

INCLUSIVE, SAFE AND FREE MOVEMENT

FREE MOVEMENT IN SITUATIONS
OF CONFLICT IN AFRICA!

WEBINAR CONCEPT NOTE



INCLUSIVE, SAFE AND FREE MOVEMENT: FREE MOVEMENT IN SITUATIONS OF CONFLICT IN AFRICA

Background

2023 was designated by the African Union as the Year of “Acceleration of AfCFTA Implementation” in line with Africa’s Agenda 2063. The overall mandate of the Africa Continental Free Trade Area (AfCFTA) is to create a single continental market with a population of about 1.3 billion people and a combined GDP of approximately US\$ 3.4 trillion. The Free Movement Protocol seeks to establish a coherent and coordinated approach to ensure the regulated movement, residence and establishment of Africa’s people across the Continent. While both free trade and free movement are imperatives for Africa’s development and solidarity, and part of the overall regional integration agenda for Africa, the Free Trade agreement has garnered 44 ratifications while the Free Movement protocol has only garnered 4 ratifications.

The 1994 Abuja Treaty that sets forth milestones for Africa’s economic, social and cultural integration recognised the need to build endogenous and self-sustained development, and to achieve economic justice and popular participation in development in Africa. In line with ‘African renaissance’ thinking at the time, the treaty sought to “establish on a continental scale, a framework for the development, mobilisation and utilisation of human and material resources of Africa in order to achieve self-reliant development”.

The African Continent hosts the largest number of refugees and migrants (more than 26 million) in the world and more than half of Africa’s migrants (>53%) migrate within the Continent. However, there is a clear disconnect between the continental policy framework and the reality on the ground for most Africans. For example, the acceleration of the free trade agreement without similar progress on the free movement protocol creates an incongruity as most goods and services cannot move without people. When the policy framework does not match the reality on the ground it creates hardships for the most vulnerable people. The lack of clear legal pathways for moving across the continent means that young people in particular, desperate for better lives, remain vulnerable to human smuggling and trafficking. Women small traders, to provide another example, lack protection and are forced to utilise insecure crossings in order to avoid harassment (including sexual) and extortion at official border crossings.

Other minority groups like refugees are not considered in these free trade arrangements and their travel documents are not readily provided, or accepted, forcing them to utilise insecure and unmanned crossings; they are effectively excluded from extant free trade provisions. For movement to be free, it needs to be safe and inclusive. There need to be better access and protections for Africans on the move.

Freedom of Movement in Situations of Conflict

For people who are caught up in conflict, free movement becomes even more of an imperative. It is the only avenue for escaping death or other grave harm for people caught up in the crossfire of

conflicts. According to the African Center for Strategic Studies, 36 million people in Africa were forcibly displaced in 2022, tripling the number from the previous year. The report indicates that the primary countries contributing to this number are Ethiopia, South Sudan, Burkina Faso, Sudan, Nigeria, the Democratic Republic of Congo (DRC), Mozambique, and the Central African Republic (CAR). However, the outbreak of the war in Sudan in April 2023 has pulled up the country to the top of the list with 3 million displaced people, both internally and externally.

Sudan was also the 2nd largest refugee hosting country in Africa, hosting more than 1.1 million refugees, who were being forced to return to situations where they face persecution or other forms of harm, such as torture or inhumane treatment, in contravention of African countries' commitments to international and continental instruments that prohibit refoulement. Despite the right to move and to seek asylum that is entrenched in Africa's human rights and humanitarian law frameworks, many of the places where refugees have fled to are not set up to host the droves of people flocking there and lack basic amenities, and humanitarian actors are struggling to provide the most basic of support.

Those instances have been observed in various situations in Africa, including the treatment of Nigerian refugees in Cameroon in 2019/2020. During this time, a significant number of Nigerian refugees were forcibly returned to Nigeria, putting them back in the dangerous situations they had fled from. In addition, in July 2023, the United Nations Refugee Agency (UNHCR) expressed concern over reports of deportations of hundreds of Burkinabe citizens, mainly women and children, who had sought safety and protection in Ghana. The African Commission on Human and Peoples' Rights also expressed concern over the expulsion of Burkinabe refugees from Ghana, given the prevailing security situation in Burkina Faso. Another recent example is the case of Egypt, where refugees were denied access to safety across the border, using bureaucratic and administrative impediments like visas, thereby trapping them in dire situations at its borders with Sudan.

