

Durable solutions to migration challenges in East Africa and the Horn

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Migration is a major issue in East Africa and the Horn. The complex governance challenges presented by mixed migration for both the sending and receiving states has pushed migration to the top of policy and academic debates. This report aims to inform African and global decisions on particular issues related to mixed migration in the region, specifically the development of sound policy on migration, security and development.

Key findings

- ▶ The increasing number of refugees and asylum seekers in the region is a product of volatility arising from politically instigated violence, ethnic clashes and state fragility.
- ▶ Poverty, underdevelopment and the limited capacity of the region's states to provide basic public goods and services contributes to forced migration.
- ▶ Corruption undermines wealth creation and social service provision, with negative consequences for forced migration.
- ▶ The percentage of skilled migrants leaving East Africa and the Horn for destinations in Southern Africa, Europe, Asia and North America is increasing as people seek better opportunities elsewhere.
- ▶ Droughts, floods and water scarcity threaten food security and livestock farming, and are compounded by the arid and semi-arid nature of the region.
- ▶ State vulnerability in the region is exacerbated by natural disasters, locust invasions and COVID-19 threatening food security and the pace of economic growth.
- ▶ Climate change and the vulnerability to various environmental stressors and shocks are triggering forced migration.

Recommendations

For governments and regional economic communities:

- ▶ Promote coordinated bilateral and regional efforts to tackle issues of mutual interest such as mixed migration
- ▶ Prioritise political and economic stability through inclusive and sustainable political and economic policies
- ▶ Build state capacity to enable human development and the implementation of Agenda 2063 and the Sustainable Development Goals
- ▶ Align national, regional and global laws on good governance, including respect for the rule of law and constitutionalism, transparency and accountability, equity and equality in the distribution of resources
- ▶ Ensure that national and regional climate adaptation and mitigation action plans consider local knowledge and resources to encourage participation and building local resilience

For the international community:

- ▶ Support states in improving political and economic conditions through development agendas that promote burden-sharing
- ▶ Convince host governments to grant refugees greater freedoms

For the UN Refugee Agency:

- ▶ Collaborate with stakeholders to lobby for the deeper involvement of governments in the protection and assistance of refugees and asylum seekers as prescribed under national, regional and international norms

For organisations working on migration:

- ▶ Build capacity for mixed migration policy indices that contribute to a regional data portal, and policy and institutional coherence for mixed migration

Introduction

The mixed migration challenges in the East and Horn of Africa region are complex and have contributed to more than 6.3 million internally displaced persons (IDPs) and 3.5 million refugees, who experience life as a constant process of adapting to insecurity and permanent crises.¹ This situation is exacerbated by the protracted and chronic nature of old and emerging conflicts that recur with devastating outcomes, negatively impacting the political, social, human, economic and environmental assets of the region. Negative impacts such as the collapse of state efficiency and the abuse of human rights create conditions for irregular migration.

Moreover, despite the massive flows of refugees and IDPs, countries in the region receive minimal attention from donors and the international community. The number of refugees and IDPs in the region surpassed that of migrants in 2014, with Sudan and Somalia hosting an estimated 2.5 million each.² Further, Eritrea fell into the same category as South Sudan, recording 1.5 million IDPs due to the internal unrest that started in 2013.³

The region stands out given that it is both a source and a recipient of refugees, and there are several interventions aimed at addressing complex emergencies emanating from the mixed migration challenges. Although conflicts have always been perceived as the main contributing factors to complex refugee and internal displacement emergencies, a myriad of other

Chart 1: Map of the East and Horn of Africa region



Source: Institute for Security Studies

4 of the top 10
COUNTRIES OF ORIGIN
FOR REFUGEES GLOBALLY
IN 2020 WERE IN EAST AFRICA

political, economic, social, technological, environmental and legal aspects have greatly exacerbated the challenges of mixed migration in the region.

These challenges are further compounded by a divergence in views on what constitutes irregular, forced and/or mixed migration. The result is that mixed migration is often perceived through the narrow lens of 'refugee camps' and migrants on boats crossing the Mediterranean and does not always incorporate broader perspectives.⁴

A broader perspective that examines the top-down and bottom-up aspects of forced migration is important. This would include the causes and consequences of human migration (IDPs, refugees, asylum seekers and others) as well as an evaluation of the role of macro-level state and non-state actors and institutions in influencing migration. The management and response strategies adopted to address forced displacement by both state and non-state actors are not well captured and accounted for by the current perspectives.

This report focuses on understanding the mixed migration challenge in East Africa and the Horn with a view to shaping more informed responses. As such, the focus includes how Africa as a continent can deal with migration-related challenges requiring integrated and holistic solutions. The report provides an analytical overview of the context and a situation analysis of mixed migration. It situates mixed migration in and out of the region within the broader political, socio-economic, legal, security and environmental contexts.

Conceptual framework

This report deals with a number of concepts in the discussion of mixed migration. Particularly, the term 'refugee' is a derivative of the concept of forced and irregular migration, while the concept of 'regular migration' is a socio-economic construct, defining the relationships between individuals and groups of individuals by which rights and obligations to move are defined.

This study's definition and understanding of the concept of mixed migration is broader than the categorisation under the 1951 Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention or the Geneva Convention, as amended by the New York

Protocol of 1969).⁵ The Convention defines a refugee as someone who is outside their own country due to well-founded fears of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.⁶

This study incorporates the notion into the wider forced migration population, while at the same time focusing on specific elements of refugees and IDPs. This is especially relevant when assessing the roles and influences of state and non-state actors in dictating policy and institutional strategies and interventions for a durable solution to migration challenges at all levels. In order to achieve a holistic analysis on mixed migration challenges in the region, the study takes into account all aspects of displacement, from prevention, to protection, assistance and durable solutions.

Despite massive inflows of refugees and IDPs, the region receives minimal attention from donors

This study's recognition of the Geneva Convention's definition of a refugee offers a framework to identify the essential qualities of forced migration in developing a broader operational and working definition of mixed migration. The focus is on persons who have left their country of residence, of which they may or may not be a national, as a result of political events in that country which render their continued residence impossible or intolerable, and have taken refuge in another country, or, if already absent from their own country, are unwilling or unable to return without danger to life or liberty, or as a direct consequence of the political, economic or environmental, including climate change, factors or conditions existing there.

In the context of mixed migration, the concept of refugee security incorporates a broader meaning that includes both physical and economic aspects.⁷ Safety and protection against any form of physical harm remain critical in addition to ensuring non-refoulement, including the security of asylum seekers. Economic security includes access to and the availability of safety nets to deter refugees from opting for negative coping mechanisms as a survival strategy.

To inform durable interventions, it is thus imperative to identify obstacles to attaining self-reliance. Notable challenges include a legal framework that restricts the free movement of refugees and other victims of forced migration, and limited or restricted property rights, ownership and other forms of economic opportunities. Such restrictions contradict the 1951 Refugee Convention, which promotes refugees' fundamental freedoms and rights on matters of personal liberties, as well as the promotion of self-reliance among refugees and asylum seekers.

Therefore, the application of the mixed migration concept in this study presents a broader and holistic perspective that focuses on both causes and drivers regardless of a refugee's status. Though migrants and refugees are well defined and their rights enshrined in international legal instruments, there is still no clarity on the provisions for protection of other migrants who travel through irregular channels. By adopting a mixed migration perspective, the study assesses the patterns and potential risks contributing to both regular and irregular migration in the region.

Methodology and limitations

To ensure reliability and validity, a mix of data-gathering methods was applied and data was triangulated. While the inception stage of the research involved a review of previous studies, the subsequent stage used complementary approaches to gathering data from both state and non-state regional actors on mixed migration. Two main forms of data were collected – primary and secondary.

A carefully structured interview guide was used to guide focus group discussions (FGDs), key informant interviews (KIIs) and interviews with subject-matter experts. Data collection was self-administered or face to face, depending on the circumstances and bearing in mind the risk of COVID-19 exposure, time availability and respondent knowledge. Data collection and field visits were conducted between July and October 2021, with a total of 89 interviews and 15 FGDs within East Africa and the Horn.

Secondary data gathering involved conducting policy research, analysis, writing and stakeholder engagement at all levels. At the regional level, the Institute for Security Studies' previous findings on mixed migration flows in

and out of East Africa and the Horn were instrumental in understanding the context and the situation analysis of mixed migration. This study is expected to positively contribute to and enhance knowledge for policy engagement in migration issues for accurate and effective responses.

History of mixed migration in the region

The region is strategically located, straddling the Gulf of Aden, the Red Sea and the Indian Ocean, through which 80% of international maritime trade moves. The region is bound by shared historical, cultural and ethnic affinities that pre-date colonialism and continue to significantly influence governance trends in the area.

In addition, political and economic factors have converged to shape and guide the region's politics, development, security realities and dynamics and, by extension, influence its mixed migration discourse. Mixed migration should therefore be understood as a phenomenon that has evolved and grown in scope over time to encompass emerging realities and dynamics. The above trends bind the region together and justify the need for an integrated and holistic approach to tackling shared challenges, including migration.

There is still no clarity on the provisions for protecting migrants who travel through irregular channels

Currently, forced migration and labour migration constitute the dominant features of the mixed migration landscape in the region, which serves simultaneously as a producing, hosting and transit point for mixed migration. The United Nations Refugee Agency (UNHCR)⁹ notes that at the start of 2020, four of the top 10 countries of origin of refugees internationally were in East Africa, namely South Sudan, Somalia, Eritrea and Burundi. Further, Ethiopia and Uganda were among the top 10 countries of asylum globally.

Another current feature of migration in the region is the protracted refugee scenario, characterised by encampment and urban refugee situations. This underscores the constantly evolving nature of and

uncertainties in finding a long-term solution to key migration challenges. Besides, while refugee status confers special rights, this may not necessarily translate into long-term solutions to the plight of refugees, asylum seekers and other migrants.

Despite the existence and operation of refugee camps, which have partly succeeded in offering protection functions, long-term encampment continues to negatively impact productive lives. The possibility to lead a productive life is determined by a number of social, political and economic factors that provide for the development of human capital. Most of these factors are not guaranteed in camp situations, where the victims of forced migration face minimal opportunities for capacity development. Long stays in camps restrict refugees' freedom of movement and access to resources to live productive lives.

Refugee status confers special rights but may not deliver long-term solutions for refugees and asylum seekers

Though the determination of refugee status is based on a *prima facie* consideration, it is through the camps that emergency support and protection are provided. This practice is in line with refugees' interests, and legitimises the ethics and practice of asylum institutions for the host country. As a result, this has led to the institutionalisation of asylum processes, with the issue of non-refoulement forming the basis for the need to enhance the capacity of refugees and guarantee basic political, social and economic freedoms.

