energy or technology projects, or even extending financial services to refugee communities themselves.⁵⁹

In the spirit of comprehensive partnership, the World Bank has partnered financially with the CRRF through its International Development Association 18 (IDA18). The IDA18 sub-window is also conjoined with the Islamic Development Bank Group and other financial partners, and has committed to funding CRRF programmes in African countries that have undertaken to help refugees.⁶⁰ Thus far, this has amounted to \$2 billion for the period

55 *Ibid.*

56 Clemens M, Huang C & J Graham, ‘The Economic and Fiscal Effects of Granting Refugees Formal Labor Market Access’, CGD (Centre for Global Development) Working Paper, 496.

57 UNHCR, ‘UNICEF and UNHCR meeting on the GCR and the application of the CRRF in Southern and Eastern Africa: What we have learned and what we can do better’, 11 June 2019, <https://www.alnap.org/help-library/unicef-unhcr-regional-meeting-on-the-global-compact-on-refugees-gcr-and-application-of>, accessed 26 June 2019. ‘No one left behind’ is a core goal of the 2030 Sustainable Development Agenda.

58 UN, 26 June 2018, *op. cit.*

59 *Ibid.*

60 World Bank, ‘Report from the Executive Directors of the International Development Association to the Board of Governors: Additions to IDA Resources – Eighteenth Replenishment’, 10 January 2017, <http://documents.worldbank.org/curated/en/348661486654455091/Report-from-the-Executive-Directors-of-the-International-Development-Association-to-the-Board-of-Governors-Additions-to-IDA-Resources-Eighteenth-Replenishment>, accessed 25 June 2019; ICVA (International Council of Voluntary Agencies), ‘The World Bank and Refugees: An IVCA Briefing Paper’, March 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/ICVA_World_Bank_Refugees_Briefing_Paper.pdf, accessed 25 June 2019.

2017–2020.⁶¹ The funding to low and lower income countries is on a ‘50% grant, 50% loan’ basis. In order for countries to qualify for the IDA18, they need to host at least 25 000 refugees, and have a refugee protection framework and action plan for long-term refugee management that benefits both refugees and host communities.⁶²

Funding has also been made available for CRRF middle-income pilot countries through the World Bank’s Global Concessional Financing Facility (GCFF),⁶³ which is mandated to provide concessional financing in the form of loans to eligible countries to host communities (ie, to finance social/basic services) and strengthen refugee protection systems within host communities.⁶⁴ The GCFF multiplies donor capital, whereby \$1 committed by a supporting country to a host country will be matched by \$3–4 by the GCFF.⁶⁵ Importantly, the funding schemes are linked to key deliverables. For example, in Jordan and Ethiopia disbursement of money was linked to the issuing of work permits for refugees; in Lebanon funds were linked to schooling for children aged 3–18.⁶⁶

The World Bank, however, maintains its independence in determining whether a host country receives funding, in the interest of its investments. Thus, it is not automatic that a host country participating in the CRFF will receive funding.⁶⁷

Despite the novel ‘whole of society approach’ linked to targeted measures, the GCR and CRRF have received much criticism. There is no clear elaboration on what the CRRF translates into in tangible terms – for example, how local, district and regional authorities are to be consulted, especially since they engage refugees on a daily basis and have a direct understanding of the needs of refugee communities.⁶⁸ Engaging service providers is important for planning, designing, budgeting and delivering services to both refugees and host communities. However, the CRRF does not show how services such as healthcare, education, water and sanitation will be delivered to refugees and host communities and how ministries that are responsible for these services will be engaged.⁶⁹ For example, 50% of refugees are children, yet only 2% of global humanitarian aid goes to education.⁷⁰

If the CRRF is supposed to be a practical implementation mechanism it needs to develop a strategy that includes donor commitments in its application, enabling countries with low economic growth to practically implement the CRRF despite their status. There is a danger

61 Turk V, *op. cit.*

62 Hwang C, Charles S, Post L & Gough K. ‘Tackling the Realities of Protracted Displacement: Case Studies on What’s Working and Where We Can Do Better’, CGD (Centre for Global Development), Briefing Paper, April 2018,

63 UNHCR, ‘The Global Compact on Refugees (Final Draft)’, 26 June 2018, *op. cit.*

64 Hwang C *et al.*, *op. cit.*

65 Hansen R, ‘The Comprehensive Refugee Response Framework: A Commentary’, *Journal of Refugee Studies*, 31 (2), June 2018, accessed 25 June 2019.

66 IVCA, *op. cit.*

67 For example, in 2017 only eight out of 15 CRRF states were deemed eligible to receive World Bank funding. This increased to 11 out of 15 CRRF states in 2018. *Ibid.*

68 UNHCR, ‘The Global Compact on Refugees (Final Draft)’, 26 June 2018, *op. cit.*

69 *Ibid.*

70 UNHCR, ‘Executive Committee of the High Commissioner’s Programme: Update on Education’, 7 June 2017, <https://www.unhcr.org/593917957.pdf>, accessed 25 June 2019.

that integration and self-reliance mechanisms will amplify social tensions within host communities if displaced communities are viewed as receiving preferential access to services, employment and finance, especially in LDC host communities.⁷¹ Moreover, the funding mechanisms of the CRRF are deeply flawed: IDA18 and the GCFF in effect make states pay to host displaced populations: the loan requires repayment. This is particularly problematic given that 85% of those forcibly displaced are found in developing countries. Loans further indebted those involuntarily carrying the burden and entrench their market dependency; factors that play into the 'push-pull' model of forced migration.⁷² While the World Bank and its partners have committed \$2 billion over three years to eight LDCs hosting large refugee populations, two middle-income countries – Lebanon and Jordan – have received \$2.5 billion to date, reflecting a disproportionate and unequal disbursement of funds and commitments. Further, no tracking mechanism exists to assess whether developed states have acted on their commitments or met their obligations (or the extent to which they have done so), undermining the burden-sharing component on which the GCR is premised.

The funding mechanisms of the CRRF are deeply flawed: IDA18 and the GCFF in effect make states pay to host displaced populations

Nevertheless, progress has been made with regard to the GCR and its three pillars. Diverse development and humanitarian actors have been brought together to address the needs of refugees and host communities. According to the CRRF, countries such as Djibouti, Ethiopia, Kenya, Rwanda, Uganda and Zambia have made provisions to ensure that refugees have access to basic services, and proper documentation. These African countries have met their obligations by amending their refugee laws to give refugees access to social services such as healthcare and education.⁷³

The neglected continent:⁷⁴ Challenges in managing refugees in africa

Half of the world's 20 violent conflicts are in Africa; five of the seven situations that the UNHCR lists as 'refugee emergencies' are in Africa; and seven out of 14 UN peacekeeping

71 Abebe TT, 'Refugees' Self-Reliance: The Dilemmas of Implementing the GCR in Africa', Refugee Law Initiative, School for Advanced Study, University of London, 3 April 2019, <https://rli.blogs.sas.ac.uk/2019/04/03/refugees-self-reliance-the-dilemma-of-implementing-the-global-compact-on-refugees-in-africa/>, accessed 26 June 2019.

