sciendo

ICLR, 2023, Vol. 23, No. 2.

The African Union's Response to Forced Migration: Reinforcing the Nexus between Peace and Security and Refugee/IDP Protection

Swikani Ncube

Faculty of Law, University of Johannesburg, South Africa

sncube@uj.ac.za

NCUBE, Swikani. The African Union's Response to Forced Migration: Reinforcing the Nexus between Peace and Security and Refugee/IDP Protection. *International and Comparative Law Review*, 2023, vol. 23, no. 2, pp. 44–66. DOI: 10.2478/iclr-2023-0014

Summary: Africa is home to millions of displaced persons–IDPs and refugees–a trend that has its genesis in the pre-independence armed struggles and is currently perpetuated by internal conflicts that plague most parts of the continent. Although the challenge has been a permanent phenomenon since the days of the Organisation of African Unity, the continental organization, now the African Union, has failed to craft a response strategy that addresses both forced displacement and the conundrum of protracted refugee situations. This article argues for a policy reformulation that situates the problem of displacement within the core of Africa's peace and security framework (the APSA). It posits that this approach addresses both causes of forced displacement and the welfare of the displaced. At a policy level, the approach permeates good governance, peace, security and economic strategies of the Union.

Keywords: Forced displacement, African Union, Peace and Security, IDPs, Refugees

1 Introduction

When Kenya announced its decision to close the Dadaab refugee complex in 2016, analysists and commentators reacted with shock and disapproval at what they perceived to be a fragrant disregard of international law and the welfare of the mostly Somali refugees housed in the camp. While the argument that the country was 'going rogue' is not without merit, at a fundamental level, the decision reflected deeper challenges facing the notion of protecting forcibly displaced persons. Viewed from the Kenyan government's perspective, the refugees present a threat to national security, and above all, if refuge was initially provided as a temporary measure pending a long-term solution, that solution has been elusive. Indeed, more than thirty years since the Dagahaley, Hagadera and Ifo camps were built, the conversation has not shifted from what it was when the camp's initial inhabitants first moved in. However, although this is a localised

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

'headache', in the main, the Dadaab conundrum, is a microcosm of the forced displacement challenge that Africa faces.

For a long time, responses to forcibly displaced persons have followed the traditional template–that is–voluntary expatriation, resettlement, and local integration. However, as Long observes, these have failed "to free the majority of refugees and IDPs from protracted displacement."[1] Following on this observation, Long argues that the reasons for this failure are threefold, namely; "an excessive focus on repatriation as the only viable solution; failure to engage with broader development issues in refugee producing and refugee hosting regions; and a tendency to focus on the physical symptoms of displacement rather than the political issues".[2] While addressing the physical symptoms of displacement is indeed important, there is ample academic literature that suggests that to solve the problem, root causes of displacement must be addressed.

In most instances of forced displacement in Africa, security and governance concerns loom large. It is therefore this context in which this article is situated. Although classic forced migration studies tend to focus on definitional issues and the legal scope of protection of forcibly displaced persons, the field has in recent years witnessed a plethora of thematic perspectives. Anthropological, geographical, and sociological approaches, amongst others, have been employed. As alluded to above, this article adopts a peace and security approach, needless to say this is not a novelty. In doing so, it adopts an afro-centric perspective, focusing on the normative and institutional frameworks of the continent's premier organisation, the African Union (AU). In the main, the article proposes that the AU's normative frameworks for conflict prevention must have at their core, the prevention of forced displacement. Dare and Abebe lament the overly 'national security' approach to managing refugees, noting that this highlights the 'necessity for a broader and more inclusive approach on forced displacement'.[3] This article is therefore a contribution to this call.