Most of the refugees interviewed in this study agreed that confinement in camps and restriction of freedoms had negatively affected their development and choices. For instance, lack of political freedom, economic choices and enough access to basic social amenities all affected them negatively. Compounding the challenges with the encampment approach is the urban refugee dilemma.

Refugee rights are limited in most of the region's countries, with the exception of Uganda, which has complied with the provisions of the Global Compact on Refugees and the Comprehensive Refugee Response

Framework (CRRF).⁹ As such, the enhancement of refugee welfare remains hindered by the limited socio-economic and political freedoms.

In trying to find durable solutions to the refugee situation as characterised by long-term encampment and protracted urban refugee status, the study established the importance of linking relief to development as a possible solution. Over the past decade, this situation has informed the review and development of some strategies that offer durable solutions to camp contexts. This has for instance involved a local integration strategy that sees refugees as part of development efforts.

Numerous efforts have been made by the UNHCR to develop a policy framework to enhance refugees' capacity prior to finding a durable solution.¹⁰ The main focus has been to offer security protection and provide refugees with opportunities to guarantee self-reliance. Policy frameworks based on this approach offer a solution-oriented method in transforming towards sustainable reintegration and repatriation to address the negative impacts of protracted refugee situations.

Currently, the region is one of the world's most prolonged displacement contexts, facing conflicts, economic crises, climate shocks and other natural disasters, as well as the worst desert locust invasion in decades and an unfolding humanitarian situation in Ethiopia's Tigray region. Coupled with the impact of the COVID-19 pandemic, these factors have contributed to an upsurge in the number of IDPs in the region, reaching 6.5 million in December 2020 compared to 6.3 million in 2019.¹¹

General findings: causes and drivers of mixed migration

This section provides a brief overview of the situational analysis of mixed migration challenges in the region that contribute to the protracted refugee and migrant situation. The focus is on the causes and dynamics that have played out in dictating the vulnerability risk factors of the region(s), states and communities to mixed migration. Special attention is given to the interconnectedness and mutual reinforcement of conflict and insecurity, climate-induced dynamics, states' fragility and structural institutional challenges, among others, in influencing the mixed migration landscape in the region.

Volatile political situation and state fragility

Political tension, persecution and endemic conflicts fuel the East African region's large refugee and internally displaced populations. Indeed, over the past three decades, the region has become known as a notoriously unstable sub-region with a highly volatile socio-political framework.¹² The increasing number of refugees and asylum seekers in the region is a result of political volatility arising from politically instigated violence and ethnic clashes in the region's states.

Political volatility has its roots in colonialism, which deepened ethnic divisions, and in the Cold War, which encouraged patron-based politics that undermined institutional growth. The legacy of these two key historical periods continues to define the nature and character of the region's states. The combination of these variables alongside other national issues such as corruption, lack of respect for the rule of law, and human rights abuses form a potent mix that continues to define the fragile nature and outlook of the region's states.

Political tension, persecution and conflicts fuel the region's large refugee and internally displaced populations

Most of the respondents in this study noted that the volatile political situation and limited economic opportunities were responsible for their forced migration into Kenya. The ongoing conflicts in Ethiopia, Somalia, South Sudan and the Democratic Republic of the Congo (DRC) were cited by many respondents as push factors for forced migration out of their country. A respondent from South Sudan noted:

The failure of the nation-building challenge is South Sudan is to blame for the unending political strife and ethnic violence. The dominant tribes appear hell-bent on acquiring and preserving power at all costs, regardless of the human cost. This is driving the refugee problem in the region.¹³

Despite the grim situation, the wave of change propelled by the 'youth bulge' presents a bright signal on the horizon.¹⁴ Africa's demographic dividend is regarded by many scholars and policy makers as a window of opportunity to fuel democratic change, and drive the

continent's economic growth. The World Bank predicts that about 11 million young Africans are expected to enter the labour market each year for the next decade.¹⁵

The recently inaugurated African Continental Free Trade Area (AfCFTA)¹⁶ presents an opportunity to not only enhance intra-African commerce, but also harness the immense youthful potential on the continent. Many young Africans are amazingly tech-savvy and entrepreneurial. As such, the intra-African trade protocol portends immense opportunities for this young group.

Poverty and underdevelopment

The study finds that migration challenges have laid bare the limited capacity of the region's states, especially their ability to provide basic public goods and services to the citizenry. A positive correlation is discernible between limited state capacity and the occurrence of forced migration. The limited capacity of states is partly a function of the weak economic situation of most of the region's states alongside the political situation and historical legacies that continue to define the region's states.

Sub-Saharan Africa's economy grew at an annual average rate of about 5% in the pre-global financial crisis period (1995–2008) and at 3.9% between 2011 and 2016,¹⁷ but some countries fare better than others, and within the countries, some groups improve their economic situations while others become poorer. A 2019 African Development Bank report noted that the East African region as of 2018 remained characterised by high poverty, inequality and unemployment.¹⁸ This combination may constitute a major driver for economic migration. Indeed, sub-Saharan Africa's poverty only decreased by 4% compared to East Asia's, which decreased by 77% from 1981 to 2008.¹⁹

Further, the region lags behind in its Youth Development Index. According to the 2020 Global Youth Development Index published by the Commonwealth Secretariat,²⁰ most of the region's states posted poor scores, with Kenya the best ranked at position 139 out of 181 countries around the world. South Sudan is ranked in the bottom three. The Index employs variables like youth education, employment, health, equality and inclusion, peace and security, and political and civic participation to measure the levels of youth development.

The above risk factors, coupled with limited economic opportunities, employment scarcity and the expectation to find better livelihood opportunities elsewhere are some of the major migration drivers in the region, especially among the youth.²¹

Corruption and poor migration management

Corruption continues to cast a long shadow over development prospects across Africa. Several reports rank virtually all African countries low in most governance indicators. Transparency International's 2019 Africa corruption barometer, for example, reported that more than half of all citizens (59%) indicate that corruption is getting worse in their country and that their government is doing a bad job at tackling corruption.²² Most of the countries from the region have a score similar to or slightly above the continent's average. Yet, many studies have documented the negative impacts corruption has on wealth creation and provision of social services,²³ and its latent consequences on crises such as forced migration.²⁴

Fluctuating weather conditions amplify the complex and interconnected dynamics fuelling migration in the region, and are projected to intensify

In Kenya, for instance, the 2018 National Crime and Research Centre report on borderland-related crimes and security threats in that country identified corruption among security personnel as a leading contributor to crime along the country's borders.²⁵ The report noted that traffickers can fraudulently obtain identity documents from complicit Immigration and National Registration Officers, while police officers take bribes to warn traffickers of impending operations and investigations. This trend is common across the region, with a refugee from Ethiopia noting that:

Officers responsible for Kenya–Ethiopia border security regularly take bribes to allow Ethiopian migrants to cross into the Kenyan territory ... this trend could be motivated by the need of the officers to top up on what could be low wages.²⁶

Climate change and vulnerability to shocks

Climate change has heavily impacted Africa. Temperatures in Africa have shown a warming trend since at least the 1960s.²⁷ Recently, however, the signs of a warming planet are getting clearer with impacts being felt by communities and states at large. The 2021 Intergovernmental Panel on Climate Change (IPCC) report stated that each of the last four decades has been successively warmer than any decade that preceded it since 1850.²⁸ The report, which was described by UN Secretary-General António Guterres as a 'code red for humanity',²⁹ warns that intensified human activities are responsible for increasingly extreme heatwaves, droughts and flooding.

7%

OF THE IGAD
REGION COMPRISES
PRODUCTIVE LAND

All countries in sub-Saharan Africa have ratified the UN Framework Convention on Climate Change (UNFCCC) and two-thirds have submitted their National Adaptation Program of Action and Nationally Appropriate Mitigation Actions to the UNFCCC.³⁰ However, most of these countries have little or no demonstrable capacity to adapt to the rapidly varying climate patterns. A 2019 International Organization for Migration (IOM) report noted that third world countries are disproportionately affected by the negative impacts of climate change owing to structural constraints and geographical disadvantages.³¹

As such, climate change-induced migration is becoming a reality. Although the available evidence is inconclusive on the contention that climate change is the sole driver of migration,³² the phenomenon is undoubtedly exacerbating the occurrence of various environmental stressors and shocks responsible for triggering forced migration. As a result, scholars are increasingly linking climate change with the rise in the likelihood of migration, and the attendant human security risks for migrants and security issues for host communities.³³

Across the region, high dependence on rain-fed agriculture and livestock as a source of livelihood is being compromised by climate variability and change. Droughts, floods and water scarcity that threatens food security and livestock farming are exacerbated by the arid and semi-arid context of the region, estimated to comprise 70% of the Intergovernmental Authority on Development (IGAD) region. Indeed, productive land accounts for only 7% of the region, with over 46% relatively unproductive or marginal, and 47% either forested or permanent pastureland.³⁴ Against this background, interventions to address climate change must be based on a holistic approach which encompasses building the resilience of people and communities, as well as of economic, political and environmental systems.

The vulnerability of states in the region has been compounded by natural disasters. The 2020 triple pandemics of failed rains, locust invasion and COVID-19 have not only threatened the region's food security but also slowed the pace of economic growth. In the case of the coronavirus pandemic, this study notes that the border restrictions imposed to contain the pandemic resulted in decreased migration in mid-2020. However,

migration into Kenya and Uganda, for example, soon picked up, and the current migrant numbers mirror or exceed those from the recent past.

In the case of the locust plague, the region experienced high levels of precipitation towards the end of 2019, creating ideal conditions for the devastating swarms that destroyed crops and disrupted livelihoods.³⁵ The below-average precipitation that followed created drought-like conditions that threaten food security in the Horn of Africa, particularly Djibouti, Somalia and Eritrea. These fluctuating weather conditions amplify the already complex and interconnected dynamics fuelling migration in the region, and are projected to intensify in the future. A Somali refugee in Dadaab camp in Kenya noted that:

Food insecurity due to dry conditions in the north and east and abnormal rainfall in the south and central regions in the country has driven us out of Somalia. This situation has caused prices of basic food items like bread, milk and vegetables to increase astronomically.³⁶

Cost of brain drain

The percentage of skilled migrants leaving East Africa and the Horn to destinations in Southern Africa, Europe, Asia and North America is increasing as this group of people seek better opportunities to improve their livelihood through employment and education. This situation is exacerbated by the rapid growth in unemployment among the youth in Africa.