72 IVCA, *op. cit.*

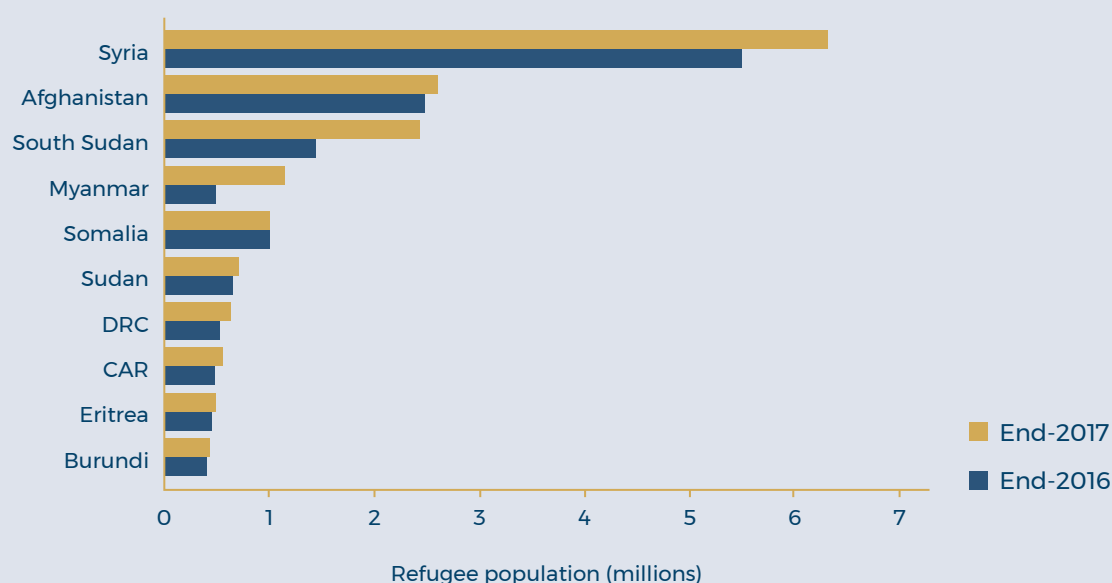
73 UNHCR, 'Applying Comprehensive Responses in Africa (CRRF)', May 2018, <http://www.globalcrrf.org/wp-content/uploads/2018/05/Chad-Africa-dashboard-May-2018.pdf>, accessed 29 June 2019.

74 NRC (Norwegian Refugee Council), '2019 will be another year of crises', <https://www.nrc.no/shorthand/fr/2019-will-be-another-year-of-crises/index.html>, accessed 20 June 2019.

missions are in Africa.⁷⁵ Sub-Saharan Africa alone hosts more than 26% of the global refugee population.⁷⁶ Figure 2 gives a comparative depiction of major source countries of refugees from the end of 2016 to the end of 2017: seven of the 10 source countries are in Africa. These statistics show not only how fragile the continent is compared to the rest of the world, but also how neglected Africa is in considerations about where the real migration crisis lies. Africa is a source, transit and destination for forced migration, with most Africans moving within Africa.

Half of the world's 20 violent conflicts are in Africa; five of the seven situations that the UNHCR lists as 'refugee emergencies' are in Africa; and seven out of 14 UN peacekeeping missions are in Africa

Figure 2 Major source countries of refugees



Source: UNHCR, 'Global Trends: Forced Displacement in 2018', <https://www.unhcr.org/5d08d7ee7.pdf>, accessed 19 June 2019; UNHCR, 'Global Trends 2017', 2018, <https://www.unhcr.org/5b27be547.pdf>, accessed 20 June 2019.

75 Abebe TT, 'Breaking Africa's cycle of forced displacement', *ISS Today*, 26 February 2019, <https://issafrica.org/iss-today/breaking-africas-cycle-of-forced-displacement>, accessed 26 June 2019. The refugee situations are in Burundi, the Central African Republic (CAR), the Democratic Republic of Congo (DRC), Nigeria and South Sudan. Conflicts include the CAR, the DRC, across the Lake Chad Basin (due to Boko Haram), Ethiopia (inter-ethnic rivalry), Somalia and Kenya (due to al-Shabaab), South Sudan and Sudan, and Libya.

76 UNHCR, 'Africa', <https://www.unhcr.org/africa.html>, accessed 26 June 2019.

Africa's cycle of forced displacement is strongly tied to conflict, violence and insecurity. For example, in 2017 political violence and violent insecurity generated by rebel activity led over 800 000 to flee the Democratic Republic of Congo (DRC) and displaced 4.5 million internally; the conflict in South Sudan produced 2.4 million refugees and 2 million IDPs; while ongoing extremist violence, climatic pressures and food insecurity in Somalia forced 1 million people to flee and resulted in the displacement of 2.6 million people.⁷⁷ Climatic pressures such as droughts, and water and food insecurity, when combined with structural poverty and under-employment, increasingly interact with violence and conflict that force people to flee. In 2017 an estimated 2.5 million people were displaced as a result of climatic pressures in Chad alone.⁷⁸ Chad is also afflicted by interactional violence that has spilled over from conflicts in Sudan, the Central African Republic (CAR), Nigeria and Niger. Little consideration is paid at the global level to the particularities and complexities of forced displacement in Africa. Some states have hosted large-scale refugee populations for 30–50 years: the Mayukwayukwa camp in Zambia was built in 1966, and the Dadaab camp in Kenya in 1992.⁷⁹

Africa has been at the forefront of developing progressive migratory governance frameworks, which offer some of the most generous refugee and IDP protection instruments

The AU's 2019 focus on 'Refugees, Returnees and Internally Displaced Persons' aims to shine a light on the drivers and consequences of forced displacement in Africa by aligning its development pledges⁸⁰ to conflict resolution declarations,⁸¹ and to its refugee and migration management frameworks.⁸² In this regard Africa has been at the forefront of developing progressive migratory governance frameworks, which offer some of the most generous refugee and IDP protection instruments. For example, The 2009 Kampala Convention commits AU member states to refrain from detention, guarantee freedom of

77 Abebe TT, 26 February 2019, *op. cit.*

78 Lake Chad has receded by 90% since the 1960s, and 25 million people rely on it. A total of 6.9 million Chadians are food insecure and 80% of Chadians live below the poverty line. ECFR (European Council of Foreign Relations), 'Climate-driven migration in Africa', 20 December 2019, https://www.ecfr.eu/article/commentary_climate_driven_migration_in_africa, accessed 20 June 2019.