While there are cases of persons forcibly displaced as a result of natural disasters, such as the victims of cyclone Idai in Mozambique in 2019[4], or drought in Somalia, the article limits its scope to conflict induced displacement. Consequently, any reference to refugees, IDPs and asylum seekers excludes any person who finds themselves so described, but for reasons other than conflict. However, in instances where displacement is as a result of a combination of conflict and

1 LONG, Katy. Rethinking 'Durable' solutions. In: FIDDIAN-QASMIYEH, Elena, LOESCHER, Gill; LONG, Katy and SIGONA, Nando., Eds. The Oxford Handbook of Refugee and Forced Migration Studies. Oxford: Oxford University Press, 2014, p.477

2 Ibid.

3 DARE, Olabisi and ABEBE. M. Allehone. Regional Solutions and the Global Compact on Refugees: The Experience from Africa. International Journal of Refugee Law, 2018, Vol.30, p.705.

4 First in 2017 and then again in 2021.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

natural disasters, reference is made without an attempt to allocate numbers to each – a near impossible task even if one desired that degree of specificity.

The article is presented in six parts. After the introduction, part two provides a contextual background, establishing the linkage between conflict and forced displacement. Because of the article's peace and security approach, it also provides a detailed discussion of primary causes of conflict in Africa. Part three provides a brief discussion of the relevant AU legal instruments that deal with forced displacement. In this section, reference is also made to other instruments and organs of the AU that are relevant to forced displacement and make up the so-called African Peace and Security Architecture (APSA). The fourth part turns to the issue of forced displacement and security, namely state security and the security of the displaced. Part five advances the argument on reinforcing the nexus between peace and security and the protection of forcibly displaced persons. Part six is the conclusion.

2 Africa's Conflict and Forced Displacement Crisis

On 31 August 2009, the AU declared 2010 'the Year of Peace and Security in Africa'.[5] To many, this declaration did not come as a surprise as the vast literature on peace and security in Africa paints a picture of gloom. Writing in the aftermath of the Rwandan genocide, Howard argued that the personal, up-front, one-on-one genocide which had been witnessed served to confirm "Westerners' deepest prejudices about Africa, that it is a primitive, tribal continent" and that "Africans are dark, mysterious, and dangerous" as they are ruled by passions untampered by reason and as such no explanations for their periodic genocides and mass slaughters can be found.[6] Although Howard's characterisation is exaggerated, it conforms to widely held perceptions about the nature of African politics and the scarcity of peaceful dispute resolution mechanisms where irreconcilable differences emerge.

To fully comprehend the extent of conflict induced displacement in Africa, one has to understand the scale of the scourge of conflict on the continent and the driving factors behind the phenomenon. Prior to the total political independence of all states in Africa, resistance to imperialism and subjugation stood out as the sole reason for violence against the establishment and, conversely, by the establishment against those who challenged its claim to power. In essence, it was–ironically–violence for human rights and equality. Post-independence, armed conflict continued to be a feature in many states. While there was a reduction in inter-state conflicts, internal strife became the continent's biggest challenge. Since the days of the AU's predecessor, the Organisation of African Unity

5 See AU Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace, SP/Assembly/PS/Decl.(I), (2009) para 23.

6 HOWARD, Rhoda. Civil Conflict in Sub-Saharan Africa: Internally Generated Causes. International Journal, 1995–1996, Vol.51, p.28.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

(OAU), violence in most post-colonial states has been attributed to five causes, namely; poor governance, ethnicity, resources , weak states, and the proliferation of arms. Also relevant to this discourse are terrorism and insurgencies.

Despite reference to multiple causes of conflict, peace and security studies reflect unanimity that politics and poor governance are at the centre of most African conflicts. Bates notes in this regard that when thinking about the origins of political disorder in Africa, one cannot find a way of analysing the origins of insurrection without starting with the behaviour of governments.[7] This behaviour that he alludes to was aptly described by the then UN Secretary-General in 1998 when he warned that: "the continent must look beyond its colonial past for the causes of current conflicts. Today more than ever, Africa must look at itself. The nature of political power in many African States, together with the real and perceived consequences of capturing and maintaining power, is a key source of conflict across the continent…Where there is insufficient accountability of leaders, lack of transparency in regimes, inadequate checks and balances, non-adherence to the rule of law, absence of peaceful means to change or replace leadership, or lack of respect for human rights, political control becomes excessively important, and the stakes become dangerously high".[8]