The brain drain is aided by improved transportation and communication networks which give migrants options

Although these migrants contribute to their home economies through remittances, foreign direct investment (FDI) and trade, some contend that the activity decimates the human capital and fiscal revenues of the sending countries.³⁷ This trend towards brain drain is aided by the development and improvement of transportation and communication networks, which have accorded many residents of East Africa and the Horn with flexibility and options to travel. The proliferation of mobile technology, especially

mobile phones, and increased internet penetration has improved the connectivity of the region to the rest of the world. This has acted as an incentive for migrating to other countries to seek better opportunities.

Other pull factors also influence migration into and out of the region. These include the presence of people with a migration background in the target country, favourable labour markets, and educational opportunities. Meanwhile, the land crisis and national service (as is the case in Eritrea, Djibouti and Ethiopia) are among the push factors.

The study findings indicate that mixed migration in the region is multifaceted. Research findings also reveal that migrants are motivated by a complex mixture of causes and drivers.³⁸ The study found that these dynamics are systemic, systematic and protracted. Van Hear et al. have suggested that the drivers of migration include various factors: predisposing (creates context), proximate (immediate factors), precipitating (trigger factors) and mediating (enable or constrain migration).³⁹

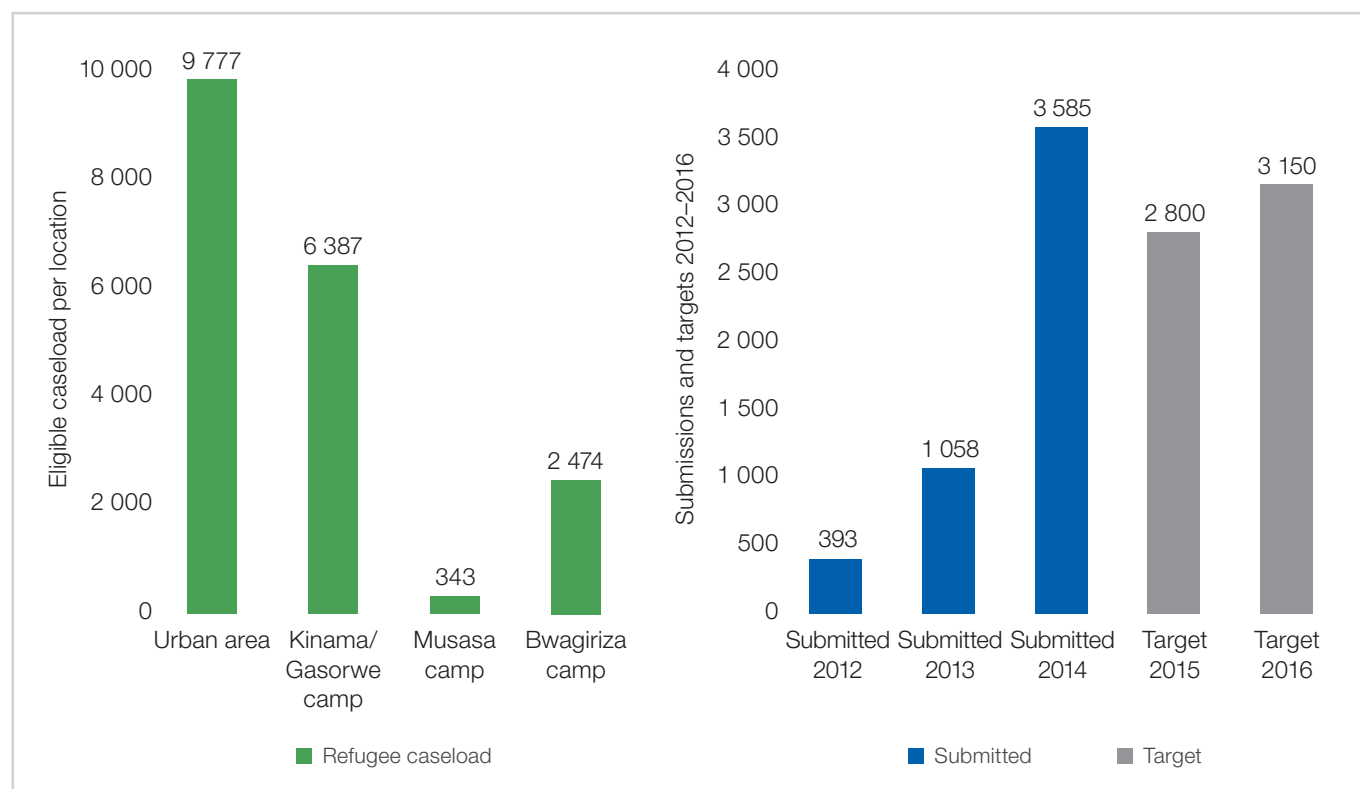
Country-specific trends and migration management

From the analysis, several country-specific trends and migration management issues emerged that deserve special discussion. While some of the trends emerging overlap, others are specific to a particular country. The logic behind a country-level analysis of migration trends is to glean a comparative picture of how the regional cross-cutting causes and drivers of migration play out at the country level.

Burundi

Burundi has for a long time suffered political instability, especially during the controversial and tumultuous tenure of the late president Pierre Nkurunziza.⁴⁰ This political volatility is compounded by the protracted economic crisis, endemic civil conflicts, political persecution, youth unemployment, drought and environmental degradation. The civil conflict in particular was a main driver of large migration flows between 1960 and 2000, especially the 1972 and 1993 conflicts.⁴¹ These factors are responsible for the large migration outflows from Burundi to the

Chart 2: Resettlement overview in Burundi



Source: IOM in collaboration with UNHCR, 2021

neighbouring countries of Tanzania, Rwanda and Kenya, as well as Europe and North America. Currently, UNHCR, in collaboration with the government of Burundi, is implementing key migration programmes related to refugee resettlement and reintegration as well as refugee assistance. A resettlement overview is shown in Chart 2.

Djibouti

Djibouti is mainly a transit country for migrants in mixed migration flows from the East and Horn of Africa to the Gulf States.⁴² It is also a transit point for economic migrants from the region to Europe and Asia. With an estimated population of just over 1 million people,⁴³ the country also serves as an important destination for asylum seekers and refugees from the region, as well as for Yemenis fleeing civil war in their country across the Gulf of Aden. Djibouti instituted a progressive refugee law in 2017 that grants refugees equal fundamental rights as its nationals.

Few Djiboutians migrate regionally, partly due to relatively low salaries in neighbouring countries and language barriers (Djibouti is the sole Francophone country in the Horn). However, some Djiboutians migrate to seek education and work in France and Canada. Labour migration to the Middle East and Gulf countries also takes place and is facilitated by private employment agencies. A previous bilateral labour agreement (BLA) between Djibouti and Saudi Arabia was frozen due to the latter's exploitation of domestic migrant workers. Djibouti still has a BLA with Qatar.

Eritrea

Eritrea's political and economic realities drive forced migration. The country has been led by a single ruler, Isaias Afwerki, since 1991 (first as acting head of state; he officially took oath of office in 1993). His authoritarian style of governance has resulted in the shrinking of political space, the muzzling of dissent and mandatory military conscription. These factors, alongside limited opportunities for livelihood improvement, have forced many Eritreans to flee to neighbouring countries.

The hostile political environment in Eritrea presents another layer of challenges. In 2020, for instance, the working environment for UNHCR staff and affiliate organisations dealing with migration was intimidating, leading to 'limited UNHCR ability to register new arrivals

and support voluntary repatriation activities for Somali refugees'.⁴⁴ Of note, UNHCR cannot work with the Office of Refugee Affairs and the Ministry of National Development as the partnership remains suspended.

Despite the obvious migration challenges that Eritrea faces, not much has been done to strengthen the migration legal and policy regimes. The country does, however, have legislation and policies that provide for administrative rules and procedures regarding entry, registration, residence, exit, rules to obtain work permits, and possibilities for naturalisation.

Ethiopia

Since the 1990s, Ethiopia has been one of the few refugee-producing and -hosting countries in Africa. The country hosts migrants from Eritrea, South Sudan, Somalia and Sudan, principally driven out by factors already discussed. However, like its counterparts in the region, Ethiopia's internal challenges have also turned it into a refugee-producing country.

There have been large migration outflows from Burundi to Tanzania, Rwanda, Kenya, Europe and North America

The federal government military offensive against the Tigray People's Liberation Forces (TPLF) in the northern Tigray region since November 2020 has proven fatal. Thousands have been killed, with over 1.7 million people displaced. As at 18 October 2021, the conflict was ongoing and thousands remained food insecure. Human rights organisations have termed the situation a humanitarian crisis. There are also allegations of atrocities bordering genocide, including ethnic cleansing and horrific sexual violence, mostly committed by government forces and their allies.⁴⁵

According to the UNHCR, there are an estimated 2.1 million IDPs in the Tigray region, 250 000 in the Amhara region and an estimated 112 000 in the Afar region. Thousands more have crossed over to neighbouring countries like Sudan.⁴⁶ Refugee camps such as Um Rakuba in eastern Sudan were forced to reopen in November 2020 to accommodate Ethiopians fleeing the conflict in the Tigray region. The UNHCR is working 'with

partner organizations and the Sudanese government to establish programs to help vulnerable Ethiopian refugees and their host communities'.⁴⁷

Despite the challenging situation, Ethiopia has progressive laws to address migration challenges. Particularly, the country has in place a dual approach to dealing with refugees and other migrants: encampment and out of camp policy (migrants allowed to reside in rural or urban areas as long as they can support themselves or be supported by a relative). Further, Ethiopia was the first African country to pilot the CRRF. Accordingly, Ethiopia is currently implementing the nine pledges made in 2016 in relation to education, local integration, land rights and access to employment for refugees.

Despite the challenging situation, Ethiopia has progressive laws to address migration challenges

Ethiopia and Kenya have a bilateral agreement allowing their citizens to move between the two countries without visas.⁴⁸ Similarly, the country has in place a Refugee Proclamation that provides for rules regarding asylum applications and procedures, as well as the rights of refugees. Other legal instruments include the Criminal Justice Policy and the National Human Rights Action Plan – meant to combat human trafficking and for the protection of refugees. While these remain a work in

progress, the pledges are seen as offering practical pathway(s) to finding durable solutions to key migration challenges facing the region.

Kenya

Kenya is a regional hub for mixed migration as a country of destination, a country of transit and also as a country of origin. Most migrants in Kenya follow the routes to West Africa, South Africa, North Africa, the Middle East, Europe and North America.