79 UNHCR, 'One of the oldest refugee settlements in Africa gets new banking services for the first time', 21 March 2017, <https://unhcr.org/news/stories/2017/3/58d121c8a/one-of-the-oldest-refugee-settlements-in-africa-gets-new-banking-services.html>, accessed 25 June 2019; Githinji EN & T Wood, 'Prospects for the Global Compact in Africa: Combining international solidarity with home-grown solutions', *International Journal of Refugee Law*, 30, 4, 2018.

80 See AU, 'Agenda 2063: The Africa We Want', <https://au.int/en/agenda2063/overview>, accessed 25 June 2019.

81 See AU, 'Silence the Guns by 2020', <https://au.int/en/flagships/silencing-guns-2020>, accessed 25 June 2019.

82 AU, 'OAU Convention Governing the Specific Aspects of Refugee Problems in Africa', 1969, <https://au.int/en/treaties/oau-convention-governing-specific-aspects-refugee-problems-africa>, accessed 25 June 2019; AU, 'Convention for the Protection and Assistance of Internally Displaced Persons in Africa' (Kampala Convention), 2009, <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>, accessed 25 June 2019; & AU, 'Protocol on Free Movement', 2019, <https://au.int/en/treaties/protocol-treaty-establishing-african-economic-community-relating-free-movement-persons>, accessed 25 June 2019.

movement, reunite families, respect and protect human rights, apply non-discrimination and equality before the law, and promote self-reliance, to name a few.⁸³ Africa has also served as the testing ground for the GCR's and CRRF's context-specific approach to addressing forced migration, as outlined in Table 2.

TABLE 2 EXAMPLES OF CRRF COUNTRY INITIATIVES*	
Country	CRRF initiative
Chad	Conversion of refugee school into government school; formalisation of refugee teaching via teacher training colleges
Djibouti	Amended national law - abolished encampment policy
Ethiopia	Economic Opportunities Program reserves 30% of all new economic opportunities for refugees; revised registration law to extend civil registration to refugees
Uganda	Refugees granted right to work, cultivate land, access public services, and establish businesses via ReHOPE in the National Development Plan

* Turk V, *op. cit.*; Global Compact on Refugees Platform, 'Uganda', http://www.globalcrf.org/crrf_country/uga/, accessed 20 June 2019

Source: UNHCR, 'Two Year Progress Assessment of the CRRF Approach. September 2016 - September 2018', UN Refugee Agency, December 2018, <https://www.unhcr.org/5c63ff144.pdf>, accessed 25 June 2019

This integrated 'whole of society' approach to displacement transforms displacement from a burden into a developmental tool for both refugee and host community alike. It is decidedly results-orientated.⁸⁴ The implementation of the GCR and AU migration frameworks by all AU member states has, however, been fragmented and inadequate, largely owing to a lack of political will, resources, capacity and enabling domestic policies and legislation aligned to international and continental frameworks.⁸⁵ There is also significant divergence in the impact of displaced populations on member states, and the commitments made by AU member states. For example, South Africa, Egypt, Morocco, Mauritius and Botswana have yet to ratify the 2009 AU Protocol. Protecting refugees and those forced to flee is a complex issue because African governments (like many of their global counterparts) often lack the political support to cater to displaced populations over their own national populations. Financial pledges supporting the adoption of the CRRF or implementing GCR burden-sharing principles are not sufficiently attractive or compensatory. For example, Tanzania was offered \$100 million in an IDA18 loan-grant split, to support the development of greater opportunities for refugees. Yet President John Magufuli refused to borrow money and indebt his country in order to host refugees on behalf of the international community.⁸⁶

83 AU, 'Migration Policy Framework for Africa and Plan of Action 2018-2030, 2018, <https://au.int> or <https://www.unhcr.org/protection/migration/4d5258ab9/african-union-migration-policy-framework-africa.html>, accessed 25 June 2019.

84 Turk V, *op. cit.*

85 *Ibid.*

86 Betts, A, 'Don't make African nations borrow money to support refugees', *Foreign Policy*, 21 February 2018.

The GCR makes provision for regional and subregional organisations to actively be part of comprehensive responses, initiatives and solutions in tackling the crisis of forced displacement. In 2017 the Intergovernmental Authority on Development (IGAD) in East Africa held a special summit on ‘Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia’, resulting in the [Nairobi Declaration and Plan of Action](#).⁸⁷ The IGAD subregion hosts more than 3 million refugees, most of whom are Somali and Sudanese. The declaration offers a ‘new deal’ for Somalis by way of a series of commitments and practical steps taken by IGAD member states to address the protracted Somalia displacement crisis. All IGAD member states have undertaken to implement a uniform approach to refugee management, and relevant national reforms have been instituted. Refugees now have equal access to services, education, employment, freedom of movement, and rights across IGAD states.⁸⁸ Further, IGAD has linked conflict resolution initiatives (the AU Mission in Somalia, Somalia Security Pact, and the National Stabilisation Strategy), to migration governance (CRRF, GCR) and development programmes in the region (eg, Economic Recovery Plan and the Nairobi Action Plan).⁸⁹

The East African Community (EAC) has also been active with regard to delivering on commitments made in the GCR and CRRF, with a particular focus on children. Child refugees and unaccompanied minors constitute an emergent dimension of the forced displacement crisis. A total of 50% of Africa’s IDP population, and 56% of refugees in Africa, are children.⁹⁰ The EAC seeks to deliver on bettering protection mechanisms for child refugees and asylum seekers, integrating children and asylum seekers from arrival, and securing ongoing services (such as multi-year education) for child refugees and asylum seekers. This is done by ensuring member states adopt child-specific legislation, registration, protection and social welfare policies; and instituting national development plans that refer specifically to child refugees and asylum seekers as a sub-set for provision.⁹¹ Currently, none of the EAC member states’ constitutions provides for refugees. This will require amendment, although all EAC member states’ constitutions do make provisions for child rights. Two case studies provide an overview of the complexities of refugee management in Africa.