More than twenty five years after this warning was sounded, political instability continues to degenerate into conflict, triggering massive human displacements in the process. That politics is central to armed conflict speaks to the AU's democratisation agenda and the political 'well-being' of its member states. While it is tempting to always point an accusatorial finger at the legacy of colonialism, there is a growing realisation and acceptance–as warned by Koffi Anan–that Africa's peace and security woes are in large parts a product of poor political leadership and the absence of democratic systems.[9]

As a fundamental pre-requisite for peace and security, democracy is predicated on the rule of law, itself a fundamental foundation of good governance.[10] Not only is the rule of law a foundation for good governance, but it is also a measure of how well a government is running the affairs of the state. Commenting in the context of aid and development, Ellis observes that what Africa needs is not more money, but governments that that are accountable to their citizens. He warns in this regard, that aid simply perpetuates "the kleptocratic regimes that

7 BATES, Robert. When Things Fell Apart: State Failure in Late Century Africa. Cambridge: Cambridge University Press, 2008, pp.6–7.

8 See The Report of the Secretary-General on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa, UN Document A/52/871-S/ 1998/31, (1998) para 3.

9 FELDMAN, L. Robert. The Root Causes of Terrorism: Why Parts of Africa Might Never Be at Peace. Defense & Security Analysis, 2009, Vol. 25, No. 4, p.364.

10 SILVA, Mario. State Legitimacy and Failure in International Law. Leiden: Brill Nijhoff, 2004, p.67.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

have slowly strangled the continent since independence".[11] A look at some of the post-independence internal conflicts confirms this assertion. The Dadaab camp is itself a result of the Somali civil war, which was, in the main, a product of resistance to Siad Barre's style of leadership. Similarly, the first and second Liberian civil wars were triggered by poor governance, with the former having been catalysed by a fraudulent election in 1985. The same can be said of the civil wars that engulfed Uganda, Sierra Leon, Angola, Sudan, Chad and Burundi in the years between 1979 and 1999.

Ethnicity on the other hand has been discussed and analysed extensively as a cause of intra-state violence, with a distinction being drawn between ethnic persecution and politicised ethnicity. In explaining politicised identity, Posner states that individual coalesce along ethnic lines to access resources and in the process keep others out.[12] As a result, voters assume that the likelihood that they will have better access to resources is directly linked to whether the politician who exercises control over those resources is from their ethnic group. For those marginalised and excluded by the system of patronage, resort to violence becomes their only option. As Botha observes, some "communities in Africa have come to believe that the only way to bring about change is to take matters into their own hands".[13] Consequently, in such situations, while identity is at the centre of the differentiation, poor political leadership is the overarching problem, and the allocation of resources is simply an arena where it is expressed.

Ethnic persecution on the other hand is straightforward. In such conflicts, people are targeted merely for belonging to a certain group. The Rwandan genocide remains a classic example of indiscriminate murder based on ethnicity, the Tutsi-Hutu divide being the axis of conflict. Broadly, arguments on identity-based conflicts often point to the partitioning of Africa as the genesis of the problem. As far as this reasoning goes, during that process, communities were arbitrarily joined together, thereby forcing them to exercise tolerance and coexist, and in some instances, these were people who had nothing in common and were different in many ways than just language. While this historical fact cannot be contested, it does not explain the widespread violence that has been witnessed on the continent post-independence. Indeed, in proffering this argument, caution must be exercised because to argue that Africans engage in violence merely because of identity differences is condescending and unhelpful to the peace and security agenda. In fact, very few African states are homogenous, and this homogeneity is in most instances only limited to language.

11 ELLIS, Stephen. How to Rebuild Africa. Foreign Affairs. 2005, Vol. 84, p.144.

12 POSNER, N. Daniel. Regime Change and Ethnic Cleavages in Africa. Comparative Political Studies. 2007, Vol. 40, No. 11, p.1304.