Internally, climate-change-induced adverse weather conditions, politically instigated ethnic clashes (the 2007/2008 post-poll violence contributed to a high number of IDPs, estimated at over 600 000 by the Kriegler Commission⁴⁹), poverty, resource-based violence and displacement due to development projects were found to be the dominant factors fuelling migration. While some of these factors are historical, others are transient. However, they are interlinked and thus require an integrated and holistic approach to address.

While intra-country migration remains an important dynamic, it is not as potent as migration flows from the region into Kenya. For some time, Kenya has proven to be an attractive destination point for refugees and other migrants from the region, particularly those fleeing political persecution and forced military conscription, looking for economic opportunities, and escaping food insecurity and adverse weather conditions.

The number of refugees and asylum seekers arriving in Kenya was relatively stable over the last five years

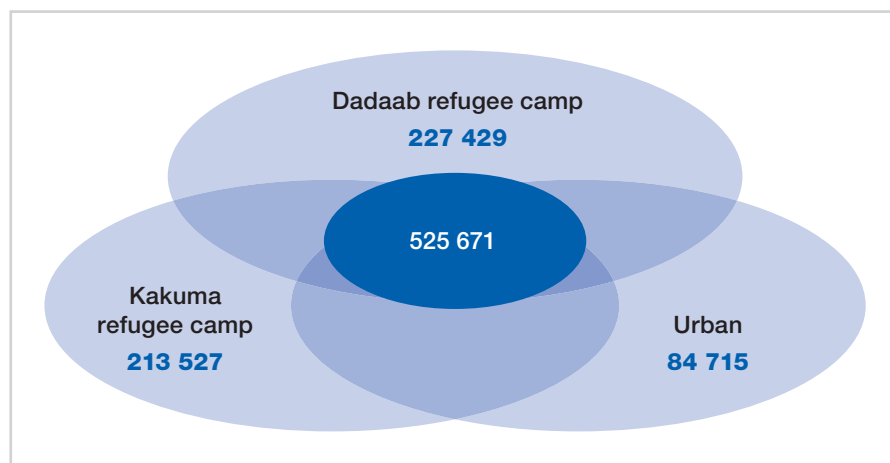
Chart 3: Refugee population statistics in Kenya by country of origin, 2011–2021

Country of origin	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Somalia	519 411	513 421	513 421	427 311	423 244	326 562	284 346	256 346	264 265	272 490	278 889
South Sudan	0	34 607	46 176	89 474	93 087	88 391	111 612	114 593	121 553	123 968	133 396
Ethiopia	35 120	32 687	31 209	30 478	30 749	27 237	27 880	31 433	28 416	29 204	29 885
DRC	11 416	12 768	14 510	17 303	20 850	29 317	35 710	39 284	43 576	45 266	47 122
Sudan	28 340	5 747	7 962	9 631	10 256	9 306	10 008	10 106	9 926	10 109	10 401
Others	7 474	8 883	9 942	11 166	11 808	14 050	18 859	19 305	22 013	23 817	25 978
Total	601 761	608 113	587 223	585 363	589 994	494 863	488 415	471 330	489 749	504 854	525 671

Source: Data from the UNHCR and RAS. Compiled by the researcher, 2021

(Chart 3). However, the 2021 figures provided by the Refugee Affairs Secretariat (RAS) indicate that the refugee situation is worsening due to an increase in the number of refugees and asylum seekers from South Sudan, Burundi, the DRC and Somalia.⁵⁰ Chart 4 shows the current distribution of refugees in Kenya.

Chart 4: Distribution of refugees in Kenya, 2021



Source: Kenya Refugee Affairs Secretariat, 2021

In addition to the pull factors, the porosity of Kenyan borders and corruption were found to be key enablers for refugees and asylum seekers crossing into Kenya. More than 50% of the respondents admitted that most of Kenya's border points are porous. This facilitates easy illegal crossings by refugees and asylum seekers as well as criminal networks, who are aided by corrupt elements in the security agencies and top government bureaucrats.

The study found that labour migration is an emerging feature of Kenya's migration trends. According to the Ministry of Labour and Social Protection:

The high levels of unemployment and the socio-economic and environmental conditions within the country are the key push factors for migration. The pull factors include the opportunities for a better life namely; higher salaries, better quality of education and health care in the countries of destination.⁵¹

Current statistics indicate that some of the most favourable destinations for Kenya's workers are Canada, Australia and the Gulf (United Arab Emirates (UAE) and Saudi Arabia). Presently, about 204 000 Kenyans are working in the Gulf, with 20% of them trafficked illegally. Over 350 private companies (registered under the Association of Skilled Migrants Agencies of Kenya, ASMAK) were registered in 2020 to place Kenyans in jobs abroad amid the rising demand for migrant workers.⁵² The distribution of Kenyan labourers in the Gulf is shown in Chart 5.

The upside of migrant labour is an upsurge in remittance inflows from migrants and other Kenyan professionals in the diaspora, ranked third highest in Africa

±2.1 million

ESTIMATED NUMBER OF IDPS
IN THE TIGRAY REGION

Chart 5: Distribution of Kenyan labourers in the Gulf, 2021

Country	Distribution
Saudi Arabia	100 000
UAE	53 000
Qatar	35 000
Bahrain	7 000
Oman	4 900
Jordan	1 700
Kuwait	1 500
Lebanon	900

Source: Data from the Ministry of Foreign Affairs, Kenya, compiled by the author

in 2020. The remittance inflows into Kenya jumped by nearly 11% in 2020 to US\$3.09 billion from about US\$2.5 billion in 2019.⁵³ However, migrant workers face a host of social and economic challenges. For instance, a report from Kenya's Ministry of Foreign Affairs to the National Assembly indicated that 1 025 Kenyans in 2021, up from 883 in 2020, reported to the Kenyan Embassy in Riyadh as being in distress. A further 89 Kenyans were reported to have died from cardiac arrest.⁵⁴

To address these challenges, the government of Kenya is negotiating bilateral labour agreements with key destination countries to ensure the use of standard contracts for all migrant workers. Already, the country has established three offices of Labour Attachés, in Saudi Arabia, Qatar and the UAE, to handle issues including the welfare of Kenyan migrant workers, identification of employment opportunities and monitoring the implementation of labour agreements. However, even with these measures in place, Kenya is still far from ensuring the protection of the rights and dignity of its migrant workers, especially those in the Middle East.

In terms of managing the affairs of refugees and other migrants, Kenya has in place a well-defined legal regime to guide the management of refugees and asylum seekers. The Refugee Act (under review) of 2006 is the main legal instrument, alongside the Kenya National Migration Policy and the Kenyan Diaspora Policy. While these instruments look quite elaborate on paper, an implementation gap counteracts their utility. For instance, RAS, the department mandated with

managing and coordinating the affairs of refugees and asylum seekers, has clarified three durable solutions to key migration challenges: voluntary repatriation, resettlement to a third country and local integration. However, there appear to be tensions between the solutions proposed and the reality on the ground.

*Rwanda has a *de facto* right to work, open borders and access to long-term solutions for refugees and migrants*

Local integration remains an aspiration more than a reality and is yet to be actualised despite it being prioritised by the government of Kenya as a durable solution. Nonetheless, considerable progress has been made with respect to the voluntary repatriation of Somali refugees and the resettlement of refugees to a third country. However, the persistent political instability that continues to characterise Somalia is a challenge. The country failed to hold elections in February 2021, an event that threw in doubt the social, political and economic stability of Somalia.

Rwanda

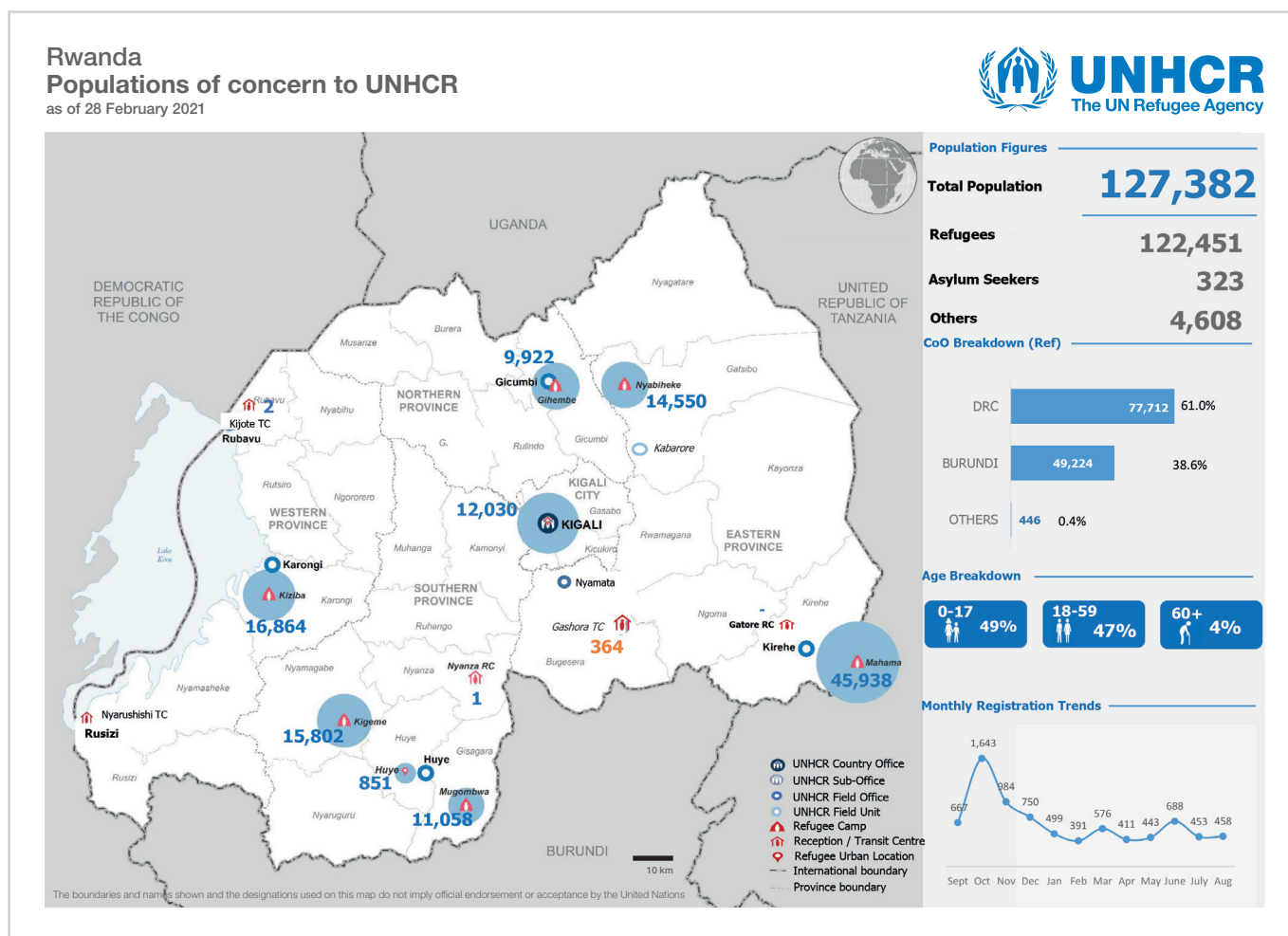
Refugee outflows are not new to Rwanda. The 1959 civil war and the 1994 genocide forced millions out of the country. However, refugee outflows lessened with the stabilisation of the political situation. From 1996 onwards, Rwanda has gradually transformed from being a refugee-producing country, to also being a host and transit point for migration.