Refusing entry to asylum seekers at the border or at any point of entry violates the right to seek asylum under UN and AU human rights and refugee conventions.

Against that backdrop, the webinar aims to address the challenges faced by refugees across the continent, particularly with respect to their right to move and seek asylum in situations of conflict. The discussions will explore potential solutions to these challenges, including the development of new policies and the implementation of existing legal frameworks. The meeting also seeks to examine the role of the AU as well as Regional Economic Communities (RECs) and Civil Society Organizations (CSOs) in improving the situations refugees and asylum seekers in conflicts.

Webinar on Freedom of Movement in Situations of Conflict in Africa

To raise these critical issues, and seek policy and practical solutions, we will be hosting a webinar on Wednesday, 2 August 2023, at 2.00 - 4.00pm with the following agenda:

Opening Remark:

Ambassador Dr. Namira Negm, Director, African Migration Observatory (AU)

Panel Discussion:

Moderator (IRRI)

1. Lived Experiences of Africa's Forcibly Displaced Persons

Mr Dak Bathumi Ayul Abwol, African Refugee-led Network (ARN)

2. The Case of Sudanese Seeking Asylum

Africans for the Horn of Africa (Af4HA/Sudanese Activist)

3. The Imperative of Access for African's on the Move in the East and Horn of Africa

Intergovernmental Authority on Development (IGAD) – TBC

4. The Experiences of an Open Door Policy

Office of the Prime Minister - Government of Uganda (OPM-GoU) – TBC

5. Questions, Comments and Answers

6. Reflection on the Presentations

Commissioner Maya Sahli-Fadel, Special Rapporteur for Refugees, IDPs and Migrants in Africa

Closing by ARN

These webinar is being implemented in partnership by:

Amani Africa Media and Research Services is an independent pan-African policy research, training and consulting think tank with expertise on the African Union system and with the specialization on the AU Peace and Security Council. It aims to advance evidence-based and policy-oriented knowledge on the AU, African regional bodies and current African policy issues, with a particular focus on multilateral process on peace and security, governance and regional integration in Africa.

The African Refugee Led Organization's Network (ARN) was formed in 2019 when Global Refugee-led Network (GRN) convened 72 refugee leaders (from 14 nationalities living in 11 different host countries) in Addis Ababa, Ethiopia, with the aim of advocating for increased refugee participation in policymaking in Africa through advocacy for improvements in the lives of refugees and to contribute to policymaking discussions and refugee response work on the continent.

The International Refugee Rights Initiative (IRRI) strives for a peaceful world where every person enjoys rights, security, and dignity. We work towards promoting and protecting human rights in conflict and displacement. IRRI, founded in 2004, has vast experience and has distinguished itself in research in refugee and migration spaces across Africa; in advocacy at national, regional, and international levels; in capacitation of marginalised communities enabling agency, and amplifying voices; and in management of consortiums and building of meaningful partnerships.

Africans for the Horn of Africa (Af4HA) Initiative is a solidarity platform established to amplify, citizen action and voice in the response and resolution of the crises that increasingly plague the Horn of Africa. Given the regional dimension of most conflicts in the Horn of Africa, it is important that Africans in the Horn of Africa unite and engage collaboratively, in engaging and articulating the necessary policy recommendations and action with governments, national, regional and international organisations striving for peace, security and good governance in Africa. The Initiative was born out of recognition of the need to facilitate and strengthen engagement by Africans in ongoing processes seeking to address conflicts and governance challenges in the Horn of Africa region. The Initiative is led by four non-governmental African organisations: the African Leadership Centre (ALC), Atrocities Watch Africa (AWA), the International Refugee Rights Initiative (IRRI) and the Pan African Lawyers Union (PALU).