The case of South Africa: Moving backwards slowly

South Africa is considered one of the most developed states on the African continent with an estimated gross domestic product (GDP) of \$350 billion and 85.5% electrification across

87 Githinji EN & T Wood, *op. cit.*

88 IGAD (Intergovernmental Authority on Development), ‘Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia’, First Progress Report, March 2018, <http://www.globalcrf.org/wp-content/uploads/2018/07/IGAD-Annual-Progress-Report-English.pdf>, accessed 25 June 2019.

89 *Ibid.*

90 Abebe TT, 26 February 2019, *op. cit.*

91 UNHCR, ‘Bridging the Humanitarian-Development Divide for Refugee Children in Eastern Africa and the Great Lakes Region’, May 2018, <https://www.globalcrf.org/wp-content/uploads/2018/10/Briding-hum-dev-divide-for-refugee-children-in-East-Africa-and-Great-Lakes.pdf>, accessed 20 June 2019.

its territory.⁹² But the country is also characterised by its 'dual economy' status and is the most unequal in the world: the unemployment rate is an estimated 27.6% and 55.5% of the population lives below the poverty line.⁹³ According to the UNHCR's Mid-Year 2018 Trends Report, South Africa is host to an estimated 89 285 refugees and 184 200 asylum seekers, representing a total population of people of concern of 273 488.⁹⁴ This is in contrast with Uganda, which hosted 1 338 887 refugees alone in 2017, and Ethiopia, which hosted 847 232 refugees.⁹⁵

The South African Constitution and Bill of Human Rights is espoused as one of the most liberal in the world, guaranteeing fundamental freedoms to all who live in the Republic regardless of race, religion, nationality, gender, disability or sexual orientation. The Constitution sets out the rights and responsibilities of all people who live in South Africa, and affords refugees the same human rights as South African nationals, except for the right to vote. The legal framework that governs refugee law and management in South Africa is the 1996 Constitution, the Refugee Act of 1998, the 1951 Convention, the 1969 Organization for African Unity (OAU/AU) Convention, and the Immigration Act of 2002. The 2017 White Paper on International Migration and the Border Management Bill have yet to be effected into legislation. These are summarised in Table 3.

TABLE 3 LEGAL AND POLICY FRAMEWORK IN SOUTH AFRICA	
Constitution of South Africa 1998	States that all persons have the right to access these services: healthcare, sufficient food and water, social security and social assistance.
Immigration Act of 2002, as amended^a	Sets out admission requirements: no person shall enter or depart from the Republic at a place other than a port of entry and no person shall enter or depart from the Republic unless he or she is in possession of a valid passport. Provides for various types of temporary visas that could be granted to foreign nationals.
1998 Refugee Act, as amended^b	Allows for the establishment of refugee reception offices and the issuing of temporary permits to applicants waiting for their asylum status to be finalised; grants refugee status and permits to applicants who meet the conditions set out in the act. Makes provision for the granting of a refugee permit for a period of 10 years.

92 *BusinessTech*, 'The biggest economies in Africa', 10 July 2018, <https://businesstech.co.za/news/finance/257337/the-biggest-economies-in-africa>, accessed 25 June 2019.

93 Statistics South Africa, 'Quarterly Labour Force Survey', 14 May 2019, <http://www.statssa.gov.za/publications/P0211/P02112ndQuarter2019.pdf>, accessed 26 June 2019; Van Dalsen A & C Simkins, 'Does the Gini Index really show SA is the most unequal society in the world?', *PoliticsWeb*, 13 June 2019, <https://www.politicsweb.co.za/opinion/does-the-gini-index-show-that-sa-is-the-most-unequ>, accessed 26 June 2019.

94 Sivaloganathan M, 'SA can do more for refugees', *The Sunday Independent*, 23 June 2019; UNHCR, '2018 Mid-Year Global Trends', <https://www.unhcr.org/5c52ea084.pdf>, accessed 25 June 2019.

95 UNHCR, 'Developing the Comprehensive Refugee Response Framework: Special Appeal', September 2017, <http://reporting.unhcr.org/sites/default/files/UNHCR%20Developing%20the%20Comprehensive%20Refugee%20Response%20Framework%20Special%20Appeal%202017%20--%20September%202017.pdf>, accessed 26 June 2019.

LEGAL AND POLICY FRAMEWORK IN SOUTH AFRICA CONTINUED

2017 White Paper on International Migration^c	<p>Establishes the Border Management Authority (BMA).</p> <p>Relaxes visa requirements for certain nationals and categories of international migrants, including frequent travellers, academics and businesspeople.</p> <p>Introduces a Points-Based System (PBS) to determine the eligibility criteria for long-term residence visas; and the granting of long-term multiple entry (up to 10 years) visas to academics and businesspeople from the African continent and BRICS countries.</p>
Border Management Authority Bill^d	<p>Establishes a centralised authority for all matters relating to South Africa's points of entry.</p> <p>Establishes an Asylum Seeker Processing Centre closer to the borderline.</p>

- a See South Africa, DHA (Department of Home Affairs), Immigration Act of 2002, http://www.dha.gov.za/IMMIGRATION_ACT_2002_MAY2014.pdf, accessed 25 June 2019.
- b See South Africa, Refugee Amendment Act of 2015, https://juta.co.za/media/filestore/2017/03/B12B_2016.pdf, accessed 25 June 2019.
- c See South Africa, DHA, 'White Paper on International Migration for South Africa', July 2017, <http://www.dha.gov.za/WhitePaperonInternationalMigration-20170602.pdf>, accessed 25 June 2019.
- d See Republic of South Africa, 'Portfolio Committee Amendments to Border Management Authority Bill', http://pmg-assets.s3-website-eu-west-1.amazonaws.com/B9A-2016_border_management_authority.pdf, accessed 25 June 2019.

Then UN High Commissioner for Refugees Antonio Guterres once described South Africa as having 'one of the most advanced and progressive systems of refugee protection in the world'.⁹⁶ Chapter 1 of the 1998 Refugee Act, for example, extends the conceptualisation of 'refugee' beyond the 1951 UN Convention to include flight owing to 'external aggression, occupation, foreign domination, or event seriously disturbing the public order'.⁹⁷ Chapter 5 affords refugees and asylum seekers a host of socio-economic rights and guarantees that include the full legal protection of the Constitution; entitlement to documentation; the right to employment, healthcare, education and employment; the right to family reunification; and the right to apply for permanent residence after five years. South Africa's legal framework for managing refugees and asylum seekers follows a non-encampment approach, allowing freedom of movement and integrated livelihoods for those who have been forcibly displaced. Further, it does not have processing centres along its borders, although this may change if recommendations from the 2017 White Paper on International Migration (WPIM) are implemented.⁹⁸ This makes South Africa the only African country with an urban refugee policy that does not restrict refugees to camps and where there is no automatic detention of asylum seekers or refugees. As a result of its liberal refugee policies,

96 Van Lennep T, 'The State of the South African Refugee Protection Regime: Part 1 – Current Status', Helen Suzman Foundation, 30 October 2018, <https://hsf.org.za/publications/hsf-briefs/the-state-of-the-south-african-refugee-protection-regime-part-i-current-status>, accessed 25 June 2019.