Currently, there are refugees and asylum seekers from the DRC and Burundi, among other African states, as well as from Caribbean states. They are either encamped – Rwanda has five camps: Gihembe, Kigeme, Kiziba, Mugombwa and Nyabiheke (Chart 6) – or live in urban areas. The rapid urbanisation of Rwanda has resulted in people moving to urban centres in search of better opportunities, quality healthcare services and education. However, Rwanda still experiences migration outflows, primarily driven by people fleeing political persecution or searching for greater freedoms and better economic opportunities, among other factors. However, there is limited coverage of Rwanda’s migration dynamics. Indeed, the few papers that address migration and mobility tend to do so in the context of moving beyond discussions of conflict and its relation to migration.⁵⁵

Since the 1990s, Rwanda has taken great strides to integrate migration processes into national development strategies and interregional cooperation. The introduction of a new development framework in 2016 that focuses on increasing tourism, importing skills and attracting FDI has been instrumental in aiding Rwanda to leverage labour migration.⁵⁶ Labour migration has benefited Rwandese labour markets, economic growth and public finance, even if only minimally.

As part of a sustainable response to the mixed migration challenge, Rwanda has a favourable protection environment for refugees and other categories of migrants. Even though not properly enshrined in law, the country has a *de facto* right to work, open borders, and access to long-term solutions (resettlement, local integration and return) is unconstrained. Buttressing

Chart 6: Refugee distribution in camps in Rwanda



Source: UNHCR, 2021

this, the country's Ministry of Emergency Management (MINEMA) formed an inter-agency response to coordinate core refugee functions, as highlighted below:

Access to core protection services such as registration, legal assistance, community-based protection, support to sexual and gender-based violence (SGBV) survivors and prevention, child protection, and support to persons with specific needs, including persons with disabilities, are the key protection priorities of the inter-agency response.⁵⁷

With regards to other sustainable strategies to manage migration, Rwanda is currently working with Burundi and the DRC to allow for the safe, dignified repatriation of refugees. In 2020, over 8 000 refugees were repatriated to Burundi following a tripartite consultation between the governments of Rwanda and Burundi and the UNHCR. This number is expected to rise to 40 000 in 2021, according to estimates provided by the UNHCR.⁵⁸ Further, Rwanda has acceded to the CRRF, which spells out best practices in terms of integrating refugees in national economies and respecting their rights. While the implementation of the framework remains a work in progress, its ratification is nonetheless a step in the right direction.

Somalia

Somalia has suffered from instability since at least the early 1990s and is struggling to overcome the challenges of state-building. A complex civil war and protracted humanitarian situation have led to a dire social, political and economic situation in Somalia. This means that the country remains one of the main sources of refugees and other categories of migrants in the region.

As of 2020, there were more than 750 000 Somali refugees in neighbouring countries, while more than 2.6 million Somalis were internally displaced.⁵⁹ Most Somali refugees are hosted in Kenya (256 186), Yemen (250 500) and Ethiopia (192 082).⁶⁰ However, for Kenya, other data sources estimate that there are more than 300 000 Somali refugees in Kenya's Dadaab camp, though many of them are not registered with the UNHCR.⁶¹ It is worth noting that despite having their own internal challenges, countries like Yemen and Ethiopia have always welcomed refugees from Somalia.

Food insecurity, adverse weather conditions and a lack of education and economic opportunities are other

factors that have exacerbated the situation and fuelled migration out of Somalia. However, the challenges of state-building appear to be holding back attempts to come up with concrete policies and strategies to deal with the migration challenges.

A preoccupation with neutralising Al-Shabaab, the Islamist terrorist group, has drained the critical synergies required to meet the challenging demands of both state- and nation-building processes. Consequently, Somalia faces a situation where statist and non-state actors, such as humanitarian organisations, are vying to perform the traditional night-watchman role of the state. This has militated against any efforts by Somalia to institute legal and policy frameworks to deal with the various challenges it faces.

South Sudan

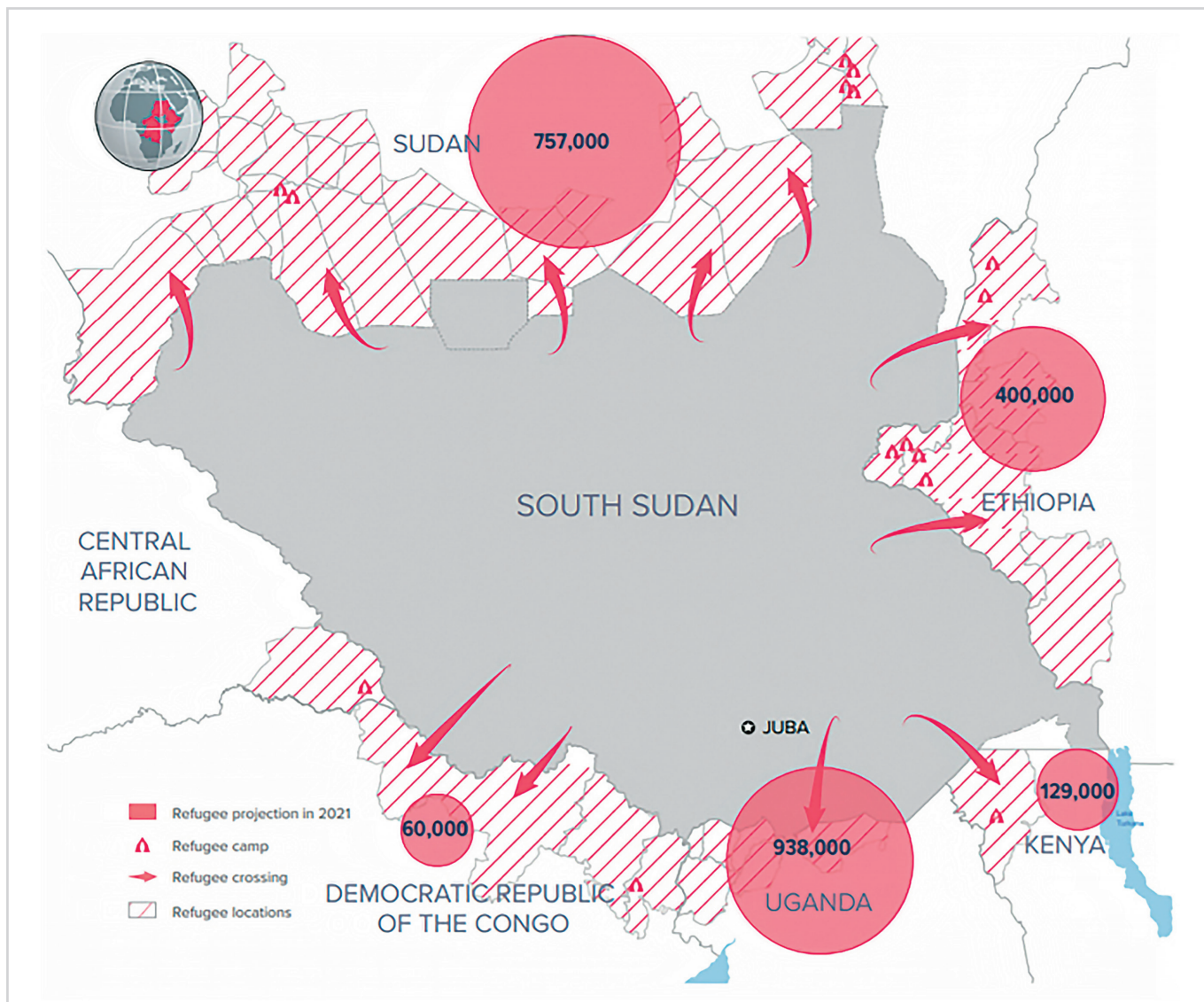
South Sudan is a key source of forced migration, with people fleeing the volatile political situation in the country, food insecurity, adverse climatic conditions, and limited education and economic opportunities. This mix of factors has turned the country into one of the worst humanitarian cases in the region. The security situation remains uncertain and poses a challenge for asylum countries and the humanitarian partners addressing the needs of refugees who fled before and after the outbreak of conflict in 2013.

South Sudan is a key source of forced migration, with people fleeing violence, food insecurity and lack of jobs

There are an estimated 4.3 million displaced people from South Sudan, including refugees, IDPs and asylum-seekers.⁶² Two-thirds of these refugees (63%) are children and 1.6 million of these are in Uganda and Sudan, each of which hosts over 800 000 refugees, tallying up to over half of all South Sudanese refugees (Chart 7).

While regional population displacement projections have dropped, there is still a constant and steady flow of new arrivals fleeing an evolving and volatile situation in South Sudan. The situation has been exacerbated by a lack of services, such as civil documentation, education, food, displacement of health

Chart 7: South Sudan migrant population in neighbouring countries, 2021



Source: UNHCR, 2021

and education professionals, and limited humanitarian access. Moreover, the situation has deepened gender inequalities, a known root cause of gender-based violence. To address the protracted humanitarian situation, the country put in place the Refugee Act of 2012 and a National Plan Against Trafficking. The country is also working with development partners to implement comprehensive responses through the Global Compact for Refugees.