13 BOTHA, Anneli. Challenges in Understanding Terrorism in Africa: A Human Security Perspective. African Security Review. 2008, Vol. 17, No. 2, p.36.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

The third so-called cause of conflict in Africa is resources where a distinction is drawn between 'lootable wealth' and 'non-lootable wealth' with the former being of concern.[14] Initially, the conclusion that natural resources cause conflicts held sway.[15] Based on Collier and Hoeffler's 'greed and grievance' model it was argued that it is the greedy behaviour of rebels that influences insurgencies against governments.[16] The assertion according to this view was that natural resources constitute 'booty' which, in many cases, is viewed as being far more valuable than the possession of the state itself.[17] Similarly, other scholars argued that natural resources provide both finance and motive for armed conflict, thereby creating indirect economic and institutional causes of violence.[18] However, the greed hypotheses soon ran into challenges as critics argued that there was no co-relation between natural resource abundance and civil conflict.[19] Faced with this criticism, Collier, Hoeffler and Rohner revisited their 'greed' hypotheses and emerged with what they termed a 'feasibility hypotheses' according to which they argue that "where rebellion is feasible it will occur: motivation is indeterminate, being supplied by whatever agenda happens to be adopted by the first social entrepreneur to occupy the viable niche".[20]

That there is a nexus between 'lootable wealth' and civil conflict is not in question, what is debatable however is the nature of this relationship. The argument that natural wealth causes civil war is no longer sustainable. Fearon identifies weak states as the link between natural resources and conflict, and challenges Collier and Hoeffler's greed hypotheses' adding that weak states act as an enabling factor in civil war outbreak even where lootable wealth is a critical factor.[21] Similarly, Murshed argues, convincingly, that natural resources are just but one of the many ways through which rebel groups finance their activities, the others being donations from nationals living abroad as well as foreign states hostile to

14 See LUJALA, Paivi. et al. A Diamond Curse? Civil War and a Lootable Resource. Journal of Conflict Resolution. 2005, Vol.49, No.4, p.539.

15 FURLEY, Oliver and MAY, Roy. Introduction: Ending Africa's Wars: Progressing to Peace. In FURLEY, Oliver and MAY, Roy, eds. Ending Africa's Wars: Progressing to Peace. Aldershot: Ashgate Publishing Limited, 2006, pp.22–24.

16 COLLIER, Paul and HOEFFLER, Anke. Justice-Seeking and Loot-Seeking in Civil War. Washington, D.C: World Bank, 1999.

17 Ibid.

18 See HUMPHREYS, Macartan. Natural Resources, Conflict and Conflict Resolution. Journal of Conflict Resolution. 2005, Vol. 49, No. 4, pp508–537; ROSS, L. Michael. A Closer Look at Oil, Diamonds, and Civil War. Annual Review of Political Science, 2006, Vol. 9, pp.265–300; FEARON, D. James. Primary Commodities and Civil War. Journal of Conflict Resolution 2005, Vol. 49, No. 4, pp.483–507.

19 MURSHED, S. Mansoob. Explaining Civil War: A Rational Choice Approach. Cheltenham: Edward Elgar, 2010, pp.63–99.

20 COLLIER, Paul; HOEFFLER, Anke and ROHNER, Dominic. Beyond Greed and Grievance: Feasibility and Civil War. Oxford Economic Papers, January 2009, Vol. 61, No. 1, p.21.

21 See generally FEARON, D. James. Primary Commodities and Civil War. Journal of Conflict Resolution 2005, Vol. 49, No. 4, pp.483–507.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

the government which rebels seek to depose.[22] In light of the weaknesses of the 'greed hypotheses' one is persuaded to conclude that grievance in whatever form, remains the only true cause of civil conflict. Consequently, this, like the other two above, is also a question of governance.