97 South African Government, 'Refugees Act, 1998', 2 December 1998, Government Gazette, <https://www.gov.za/documents/refugees-act>, accessed 25 June 2019; UNHCR, 'Convention Relating to the Status of Refugees', 28 July 1951, Geneva, <https://www.unhcr.org/1951-refugee-convention.html>, accessed on 25 June 2019.

98 Personal interview, government official 1, Pretoria, 23 April 2018.

South Africa is an appealing asylum destination for many across the continent, including economic migrants, who are said to use the asylum-seeking process to enter the country.⁹⁹

South Africa has a transparent refugee management process, as detailed in the Refugee Act. The act provides for:

- the reception of asylum seekers into South Africa through refugee reception offices (RROs), staffed with status determination officers;
- a status determination process, with waiting times, in the recognition of refugee and asylum-seeker status;
- enabling documentation such as ID and travel documents for refugees and asylum seekers (ie, Section 22 and Section 24 permits);
- the Refugee Appeals Board and Standing Committee;
- additional protections to unaccompanied children and mentally disabled persons;
- provisions for the voluntary repatriation of refugees; and
- the monitoring of RROs, and liaison with stakeholders such as the UNHCR, NGOs and government departments.¹⁰⁰

Despite clear legislative frameworks establishing the refugee management process, there is a gap between policy and implementation. The Department of Home Affairs (DHA) has an estimated backlog of 150 000–184 200 asylum applications, and status determination typically takes about five years.¹⁰¹ Some asylum seekers have been waiting from 10–19 years for status determination, forcing them to live in limbo.¹⁰² In 2015 only 8.81% of asylum seekers received refugee status.¹⁰³ Despite constitutional provisions and human rights framework guarantees, asylum seekers are routinely turned away from schools and hospitals, subject to xenophobic treatment and violence, refused access to financial services and employment, and face arbitrary arrest and deportation.¹⁰⁴

South Africa only has five RROs, with three of its biggest metropolises – Johannesburg, Cape Town and Port Elizabeth – not hosting RROs. Asylum seekers are required to renew their

99 Ramjathan-Keogh K, 'The rights of refugees and migrant learners', in *Basic Education Rights Handbook – Education Rights in South Africa*. Braamfontein, Johannesburg: SECTION27, 2017.

100 Roni A, *All Roads Lead to Rejection: Persistent Bias and Incapacity in South African Refugee Status Determination*, ACMS (African Centre for Migration & Society) Research Report. Johannesburg: ACMS, University of Witwatersrand, 2012, pp. 23–26.

101 UNHCR, '2018 Mid-Year Global Trends' *op. cit.*; Van Lennep T, *op. cit.* The upper-end figure is based on adding new asylum claims from 2019 that have yet to be determined.

102 Postman Z, 'Home Affairs asks UN for help with refugee backlog', GroundUp, 16 May 2019, <https://www.groundup.org.za/article/home-affairs-asks-un-help-refugee-backlog/>, accessed 26 June 2019; UNHCR, '2018 Mid-Year Global Trends', *op. cit.*; Tolmay S, 'The plight of asylum seekers in SA: No documents, no rights', *Daily Maverick*, 20 June 2019, <https://www.dailymaverick.co.za/article/2019-06-20-the-plight-of-asylum-seekers-in-sa-no-documentation-no-rights/>, accessed 26 June 2019.

103 DHA (Department of Home Affairs), '2015 Asylum statistics: Analysis and trends for the period January to December', 2015, Presentation to the Portfolio Committee of Home Affairs. South Africa: Department of Home Affairs.

104 Corruption Watch, 'An Asylum seeker's journey in South Africa', 2016, <https://www.corruptionwatch.org.za/wp-content/uploads/2016/11/How-the-Asylum-System-Works.pdf>, accessed 25 June 2019.

permits every six months, requiring time off work and school, and the precious diversion of limited resources to travel long distances to one of these five RROs nationally. Long queues mean asylum seekers often have to attempt this three or four times before receiving the renewal. RRO determination officers are overworked and undertrained, routinely misapply the narrow conceptualisation of ‘persecution’ on determinations, or operate from inadequate assessments of conditions in the country of origin.¹⁰⁵

There is a significant gap between the liberal values of South Africa’s refugee management system and the realities of implementation

There is a significant gap between the liberal values of South Africa’s refugee management system and the realities of implementation, with finite resources playing a significant role in the failure to deliver. The deterioration of the refugee management system is also embedded within domestic realities: a restive national population in demand of greater national service delivery putting South Africans first.¹⁰⁶ Owing to the significant influx of economic migrants and the overburdened refugee management system, the DHA produced the 2016 Refugees Amendment Act and the WPIM in the 2016/17 financial year. The WPIM is a new policy framework aimed at managing asylum seekers and refugees. The Border Management Authority (BMA) has been established as an enforcement mechanism at ports of entry. The government argues that the BMA’s purpose is to provide refugees and asylum seekers with protection and access to basic services in a humane and secure manner, while the WPIM looks to introduce an encampment policy that will establish asylum-seeker processing centres along South Africa’s borders. This means that asylum seekers will not have the automatic right to work or study in South Africa because the processing centres, which are to be supported by the UNHCR, will cater for their basic needs at the border. This is a regressive step for South Africa, as it adopts blanket detention upon arrival, moving away from the ‘rights upon arrival’ approach offered under the current non-encampment approach.