Sudan

Sudan serves as a producing, hosting and transit country for migrants in mixed migration flows within

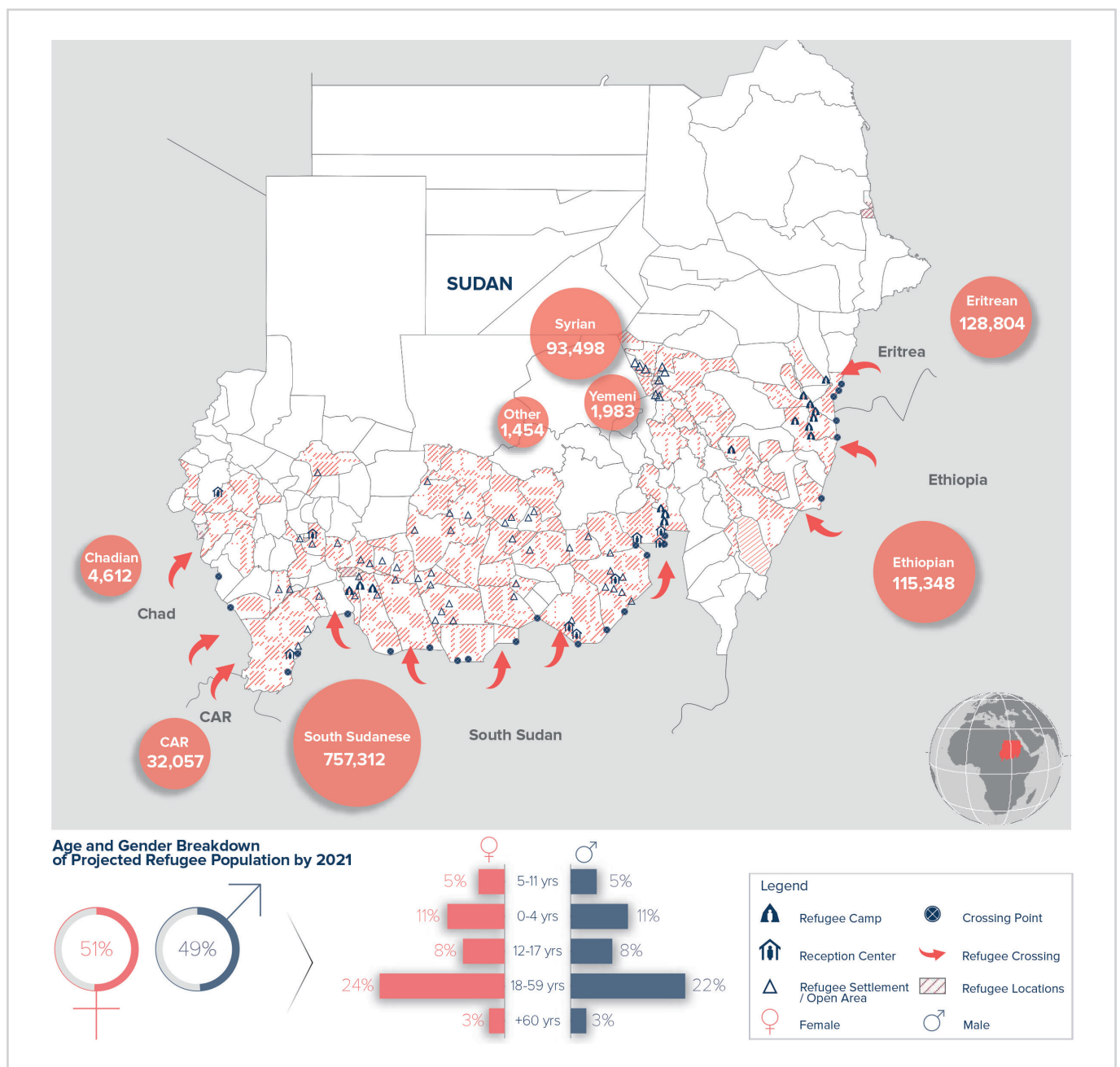
Africa and to the Middle East and Europe. However, the country's infamous reputation as a key transit country for irregular migrants in the region is a recent phenomenon. Particularly, immigrants from Eritrea and Ethiopia cross into Sudanese territories on their way to Europe.

According to the UNHCR's Operational Data Portal, 'Sudan hosts one of the largest refugee populations in Africa.'⁶³ South Sudanese make up the majority. Many others fled violence and persecution in neighbouring countries, including Eritrea, the Central African Republic, Ethiopia and Chad. The wars in Syria and Yemen also pushed people to

seek safety in Sudan (Chart 8). Most refugees live in out-of-camp settlements, host communities and urban areas, while some stay in camps, especially in East Sudan and White Nile State. Sudan continues to generously host and receive additional asylum seekers,⁶⁴ and has in recent times seen an upsurge in the number of people moving to the urban centres in search of a better life, education and healthcare services.

To deal with the myriad of mixed migration challenges, Sudan passed a National Policy on Internal Displacement in 2009.⁶⁵ It also has a Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan.⁶⁶ However, despite this progressive anti-trafficking legislation, combating human trafficking through Sudan's porous borders by transnational organised crime networks remains a challenge for the region.

Chart 8: Estimated number of refugees in Sudan by the end of 2021



Source: UNHCR, 2021

Tanzania

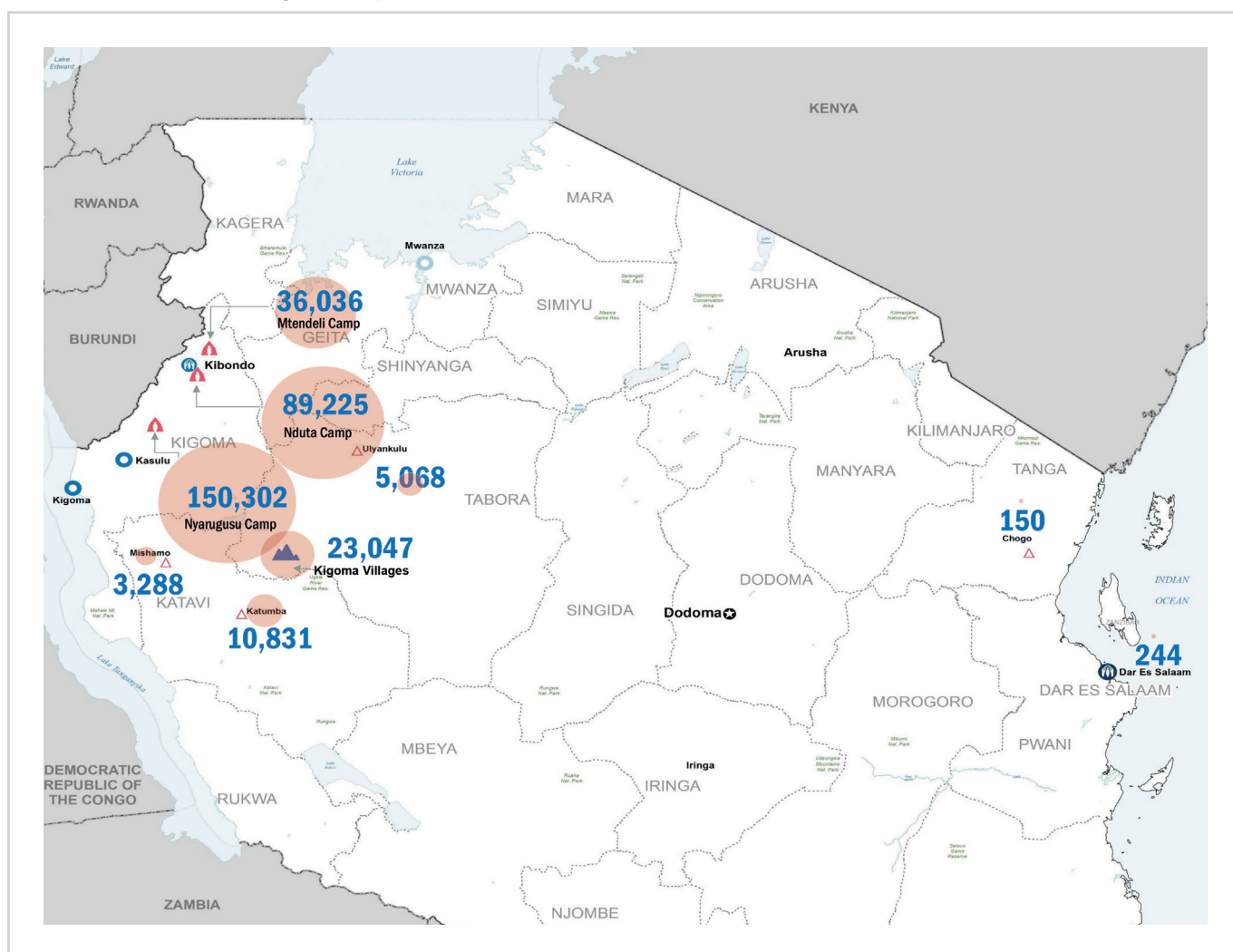
Migration flows in Tanzania have been dominated by refugees, economic migration and rural–urban migration. However, unlike its neighbour Uganda, Tanzania does not embrace an ‘open-door policy’ to migration. Further, Tanzania’s migration policy is closely linked to ensuring the country’s security. The UNHCR reports that by the end of 2020, Tanzania had played host to an estimated ‘263 393 refugees and asylum-seekers, mainly from Burundi (73%) and the DRC (27%), as well as a small number of refugees from other countries. Of the total registered population, 50% were female and 55% children.

The majority of refugees and asylum-seekers lived in three refugee camps, with a small urban population

in Dar es Salaam.⁶⁷ Burundi’s tense political situation in 2015 triggered massive insecurity and led to an influx of additional refugees into Tanzania, prompting the reopening of old refugee camps as well as the construction of new ones. Most of these refugees reside in Nyarugusu, Mtendeli and Nduta camps, which are located in the north-western areas of Tanzania (Chart 9). These refugee camps are full, and refugees are not allowed to engage in economic activities, and may not access education.

However, the country remains restrictive in terms of border policy, including with respect to citizens from the East African Community (EAC). This is despite the progressive provisions in the EAC’s Common Market Protocol, which promotes the following: free movement

Chart 9: Location of refugee camps in Tanzania



Source: ACAPS, 2021

of goods, free movement of persons, free movement of labour/workers, right of establishment, right of residence, free movement of services and free movement of capital.⁶⁸ Like its neighbours, Tanzania's refugee situation is fuelled by a mix of factors, most of which are encompassed in the cross-cutting factors informing mixed migration in the region.

Uganda

Uganda serves as a producing, receiving and transit point of mixed migration. Internally, political persecution, limited economic opportunities, poverty and adverse weather conditions combine to fuel migration out of Uganda. Regionally, Uganda is also a major recipient of large numbers of refugees, hosting a much higher proportion of refugees, asylum seekers and other migrants relative to its population than other countries in the region and Africa at large.