The fourth so-called cause of conflict is the proliferation of Small Arms and Light Weapons (SALW), particularly the destabilising effect of their accumulation.[23] As Dhanapala observes, in 'weak states' SALW often become the 'proximate' cause of violence.[24] Feldman concurs with this observation and adds that "with so many weapons and explosives readily available, it is inevitable that disagreements in the past, which might have been settled with fistfights or small arms, will now be settled with RPGs and IEDs".[25] Although this is a little exaggerated, it places the threat these weapons pose into perspective. For example, in 2012, the UN Secretary-General reported that the Toureg rebellion which had destabilised Mali had been emboldened by the presence of well-equipped combatants returning from Libya.[26] While grievances already existed prior to the Libyan 'bounty of arms', the availability of the weapons made making the call on whether to engage in armed confrontations much easier to make.

The fifth cause of conflict in Africa is the phenomenon of fragile states. What constitutes a fragile state is subject to debate. Political scientists exhibit a bias towards a state's provision of political goods while social scientists premise their conclusions on the disintegration of a state's structure, authority, political order and the law.[27] In addition to these two parallel approaches, some definitions are interdisciplinary. However, despite these rather 'cosmetic' differences, there is consensus between the two camps that fragile states exhibit a vacuum of authority.[28] Because of the co-relation between security and the rule of law, the weakening of a state's security institutions opens up space to all kinds of groups to use its territory for criminal activities. Once state institutions fail, the government loses its monopoly on the use of force and this inevitably leads to widespread violence

22 MURSHED, S. Mansoob. Explaining Civil War: A Rational Choice Approach. Cheltenham: Edward Elgar, 2010, p.65.

23 DHANAPALA, Jayantha. Multilateral Cooperation on Small Arms and Light Weapons: From Crisis to Collective Response. Brown J. World Aff. 2002–2003, Vol. 9, p.163.

24 DHANAPALA, Jayantha. Multilateral Cooperation on Small Arms and Light Weapons: From Crisis to Collective Response. Brown J. World Aff. 2002–2003, Vol. 9, p.164.

25 FELDMAN, L. Robert. The Root Causes of Terrorism: Why Parts of Africa Might Never Be at Peace. Defense & Security Analysis, 2009, Vol. 25, No. 4, p.p.365

26 Report of the Secretary-General on the Situation in Mali, UN Doc. S/2012/894 (2012), p.4.

27 See ZARTMAN, I.William. Introduction: Posing the Problem of State Collapse. In ZARTMAN, I.William, ed. Collapsed States: The Disintegration and Restoration of Legitimate Authority. London: Lynne Rienner Publishers, 1995, p.1.

28 ROTBERG, I. Robert. Failed States, Collapsed States, Weak States: Causes and indicators. In ROTBERG, Robert, ed. State Failure and State Weakness in a Time of Terror. Washington, D.C: Brookings Institution Press, 2003, p.9.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

as militias or armed groups emerge, thereby establishing competing centres of power.

Finally, also relevant to the discussion on causes of conflict in Africa is religious extremism or terrorism and the resultant human displacement. Since 2011, the Islamist group, Boko Haram has meted out violence against both civilians and the state, in North-Western Nigeria, destroying infrastructure, abducting girls and women and burning villages.[29] According to the UNHCR, as of July 2022, the insurgency had displaced 2.2 million people including 280 000 refugees who sought protection in neighbouring countries.[30] In the Sahel, armed groups continue to carry out indiscriminate attacks, particularly in Mali, Niger, Chad and Burkina Faso. In Southern Africa, Mozambique has since 2017 been dealing with an Islamic insurgency in the Cabo Delgado province,[31] a development which has necessitated the deployment of a Southern African Development Community (SADC) military mission in the country.