It also moves South Africa away from the integration approach that the GCR promotes. This has significant implications for child refugees and asylum seekers, especially with regard to education and schooling. Moreover, refugees may only apply for a long-term residence visa after 10 continuous years of living in South Africa as a refugee (previously five years), effectively delinking and delaying naturalisation from the immigration regime as prescribed in the framework governing citizenship and civil rights in the country.¹⁰⁷ These proposed

105 Van Lennep T, *op. cit.*

106 *Ibid.*

107 South Africa, DHA, ‘White Paper on International Migration for South Africa’. Pretoria: Government Printer, 2017.

amendments will create a parallel system in refugee management; an approach the GCR is seeking to dismantle. These proposed amendments also prevent refugees and asylum seekers from playing a developmental role in South Africa; another area that the GCR is working to establish. A longitudinal study conducted by the World Bank in South Africa from 1996–2011, for example, found that, on average, one migrant generated two jobs for South African nationals and that 25% of migrants were self-employed.¹⁰⁸ The new proposals vis-à-vis BMA and WPIM, if enacted, will have a detrimental impact on asylum seekers' and refugees' right to free movement, access to rights, and ability to work.¹⁰⁹ This in turn will have implications for the South African economy, productivity and tax base, and increase the service delivery burden. The South African case of refugee management offers critical insights into the promises and pitfalls of the GCR in Africa and beyond: being a signatory does not always translate into implementation. While South Africa signed to the non-binding GCR, no further commitments have been made in this regard. It has not offered to host more, or resettle more of those forcibly displaced, while domestic legislative protections already exist. The country's liberal provisions and pledges in managing forced displacement are considerably constrained by empirical realities. One way in which South Africa has tried to deal with forced migration in origin countries is through peace mediation and conflict resolution initiatives, but this has been hampered by its own national interests and finite resources.

The case of Tanzania: Difficulties in implementing the CRRF

Tanzania's GDP in 2018 was a modest \$57.437 billion, and although it has sustained a growth rate of 6–7% over the last decade, 67% of its population still lives below the poverty line.¹¹⁰ Tanzania has seen large influxes of mixed migrants for many years and has been hosting refugee communities continuously since 1959.¹¹¹ Since 1994 it has hosted refugees from Rwanda, Burundi, Somalia and the DRC, and has become a haven for those fleeing the Great Lakes and Horn of Africa region.¹¹² Currently, over 74% of the refugee and asylum-seeking population in Tanzania is Burundian.¹¹³ Grandi has called Tanzania 'one of the most important refugee asylum countries in Africa'.¹¹⁴ It was one of the first countries to join and pilot the CRRF in 2017, but as a result of underfunding, social tensions and pressures placed on infrastructure and services, it withdrew from the CRRF in 2018. Tanzania has long had a

108 World Bank, 'Mixed Migration, Forced Displacement and Job Outcomes in South Africa', June 2018, <https://openknowledge.worldbank.org/handle/10986/30158>, accessed 25 June 2019. While this is not a disaggregated figure as to the type of migrant (eg, skilled/unskilled, legal/illegal, economic asylum seeker/refugee), the figure makes the point that owing to the current non-encampment, inclusive approach, refugees and asylum seekers are able to earn livelihoods along with other migrants and nationals.

109 Ramjathan-Keogh K, *op. cit.*

110 World Bank, 'Tanzania', 20 November 2018, <https://data.worldbank.org/country/tanzania>, accessed 26 June 2019; UNDP (UN Development Programme), 'Tanzania: Human Development Report 2017', 2018, http://hdr.undp.org/sites/default/files/thdr2017_launch.pdf, accessed 25 June 2019.

111 Betts A, *op. cit.*

112 Kuch A, 'Lessons from Tanzania's historic bid to turn refugees into citizens', *Refugees Deeply*, 2018.

113 UNHCR, 'UN chief calls for more international support to Tanzania', 18 February 2019, <https://www.unhcr.org/news/latest/2019/2/5c5d6ed44/unhcr-chief-calls-international-support-tanzania.html>, accessed 26 June 2019.

114 *Ibid.*

reputation as being a friendly host state, but between March 2017 and July 2018 it closed all 19 of its border posts to Burundi and Congolese asylum seekers.¹¹⁵

Tanzania has long had a reputation as being a friendly host state, but between March 2017 and July 2018 it closed all 19 of its border posts to Burundi and Congolese asylum seekers

In 2018 Tanzania hosted 330 755 refugees and asylum seekers. While refugees in the country are protected by the 1951 Convention and the 1969 OAU Convention, these conventions provide the principles – some of which are observed (eg, non-refoulement, non-discrimination and asylum provision), some of which are not (eg, freedom of movement). Refugees are also protected through domestic instruments such as the 1977 Constitution of the United Republic of Tanzania and the Refugees Act of 1998. The Refugees Act sets out the overall framework for refugee management, including grounds for cessation of refugee status, exclusion from refugee status, and the demarcation of ‘designated areas’ (ie, camps) for refugees and asylum seekers.¹¹⁶ The act also establishes the functions and mandate of the Director of Refugee Services, the National Eligibility Committee and the Refugee Trust Fund in dealing with refugees and asylum management.¹¹⁷ Tanzania follows an encampment approach in managing forced displacement within its borders, and the penalties and strictures for contravention are stringent. For example, travelling without permission, without a permit, or beyond the 14 days provided may result in imprisonment and/or a fine of TZS¹¹⁸ 200 000 (\$ 87).¹¹⁹ Refugees and asylum seekers live mainly in camps and settlements, namely the Nyarugusu, Nduta Mtendeli, Ulyankulu, Mishamo, Kigoma and Katumba camps, as delineated by the Refugees Act.¹²⁰ Many of these camps are overcrowded, lack basic facilities and services, and offer little protection from insecurity. For example, Nyarugusu is estimated to be at 200% of its intended capacity.¹²¹ Residence in urban centres is a recent development generated by the conditions in camps (overcrowding, epidemics, and lack of education, training and work) and not as a result of a shift in government policy. Living in urban areas generates significant insecurities for

115 UNHCR, ‘Tanzania Country Refugee Response Plan’, 18 March 2019, <https://reliefweb.int/report/united-republic-tanzania/tanzania-country-refugee-response-plan-integrated-response-plan>, accessed 25 June 2019.

116 Tanzania, Refugees Act 1998, 15 April 1999, <https://www.refworld.org/docid/3ae6b50bf.html>, accessed 26 June 2019.

117 *Ibid.*

118 Currency code for the Tanzanian shilling.

119 Tanzania, *op. cit.* Often only granted on medical grounds, or for higher education and religious work.

120 UNHCR, 18 March 2019, *op. cit.* Camps for newer arrivals, settlements for historically displaced, but in both cases restrictions on freedom of movement apply. Those living in settlements and camps have to apply to leave, which is often only granted for a 4km radius from the camp/settlement.

121 IRRI (International Refugees Rights Initiative), ‘The State of Freedom of Movement for Refugees in Tanzania: An Overview’, 1 September 2015, <https://reliefweb.int/report/united-republic-tanzania/state-freedom-movement-refugees-tanzania-overview>, accessed 26 June 2019.

refugees and asylum seekers in terms of detection, detention and/or deportation as a result of their (il)legal status.

A summary of the provisions pertaining to refugees and asylum seekers is given in Table 4.