The UNHCR estimates the current refugee numbers in Uganda to be about 1.5 million. Unlike its neighbours, the country arguably has the most progressive refugee policy on the continent. This contrasts with the approach in neighbouring countries like Kenya, in particular, which imposes tight restrictions on work and movement, and practises encampment policies. Uganda's Refugee Act of 2006 and the Refugee Regulations of 2010 have been instrumental in expanding refugee rights and choices by 'formally allowing refugees freedom of movement, the right to work, establish a business, own property and access national services, including primary and secondary education and healthcare.'⁶⁹

Uganda has about 1.5 million refugees but unlike its neighbours, the country arguably has the most progressive refugee policy in Africa

Such provisions complement other migration instruments such as the: National Migration Policy; First National Development Plan 2010/11-2014/15; Second National Development Plan 2015/16-2019/20; National Diaspora Policy 2017; and a National Policy for Internally Displaced Persons passed in 2004. Uganda has further signed bilateral labour agreements with Saudi Arabia and Jordan.

The Refugee Act and its accompanying regulations align with the objectives of the Global Compact on Refugees and the CRRF under the National Action Plan. Already, in July 2014, refugees and other categories of migrants were included in the Uganda National Development Plan III and integrated in the population statistics survey (done at national and district levels) – used for national planning purposes.

Uganda is also the only country in the world with four costed comprehensive refugee response plans in place, as agreed under the Compact Framework. These integrated plans respond to the needs of

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ATTEMPTED AND ACTUAL
SUICIDES AMONG UGANDA'S
FORCED MIGRANTS IN 2020

refugees and their host communities in refugee-hosting districts. They include:

- A health sector integrated refugee response plan
- An education response plan
- A water and environment sector response plan
- A jobs and livelihoods plan.

The country's forward-looking approach to refugee management and protection constitutes good practice to be emulated, in as far as finding long-term solutions to the refugee dilemma is concerned. However, like its counterparts in the region, inconsistent enforcement of policies and regulations, as well as centralised decision-making, remain obstacles to be eliminated to adequately address the issue. Moving forward, the question for policy makers is how this approach will be sustained in the face of constraints, including land shortage and economic support for refugees, asylum seekers and host communities, within the context of larger national economic challenges.

Furthermore, the UNHCR reports increased negative coping mechanisms among the victims of forced migration, in the form of child marriage and early pregnancy, survival sex, theft, gender-based violence

and suicide. The number of attempted and completed suicides increased by 129% compared to 2019, with a total of 347 incidents in 2020.⁷⁰

Chart 10 shows the distribution of refugees and other migrants in Uganda by country of origin as at the end of August 2021.

Legal and policy intervention mechanisms

Regional level

Various regional and country-specific instruments and mechanisms govern mixed migration in the East and Horn of Africa region. Specifically, regional frameworks are spearheaded by the African Union's (AU) Migration Policy Framework for Africa (MPFA) of 2018-2030 and the African Common Position on Migration and Development (ACPMD), and the 2009 Kampala Declaration on the Protection and Assistance of IDPs in Africa. IGAD has a Regional Migration Policy Framework (RMPF) of 2012, the Migration Action Plan (MAP) of 2015-2020 as well as a protocol on the free movement of persons supported by the European Union (EU). The EAC and Common Market for Eastern and Southern Africa (COMESA) have common market protocols and protocols on the free movement of people. Chart 11

Chart 10: Distribution of refugees and other migrants in Uganda by country of origin, August 2021

Country of origin	Population in percentage	Population in numbers
South Sudan	61.6	925 499
Democratic Republic of the Congo	28.9	435 287
Burundi	3.4	51 115
Somalia	3.2	47 525
Rwanda	1.3	19 010
Eritrea	1.2	17 522
Ethiopia	0.2	3 466
Sudan	0.2	3 466
Others	0.0	711
Total		1 503 601

Source: Data from the UNHCR, 2021 compiled by the author⁷¹

depicts the ratification of instruments to protect refugees and IDPs in the region.

Global level

Continental, regional and national instruments must be consistent with international standards and norms. However, as the custodians of these multilateral treaties on migration, the goodwill of individual states determines whether or not they are implemented.

Key among the norms governing migration are those developed through the Office of the High Commissioner for Human Rights (OHCHR), founded in 1993. The mandate of the OHCHR is to ensure universal enjoyment of all human rights, to remove obstacles to their effective implementation, and to enhance coordination and cooperation of human rights-related activities throughout the UN system. The OHCHR is thus the foremost international body dealing with issues related to human rights, including refugee and asylum seeker rights.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families came into force in 2003. The Convention sets minimum standards for migrant workers and members of their families, with a focus on eliminating the exploitation

of workers in the migration process. The Convention covers all economic migrants, including seafarers and the self-employed, and sets out the responsibility of states to manage the movement of people across their borders as well as the rights of international migrants. Despite its progressive nature, the Convention suffers from a low rate of ratification. This is a potential gap that warrants concerted efforts to address to make sense of its progressive provisions.

Complementing these efforts is the 1998 UN Guiding Principles on Internal Displacement.⁷³ The Principles guarantee IDPs, as citizens or habitual residents of their country, the equal enjoyment of the same rights and freedoms under international and national law as enjoyed by other persons in their country. While the provisions of these Principles are non-binding legally, their applicability has nonetheless gained regional and global application. For instance, the Principles informed the AU Convention for the Protection and Assistance of Internally Displaced Persons of 2009 (the Kampala Convention), as well as the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons of 2006.

It is thus evident that the legal regime guiding the treatment of IDPs has advanced considerably over the

Chart 11: The status of legal instruments to protect refugees and IDPs in the region

Country	Instrument					
	Kampala convention		OAU convention		1951 convention	1967 protocol
	S	R	S	R	D	D
Djibouti	2009	2015	2005		1977	1977
Eritrea	2012		2012			
Ethiopia	2009		1969	1973	1969	1969
Kenya			1969	1992	1966	1981
Somalia	2009		1969		1978	1978
South Sudan	2013		2013	2013		
Sudan			1969	1972	1974	1974
Uganda	2009	2010	1969	1987	1976	1976

S = signed R = ratified D = deposited

Source: UNHCR, 2017⁷²

years. The grey area lies in states, including those of the region, codifying and implementing these efforts.

International organisations, community-based organisations and development partners are taking on quasi-political roles in some contexts to influence migration. The IOM's work in the Horn of Africa, particularly in Djibouti and South Sudan, has straddled humanitarian work, the state-building process and state sovereignty. Frowd situates the IOM as a 'developmental borderwork actor', arguing that its work in the region has been undergirded by humanitarian and development approaches.⁷⁴ Jensen and Pedersen posit that humanitarian actors play a central role in areas where the borders are more fluid.⁷⁵

The EU supports programmes that address migration challenges at the source and its work with developing countries includes migration governance

This is the case, for instance, with the Sudan–South Sudan border crisis and to some extent the Sudan–Ethiopia border crisis. Further, the EU is currently involved in supporting various programmes aimed at addressing migration challenges at the source. The EU's current engagement with developing countries also has migration governance as an element of its securitisation strategy. For example, the Khartoum Process, established in 2014, is an international dialogue between the AU and the EU to combat migrant trafficking and smuggling from the region through transit countries to Europe.

The United Kingdom has initiated a programme in the EAC region aimed at addressing transnational organised crime (including irregular migration) by strengthening community engagement and law enforcement.

Solutions to mixed migration challenges

The solutions suggested are to key migration challenges at both state and regional levels. They are largely informed by the cross-cutting nature of migration challenges in the region.

Increase regional integration

Regional integration has long been argued by scholars to be a multi-purpose vehicle for coordinating cooperation on various issues, such as economic and social policies, through setting up institutions to facilitate interactions between regional states.⁷⁶ The AfCFTA is one such platform, formed to create a single continent-wide market for goods, capital, labour and services. The formation of AfCFTA comes at a critical time, when several regional blocs are experiencing challenges in implementing mechanisms to address many of the non-tariff issues frustrating intra-regional trade.

Consequently, while a new trade deal does not necessarily guarantee increased trade, AfCFTA is expected to bring together the efforts of the various



LAWS ON THE TREATMENT OF IDPS HAVE ADVANCED CONSIDERABLY

regional economic communities (RECs) in Africa.⁷⁷ The expanded space of economic activities arising from the AfCFTA platform is expected to boost intra-African trade, improve the competitiveness of African industries on the global stage, promote industrialisation and create millions of jobs, especially for African youth. This could prove to be a crucial game-changer in addressing some of the root causes of forced or illegal migration that continue to cause tensions among African states.

Harmonise national, regional and international laws

Mixed migration challenges in the region could be better managed by harmonising national, regional and international instruments. Strong laws backed by efficient institutions and good governance are key to the effective management of migration challenges. There are unresolved tensions in the region between national, regional and international migration laws, alongside weak or 'missing institutions' and a culture of widespread corruption and misgovernance. This results in unpredictability in the coordination and management of migration challenges, especially in finding long-term solutions to the factors that fuel forced migration, as well as sharing the burden of responsibility when dealing with refugees and other categories of migrants. This study found that international conventions are unpopular among receiving countries in the region, partly because of the cost implications of providing for refugees.

Streamline bilateral laws on migrant labour

This is important, especially in managing migrant labour from the region to the Arab Peninsula and other places. A durable solution lies in the region's countries pressing for mutual cooperation and sustainable intervention strategies towards addressing the emerging migrant labour question in the larger migration debate. Particularly, emphasis should be on achieving a situation of managed migration to ensure freedom of movement (liberalising migration), adequate protection and assurance of migrants' dignity as they move from the region to seek employment opportunities elsewhere in the world, especially eastwards to the Arab Peninsula.

Ensure political and economic stability

Politics and the economy are mutually reinforcing. Political fragmentation breeds economic fragmentation and vice versa. Retrospective analysis since

independence⁷⁸ indicates that the region's countries have endured long periods of political instability and unending social unrest within states that manifest as both direct and indirect forms of violence, resulting in migration induced by the conflicts.⁷⁹

Under authoritative personal rulers, weak economic governance has thrived and economic growth has stagnated. This has paved the way for mass unemployment and social instability. Further, the region's states remain trapped in poverty and inequality that form structural and proximate drivers of regular and irregular migration. Nevertheless, over the past two decades, a number of political and economic reforms have been instituted, but economic growth and state sovereignty remain weak. These issues need to be corrected to put the region on the path towards political and economic stability, with potential impact being felt in addressing key root causes responsible for mixed migration.