While it is helpful to analyse individual causes of civil conflict in Africa, it should be noted that no conflict can be ascribed to a single cause. Indeed, a review of the literature and data on civil wars on the continent indicates that there are very few that can be ascribed one type of motivation to rebel.[32]

However, the interest in conflicts and their causes extends to their consequences, chief amongst them massive human displacement. The civil wars of the 70s through to the 90s generated millions of refugees, some of whom are now trapped in protracted refugee situations. While statistics from the 'older' civil wars make for a depressing reading, the levels of displacements triggered by recent conflicts are not any better. Since 2010, there have been conflicts in Ethiopia's Tigray region, Mozambique's Cabo Delgado Province, the Central African Republic, Mali, Burundi, and a number of other countries. In each instance, forced displacement has been a major cause for concern. The conflict in the Central African Republic produced up to a million IDPs at the height of the unrest in December 2014, excluding 180,000 refugees who had crossed into neighbouring countries.[33] During the same period, in South Sudan, a combination of conflict and food insecurity had resulted in approximately 2.1 million IDPs and nearly 556,600 refugees.[34] In Nigeria, the Boko Haram insurgency in the North-East

29 NCUBE, Swikani. Responding to Boko Haram: Why the African Union Must Lead the Fight Against the Insurgency. South African Yearbook of International Law, 2014, Vol. 39, p.212.

30 UNHCR. Principal Refugees, IDPs and Stateless Persons. 2022.

31 MORIER-GENOUD, Eric. The jihadi insurgency in Mozambique: origins, nature and beginning. Journal of Eastern African Studies, 2020, Vol. 14, No. 3, pp.396–412

32 MAPHOSA, B. Sylvester. Natural Resources and Conflict: Unlocking the Economic Dimension of Peace-Building in Africa. Africa Institute of South Africa, Policy Brief Number 74, 2012, p.4.

33 UNHCR. Global Appeal 2015 Update, 2015, p.112.

34 IOM. South Sudan: Humanitarian Update 48, 2015, p.1.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

of the country had resulted in more than half a million IDPs as well as 70 000 refugees who had sought shelter in Cameroon, Chad, and Niger.[35]

As of January 2023, there were more than 2 million South Sudanese refugees under the UNHCR's mandate, an astonishing number considering the instability in the countries in which these people are housed.[36] In terms of regional distribution, Southern Africa hosts 10.1 million people of concern to the UNHCR, while West and Central Africa's figures stand at 12.7million.[37] The East and Horn of Africa Region remains the worst affected, with the 21.1million it hosts constituting nearly a fifth of those of concern to the UNHCR.[38] These numbers point to one thing, a failure by the current framework to address the root causes of conflict induced human displacement.

3 The AU's Legal and Institutional Framework for Responding to Forced Displacement

Two key legal instruments regulate the welfare and protection of forcibly displaced persons in Africa. These are the OAU's 1969 Refugee Convention[39] and the 2008 Kampala Convention on Internally Displaced persons.[40]

The preamble to the 1969 Convention records the OAU leaders' desire to find ways and means of alleviating the misery and suffering of refugees. In the same paragraph, the preamble alludes to an intention to provide refugees with a better life and future.[41] Crucially, the Convention places the duty to receive and process asylum seekers in the hands of states, who are required to adopt their own legislation to regulate the process.[42] However, the said national legislation cannot promote "rejection at the frontier, return or expulsion, which would compel him [the asylum seeker] to return to or remain in a territory where his life, physical integrity or liberty would be threatened".[43] Because of the inter-state conflicts that prevailed at the time, the Convention also provides that where a state grants asylum to citizens of another state, this gesture cannot be regarded as an unfriendly act, as the basis for granting asylum is strictly humanitarian.[44] In addition to laying out a criterion for refusing asylum the Convention proceeds to

35 UNHCR. Global Appeal 2015 Update, p.110.
36 UNHCR. Global Appeal 2023.
37 UNHCR. Global Appeal 2023, p.17
38 Ibid.
39 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, CAB/LEG/24.3.
40 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, 2009.
41 OAU Refugee Convention, preamble para.1.
42 Art 2(1).
43 Article 2(3).
44 Article 2(2).