TABLE 4 LEGAL AND POLICY FRAMEWORK IN TANZANIA	
Constitution of Tanzania^a	All persons have the right to access education and social protection. Provides the conditions for refugees to acquire movable and immovable property, as well as the right to employment, asylum and freedom of movement.
Immigration Act 1995,^b Immigration Amendment Act 2015^c	The 1995 Tanzania Immigration Act was amended in 2015, in terms of which Tanzania has committed itself to do the following: <ul style="list-style-type: none"> • respect international obligations; • advocate for international cooperation in burden sharing; • stipulate admission procedures and determination of refugee status; • guarantee refugees' welfare, including the right to asylum; and • not expel asylum seekers from Tanzania except on the grounds of national security, and advocate for repatriation.
Refugee Act of 1998^d	The Refugee Act replaced the Refugee Control Act of 1966 and uses the 1969 OAU Refugee Convention definition of a refugee. Refugees are granted status within seven days of entering the country (regardless of how they entered the country). Allows refugees to obtain work permits.
Tanzania Citizenship Act 1995^e	States that a person acquires citizenship in Tanzania by birth if his/her parents are Tanzanian citizens by birth. Non-citizens can become citizens through naturalisation.

a Tanzania, Constitution of the United Republic of Tanzania, <https://www.wipo.int/edocs/lexdocs/laws/en/tz/tz008en.pdf>, accessed 17 October 2019

b Tanzania, Immigration Act 1995, <http://tanzania.eregulations.org/media/Immigration%20Acts%201995.pdf>, accessed 25 June 2019

c See Immigration Amendment Act, <http://tanzania.eregulations.org/media/IMMIGRATION%20ACT%20CAP%2054%202016.pdf>

d Tanzania, Refugees Act, 1998, 15 April 1999, <http://www.refworld.org/docid/3ae6b50bf.html>, accessed 15 May 2018

e Tanzania, The Tanzania Citizenship Act, 1995, <http://citizenshiprightsafrika.org/wp-content/uploads/2016/08/Tanzania-Citizenship-Act-1995.pdf>, accessed 25 June 2019

Tanzania's encampment policy prevents refugees from building independent, sustainable and productive livelihoods, and confines small income generating activities and incomes to the camps.¹²² It also reinforces the dependency of displaced communities on host societies, which amplifies social tensions around (perceived) diverted resources and services and shared infrastructure. Worryingly, encampment can fuel unintended consequences such as

122 IRR, *op. cit.*

food insecurity, as those confined within the zones are unable to cultivate land or earn an independent income to buy their way out of poor nutrition and hunger.¹²³

Tanzania has dedicated itself to finding durable solutions to refugee management and forced displacement on the continent, given its heavy burden. In 2007 Tanzania, in partnership with Burundi and the UNHCR, developed the Tanzania Comprehensive Solution Strategy (TANCOSS). The TANCOSS was based on three pillars:

- repatriation to Burundi;
- citizenship for persons wanting naturalisation; and
- relocation of naturalised refugees from settlements to other areas of Tanzania.

In addition, TANCOSS viewed the integration of Burundians into Tanzanian society as key to the durability of proposed solutions – not only for the well-being of the refugee/asylum seeker but also for the benefit of the host state. Although TANCOSS was never implemented owing to logistical, financial and local resistance problems, 162 000 Burundians (dating back to 1972) were naturalised and offered citizenship in 2014.¹²⁴ This was viewed as an important step in the realisation of the rights and protections for refugees and asylum seekers in Tanzania, and in undertaking a different approach to dealing with the migration–development nexus in Tanzania.¹²⁵ The TANCOSS initiative reflected the willingness of the Tanzanian government and the UNHCR to find better refugee management solutions. Although it was not successfully implemented, the TANCOSS strategy presented the Tanzanian government with an opportunity to ensure co-existence for the country as a host community and Burundian refugees. Tanzania’s willingness to implement the TANCOSS strategy explains why it was identified as an ideal case study to pilot the CRRF. The CRRF attempted to respond to the ongoing forced displacement crisis and the protracted emergency situation in Burundi by linking refugee management to the peace process in Burundi. Its unsuccessful implementation, however, highlights the importance of strategies, conventions and documents being binding in order to ensure accountability and achieve appropriate follow-through.

Under the CRRF, Tanzania committed itself to revise the Refugee Act of 1998 vis-à-vis encampment and the provision of opportunities for refugees and asylum seekers in Tanzania. During the UNGA Leaders’ Summit in 2016 Tanzania made the following commitments:

- to continue receiving people fleeing war, conflict, political instability and persecution;
- to review its 1998 Refugee Act;

123 USAID, ‘Food Assistance Fact Sheet: Tanzania’, 8 April 2019, <https://www.usaid.gov/tanzania/food-assistance>, accessed 25 June 2019.

124 Kuch A, *op. cit.*

125 Keke E & H Mseke, ‘Displacement and development solutions in Tanzania’, *Forced Migration Review*, 52, 2016.

- to provide durable solutions to the ‘1972 Burundian refugees’, who had not yet been naturalised but had been allowed to apply for Tanzanian citizenship; and
- to improve the quality of protection for refugees in Tanzania to ensure that they have access to education and the domestic labour market, and to adopt the GCR in sharing responsibility for refugees and displaced people.¹²⁶

Regrettably, Tanzania’s withdrawal from the CRRF has meant that many of these commitments have not been implemented.¹²⁷ The CRRF requirements for states to promote free movement and access to land, issue work permits for self-reliance, and provide basic services such as access to education, water and healthcare, among others, are financially burdensome for LDCs such as Tanzania. Magufuli maintains that, owing to a lack of financial resources and for national security reasons, Tanzania can no longer be a pilot country for the CRRF. As discussed earlier, the government of Tanzania rejected the World Bank loan owing to the requisite repayment criteria, as it expected both humanitarian and development funds benefitting refugees to be ‘free of charge’. The CRRF does not make provisions for the World Bank’s financing conditions, which are arguably unfair to African countries already burdened with debt repayment, underdevelopment, structural poverty and unequal access to markets, trade and finance. The country’s departure from the CRRF is a significant blow to the GCR’s ‘burden-sharing’ ethos, given Tanzania’s centrality in hosting large numbers of refugees and asylum seekers in Africa. There have also been worrying trends in Tanzania: the Tanzanian government has strongly encouraged Burundians to return, assessing the situation in Burundi to be peaceful despite reports to the contrary.¹²⁸ In the Mtendeli and Kigoma camps these declarations have been accompanied by ‘economic disincentive tactics’ such as a cut in the number of market days in the camps from three to one, and an outright ban on the sale of telecommunications and transport goods and services.¹²⁹

Given that conditions remain uncertain in many Horn of Africa and Great Lakes countries, Tanzania will continue to be placed under pressure to serve as a transit and destination country. As a stable country in a troubled region it should be better supported in this regard.¹³⁰ Despite Tanzania’s active role in mediation and conflict resolution efforts in both the Great Lakes and the Horn of Africa, these efforts have stalled, plagued by astringent leaders, a lack of enforcement capacity, a lack of fiscal resources, and competing counter-terror operations and interventions by external states.