Climate change induced forced migration requires that policies on both issues be integrated

The study findings demonstrate the importance of efficient institutions and good governance in addressing the root causes of mixed migration and finding durable solutions to migration challenges.

Stabilise climate change impacts

The study has demonstrated a potential link between climate change and forced migration. While the contribution of the East and Horn of Africa region to climate change is minimal, the region's states face major challenges in their adaptive capacity. The region is already experiencing unpredictable weather patterns – attributed to climate change – that continue to produce environmentally induced forced migration. This prompts the need to integrate migration and climate change policies respectively. This can be achieved through pursuing inclusive economic policies and stabilising national and regional politics – key drivers of forced migration.

The logic is that development and climate change concerns are interlinked issues that should be tackled collectively. The study recommends that climate

adaptation and mitigation action plans at the national level should take into consideration the mobilisation of local knowledge and resources as a strategy for encouraging participation and building local resilience.

Shift from dependency to self-reliance of victims of mixed migration

A policy that seeks to incorporate long-standing refugees into the host society would increase the human security of everyone living there, and this is surely the greatest asset of all. A starting point could be to draw best practices from Uganda, which emphasises enhancing refugees' and IDPs' social security welfare through national policy that promote self-reliance.

Access to political, economic and social assets could improve refugees' status by eradicating poverty

A transformative agenda to finding durable solutions to protracted refugee situations must focus on promoting their economic well-being. This could be done through creating an environment that offers targeted needs-based support towards building and enhancing the productive capacity of refugees, as well as reinforcing positive and sustainable coping mechanisms.

Access to political, economic and social assets presents fundamental opportunities to promote the status of refugees through eradicating poverty. However, the implementation of interventions continues to suffer setbacks. For example, the confinement model adopted in the operation of the refugee camps is highly restrictive. Controlled movements and lack of adequate freedom coupled with physical and economic insecurity have led to long-term stagnation. In addition, host communities might be hostile to refugees, thus affecting the latter's freedom and access to human rights.

From military responses to home-grown solutions

The East and Horn of Africa region is home to some of the most unstable states in the world. While a military response has been pursued as a solution to the nation-building challenges facing states like Somalia and South Sudan, the approach has not proven effective in ending

armed conflicts and civil wars, leading to protracted migration situations. This is principally due to the mismatch between the objectives of a military response and the nature of the countries under military occupation.

For instance, many of the organisations that give shape to Somali society, often religious, tribal or clan-based, are ill-suited to the practice of democracy. This has complicated the success of the AU Mission in Somalia (AMISOM) to bring lasting peace and political stability in that country. As such, there is a need to shift focus to promoting and encouraging the use of sustainable conflict resolution mechanisms that employ bottom-up approaches (involving state and non-state actors at all levels) in order to build consensus around finding durable solutions to migration challenges.

Transform youth bulge into economic opportunities

The East and Horn of Africa region has a population of approximately 331 million,⁸⁰ with the youth comprising 70% of the population.⁸¹ The youth bulge being experienced across the region represents a huge labour force potential and market for production, but also adds pressure on labour markets that are already steering towards saturation. The ongoing urbanisation process lacks concomitant industrial growth and infrastructure to support job creation for the youth. A solution could lie in the region's states leveraging, adapting and operationalising policy frameworks that enhance prioritisation of the youth agenda in broader development blueprints.

Durable solutions to implementation challenges

Inadequate funding

Inadequate funding for refugee programmes impacts negatively on planning, especially on the implementation of development-oriented initiatives. This has resulted in host states, whose legal obligation is to guarantee protection and security against persecution and harm, justifying maintaining the camps. This approach doesn't address the issue of burden-sharing for the host states, and at the same time hinders the promotion of self-reliance through capacity development. As a result, due to the inadequate international commitment to responsibility sharing in the provision of basic security, the refugee situation has stagnated and remained protracted.

To address these challenges, encouraging commitment to sustained donor funding would prompt host states to embrace durable solutions for managing refugee situations. This would entail developing and implementing self-reliance initiatives based on building the capacity of refugees by changing perceptions with respect to the securitisation of refugees and promoting the self-reliance model.

The debate on relief and development intervention must thus be evaluated on the basis of the transformative impacts of programmes in ensuring refugees' access to security and to economic opportunities. Durable solutions will have to incorporate human capital skills development to complement other efforts aimed at reducing the vulnerabilities of refugees, including advocacy for host states to grant more freedoms and for humanitarian organisations to commit funding to relief and development-oriented initiatives.

Durable solutions must incorporate skills development to complement other efforts aimed at reducing the vulnerabilities of refugees

The responsibility-sharing question is a key factor in understanding the protracted nature of the refugee situation in the region, especially when it comes to who should provide basic and physical security in camp and urban situations. In light of the broader concept of refugee security (physical and economic security towards self-reliance), the availability of resources will always determine the success of initiatives. However, lack of funding commitment to support the realisation of economic security, including the provision of protection and care, has contributed to the protracted nature of the refugee situation and hindered the realisation of minimum standards required by refugees in order to achieve self-reliance and productivity.

Politics of refugee management

The burdens created by refugees on host states remain a critical factor in understanding the relationship between states, humanitarian agencies and refugees. Though the costs of maintaining refugees might outweigh the benefits, there are a number of positive contributions associated with their presence. They include easy access and availability of resources for building the institutional capacity of the host country, communities and regions affected by refugee presence. Financial support to host nations through aid was noted as being instrumental to refugee management. These resources transform and influence local and national economies in a number of ways, such as building health facilities, schools, employment opportunities, and capacity building programmes for refugee integration.

Consensus-building based on mutual interest between host states, local communities, humanitarian agencies and refugees would help address concerns regarding the perceived withdrawal of benefits at the expense of



PROMOTING REFUGEES'
ECONOMIC WELL-BEING IS
KEY TO DURABLE SOLUTIONS

the locals. The politics of resource management remains core to the success of strategies adopted by states and humanitarian organisations in finding solutions to migration challenges.

Securitisation of the refugee situation

The refugee camp situations were noted by the study to be a potential security risk factor for the host state and local communities. Coupled with border area security challenges, the prevalence of cross-border raids and attacks has been associated by the host government with the presence of refugees in the border areas. Of concern is the fact that it has been quite difficult for host governments to fully distinguish between legitimate victims of forced migration and active combatant or criminal networks masquerading as asylum seekers. The existence of such groups within the camps has contributed to insecurity in the camps and their environs. In some cases, refugees are alleged to work with rebel or terror networks leading to the host government adopting more stringent security measures to contain any imminent threats.⁸²

For instance, the Kenyan government is keen to ensure that the Dadaab refugee camp is not used in future by the al-Shabaab terror group as an arena for recruitment. In addition, in situations where camps are not closed, there is always a high spillover of insecurity from the camps into the host communities. This results in violence, crimes such as organised theft and raids, and militarisation through the illicit proliferation of small arms and light weapons. Dealing with the security situation attributed to the presence of refugees remains an expensive venture for host states.

Cost of COVID-19

The COVID-19 pandemic has made it difficult to protect refugees across the world, including in the East and Horn of Africa region. The pandemic not only led to a sharp decline in economic activity in host countries but also had an effect on funding shortfalls to host and support refugees in developing countries.⁸³ Many of these countries also rely on remittance income from family members who work in the diaspora, and the decline in this income has worsened the situation.

The politics of resource management is core to the success of states' and humanitarian organisations' strategies on migration challenges

Complicating this economic situation is the fact that, across the region, both governments and the UNHCR had restricted access to refugee camps, leading to reduced capacity to engage in assistance activities.⁸⁴ This also inadvertently impacted refugee resettlement plans, which were at their lowest in more than two decades. The UNHCR and other humanitarian agencies



COVID-19 HAS MADE
PROTECTING REFUGEES
DIFFICULT GLOBALLY

faced budgetary shortfalls, which significantly impacted the execution of their planned activities. The pandemic thus exacerbated the problem of protecting refugees and other categories of migrants.

The pandemic exposed another important aspect in the refugee rights protection framework. While the region's states focused on containing the pandemic, there is little evidence of whether refugees were included in the various COVID-19 healthcare responses. As such, the pandemic complicated the guarantee of refugee rights and freedoms as provided for in the provisions of the 1951 Refugee Convention.

Conclusion

This report established that mixed migration is a multidimensional dilemma with linked and mutually reinforcing causes and effects. This has resulted in a protracted refugee situation. The region hosts and generates more than 6.3 million IDPs and 3.5 million refugees, whose lives are an endless process of adapting to basic human insecurity and permanent crises. This has contributed to weakening states' efficiency and

creating conditions ripe for further mixed migration. The report also found that the predisposing factors for mixed migration straddle history, politics, economics, climate change, security and governance issues. These factors play out at regional and country levels and necessitate durable cross-cutting solutions.

Migratory movements in and out of the region are diverse and significant in volume. They largely constitute mixed flows of migrants composed of refugees, asylum seekers and economic migrants. Various factors shape these migratory movements, which are associated with many risks and vulnerabilities for the migrants.

Migration has morphed into a complex and protracted phenomenon necessitating holistic and integrated solutions. These include: increasing regional integration; harmonising national, regional and international laws; streamlining migrant labour laws; and stabilising climate change. All should be geared towards ensuring peace, security and development of the region. Finally, long-term and sustainable solutions to mixed migration require a multifaceted approach that incorporates state and non-state actors at state, regional and global levels.

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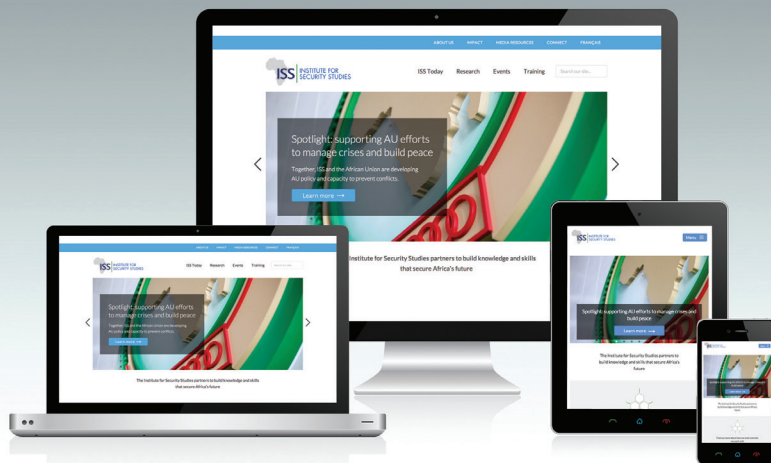
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