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

list duties that refugees owe to the host state.[45] While stating that refugees have a duty to respect the laws and regulations designed to maintain public order in host states, article 3 proscribes participation in any subversive activities against another Member State.[46] Citing this provision, Viljoen alleges that although the Convention proclaims its purpose as being to address 'specific aspects of refugees', in truth, Africa's leaders at the time simply sought to address inter-state friction which was mounting as a result of subversive activities by refugees.[47]

Overally, the convention is a good legal instrument for the continent, particularly its recognition of the need for "an essentially humanitarian approach towards solving the problems of refugees"[48] as well as its proscription of punishment for refugees who voluntarily return to their country.[49] This speaks to the question of security post-displacement (where one chooses to return to their country of origin) and alludes to trust building and the elimination of push factors that would have necessitated displacement in the first place.

The Kampala convention on the other hand, as the name suggests, deals with matters relating to internally displaced persons. Since 2009 when the instrument was adopted, the AU has been widely praised for coming up with a framework that addresses a phenomenon which for a long time did not receive as much attention as the problem of asylum seekers and refugees.[50] The convention outlines an impressive list of responsibilities for state parties and the AU in dealing with internal displacement. The very first objective under article 2 outlines a responsibility to "Promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide for durable solutions".[51] In this paragraph, reference to eliminating root causes and providing durable solutions stands out and this is a common theme throughout the convention. In outlining obligations of state parties, article 3 gives us an indication of what the AU perceives to be root causes of displacement. The article provides that states must "prevent political, social, cultural and economic exclusion" as well as marginalisation on any ground, which may cause displacement.[52]

In an attempt to 'spread' responsibility and cover all possible sources of displacement, the convention includes in its text obligations of armed groups in civil

45 Article 5.
46 Article 3(3).
47 VILJOEN, Frans. The African Charter on the Rights and Welfare of the Child. In: BOEZAART, Trynie. ed. Child Law in South Africa. Cape Town: Juta, 2009, p.158
48 Preamble para.2.
49 Article 5(4).
50 See amongst others VILJOEN, Frans. International Human Rights Law in Africa 2nd Ed. Oxford, 2012; HOLZER, Elizabeth. A Case Study of Political Failure in a Refugee Camp. Journal of Refugee Studies, 2012, Vol. 25, No. 2, p.257.
51 Article 2(a).
52 Article 3(1)(b)

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

conflicts.[53] Although preceded by a disclaimer that none of the obligations listed extend any legal right to armed groups, article 7 demonstrates the AU's recognition of the role these groups play in internal conflicts. However, to distinguish between themselves and armed groups, member states included a threat of prosecution where armed groups violate rights of IDPs.[54] While doing the obvious, which is, the prohibition on inducing displacement, the convention also extends obligations post-displacement. In this regard, armed groups are prohibited from, amongst other things hampering the provision of protection and assistance to internally displaced persons,[55] denying internally displaced persons the right to live in satisfactory conditions of dignity, security, sanitation, food, and water,[56] and finally, recruiting children or requiring or permitting them to take part in hostilities.[57]

To underscore the seriousness of the obligation to refrain from inducing displacement, article 8 of the Convention reiterates the duty of the Union "to intervene in a Member State pursuant to a decision of the Assembly in accordance with Article 4(h) of the Constitutive Act in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity".[58] Also included is the right of states to request intervention so as to eliminate factors that may induce displacement.[59] The inclusion of the former, which has been widely discussed in the context of the responsibility to protect (R2P), serves to stamp the AU's authority, while the latter simply serves to place the AU's peace and security architecture at the disposal of any state that feels it is overwhelmed and needs support.

Although the Refugee Convention and the Kampala Convention are paramount in dealing with forced displacement in Africa, the AU has also adopted important instruments, and further established critical organs designed to prevent, mitigate, or resolve conflict. Collectively, these have come to be known as the African Peace and Security Architecture (APSA),[60] and include amongst them the Peace and security Council (PSC), the African Standby Force (ASF), the Panel of the Wise (PoW) and the Peace Fund.