126 See UNHCR, ‘Summary Overview Document: Leaders’ Summit on Refugees’, 2017, <http://www.unhcr.org/events/conferences/58526bb24/overview-leaders-summit-on-refugees.html>, accessed 26 June 2019.

127 CGTN (China Global Television Network), ‘Tanzania pulls out of UN refugee integration programme [video]’, 13 February 2018.

128 Human Rights Watch, ‘World Report 2018: Burundi’, <https://www.hrw.org/world-report/2019/country-chapters/burundi>, accessed 29 June 2019.

129 Van Laer T, ‘There is Pressure on Us: Burundian Refugees in Tanzania Pushed to Return’, *African Arguments*, 21 August 2018, <https://africanarguments.org/2018/08/21/pressure-burundi-refugees-tanzania-pushed-return/>, accessed 26 June 2019.

130 UNHCR, 18 February 2019, *op. cit.*

Conclusion

The GCR offers a fresh approach to dealing with forced migration by operationalising refugee rights and protections, setting out deliverable targets for states, conjoining actors, and linking forced migration to conflict resolution and development initiatives. States bear the primary responsibility for protecting refugees. Yet even with well-established international law protocols, many states are unable or unwilling to provide protection and rights to those forced to flee.

This paper has shown that there are serious protection and enforcement mechanism gaps for refugees, asylum seekers and others forced to flee in Africa despite progressive protective legislation at the continental level.¹³¹ Africa's forced displacement situation is complex, tied to conflict, violence and insecurity, structural poverty, unemployment, and climatic, environmental and demographic pressures. In Africa it is not simply a migration-development nexus that must be addressed, but a security-migration-development nexus. Treating it in isolation will fail to eradicate the root causes of forced displacement, as well as its underlying drivers and dynamics, and stall solutions taking effect. Finding sustainable solutions should not be left to the international community – African states need to pull their own weight and hold one another accountable at regional and subregional forums. If African countries are not the driving force behind solutions, problems will persist.

The Tanzanian case study highlights how difficult it is to implement initiatives such as the GCR and its accompanying CRRF where those directly burdened with hosting large displaced populations are not financially supported by the international community. The NY Declaration indicates that the international community is the main instrument to mobilise financial and technical capacity to deal with the refugee crisis globally. African countries have limited power to demand financial support and resources from the international community, and in this sense the GCR reinforces inequity between the Global North and the Global South. This acts as a very real impediment to the GCR and CRRF's truly being global in burden sharing and in ensuring international cooperation and responsibility.¹³² Dependency on the Global North for fiscal resources to underpin interventions mainly in the Global South comes at its own cost, with policy outcomes directed by power relations rather than rooted in context-specific considerations. The South African case study, meanwhile, shows that good policy does not always result in productive or tangible action.

The GCR: Fit for Africa's purpose?

The key question this paper sought to answer is whether the GCR is fit for Africa's purpose. In order for the GCR to be an implementable framework, commitments need to be binding. The non-binding nature of the GCR and CRRF is a serious limitation of the

131 Personal interview, international organisation official 2, Johannesburg, 29 March 2018.

132 Personal interview, government official 3, Johannesburg, 16 May 2018.

compact. As both the Tanzania and South African cases show, there are not sufficient penalties for member states when they do not uphold their commitments. This will render the GCR ineffective and lead to states' formal and informal withdrawal from participation, leaving only countries affected by the forced displacement crises party to the commitments. Greater linkage is needed between security, development and migration frameworks and strategies of intervention so that the operationalisation of targets in one area impacts and translates into other areas. Most importantly, the GCR and CRRF need to be better resourced so that states are not indebted in terms of burden sharing and upholding commitments.

The non-binding nature of the GCR and CRRF is a serious limitation of the compact

Integrating refugees into host communities

The key to successfully integrating refugees and asylum seekers into host communities is to change public attitudes to refugees and asylum seekers through integration programmes. Refugees should not just be seen as passive recipients but should be fully and deliberately engaged with host communities as key players. This can be done by integrating refugees in local government development plans and creating opportunities for them to open businesses. Government officials need to be trained on refugee rights to reduce harassment and ensure successful refugee integration. In order to ensure self-reliance, refugees need to be empowered through the provision of skills to contribute to their well-being and the well-being of host communities through education, health and livelihood opportunities. This will need to be matched with and pegged to initiatives for host populations in terms of services, opportunities, skills development and livelihoods.

Adopting a results-based refugee management system

In order for the GCR to be an implementable framework, the UNHCR needs to develop a results-based refugee management system. Taking into account conditions in host communities, a refugee framework such as the GCR must be designed to result in impact and performance. This impact and performance should not only be focused on how many refugees and asylum seekers are no longer living in camps or integrated in communities, but should also take into account the effectiveness of education, healthcare and other services in the lives of refugees. A results-based refugee management system is a management tool that will enable the UNHCR and African countries to improve their performance when dealing with refugee issues. African countries will be able to track the results of states and relevant stakeholder actions over time. A results-based refugee management system will give refugees a voice and build policies to support their choices.

In addition, it will help to create better understanding of the needs and realities of refugees and asylum seekers and the challenges they face. Improving data on refugees is crucial for understanding their needs and allowing local governments to plan for and improve infrastructure based on the given data. A results-based refugee management system can allow for diversity in representation (by gender and region) at key decision-making bodies such as the legislature and government in host communities, to ensure that refugees are fully integrated into the community. Host communities will be able to focus on both refugees' and nationals' concerns, on operational problems and on the underlying causes, needs, resources and gaps to ensure that interventions are designed to produce results.

A results-based refugee management system is a management tool that will enable the UNHCR and African countries to improve their performance when dealing with refugee issues

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Cover image

Burundian refugee Richard Samuel, 14, plays his home made guitar as he waits to be transferred to Nyarugusu Refugee Camp from Lake Tanganyika Stadium in Kigoma in 2015. As of 2015 76,000 refugees had crossed into Tanzania in protest against Burundian incumbent President Pierre Nkurunziza's bid for a third term continued (Daniel Hayduk/AFP/Getty Images)

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