4 Forcibly Displaced Persons and the Question of Security

Refugees and IDPs find themselves so described because they would have left their homes, and above all, a sense of belonging. Legal instruments dealing

53 Article 7(5)
54 Article 7(4)
55 Article 7(4)(b).
56 Article 7(4)(c).
57 article 7(4)(b)(d
58 Article 8(1).
59 Article 8(2).
60 CILLIERS, Jackie. Hopes and Challenges for the Peace and Security Architecture of the African Union. In: BESADA, Hany. ed. Crafting an African Security Architecture: Addressing Regional Peace and Conflict in the 21st Century. Burlington: Ashgate Publishing Limited, 2010, p.47

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

with conflict induced displacement place a huge emphasis on fear as a basis of running towards the unknown. In that unknown, the only thing hoped for is the security of person. This collective security of displaced persons constitutes the first leg of the displacement and security discourse. The second is the security of states. In conceptualising the problem, Turk asks the following questions: "Whose security are we talking about? The security of refugees or the security of States or both? Or is this a false dichotomy?".[61] He proceeds to observe that properly understood, security in forced displacement permeates the whole chain, covering displaced persons and national or public security considerations.[62]

That responses to conflict induced displacement have the protection of the persons involved as their main objective is obvious. It has been observed that "flight from one's country is the ultimate survival strategy, the one employed when all other coping mechanisms have been exhausted".[63] Lischer reasons in this regard that while an individual will always have three choices, namely to fight, to attempt to escape, or to give up, the last option is one that cannot be easily exercised as those giving up are always likely to suffer terrible consequences.[64] Once one has chosen to flee, their security in the place where they have chosen to seek refuge becomes of interest to both themselves and policy makers. It is at this stage that international legal instruments dealing with forced displacement come into play and the UNHCR, amongst other actors, becomes a major role player.

Once in what they perceive to be a place of safety, refugees and IDPs remain vulnerable to the very groups that would have triggered their displacement, more so because in the case of refugees, host states that practice encampment often have camps built close to boarders, thereby placing their inhabitants within reach of armed militias. In addition to being at the mercy of armed groups, refugees also find themselves threatened by the local communities or host states in general. This is so for two reasons. First, refugees are characterised as a security threat and locals view them as a group to be treated with suspicion.[65] Loescher observes in this regard that this attitude is not only confined to developed countries but is as prevalent in developing countries as it is in industrialised democracies.[66] Writing in the context of the Horn of Africa, Pongo makes the same observation, noting that both governments and their citizens generally tend to

61 TURK, Volker. Forced Migration and Security. International Journal of Refugee Law, 2003, Vol 15, No.1, p.113.

62 Ibid

63 LOESCHER, Gil. Blaming the Victim: Refugees and Global Security. Bulletin of the Atomic Scientists, 2002, Vol. 58, No. 6, p.47.

64 LISCHER, k. Sarah. Conflict and Crisis Induced Displacement. In FIDDIAN – QASMIYEH, E; LOESCHER, Gil; LONG, Katy and SIGONA, Nando. eds. The Oxford Handbook of Refugee and Forced Migration Studies. New York: Oxford University Press. 2014, p.317.

65 LOESCHER, Gil. Blaming the Victim: Refugees and Global Security. Bulletin of the Atomic Scientists, 2002, Vol. 58, No. 6, p.48.

66 Ibid.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

associate refugees with violence, crime, and security challenges.[67] Further, refugees are seen as a threat to social cohesion and employment. At a more localised level, however, the acrimony is at times a result of poverty and lack. Where refugees receive free supplies of food, medication, and other necessities, they are viewed as the 'favoured ones' thereby attracting the ire of the locals.[68]

The second leg of the forced displacement and security discourse involves the security of states. Although the security of host states plays a role, at the heart of the state security discourse is the so-called 'refugee-warrior thesis'.[69] This proceeds from the premise that refugee camps provide conducive environments for armed militia to regroup, train and launch attacks against regimes in their country of origin. Because armed elements in the midst of civilians cannot be easily singled out, the camps become a hub of recruitment and militarisation, thereby constituting a direct threat to their governments, and by default, their host states. For host states on the other hand, the presence of a militarised refugee population invites armed attacks from the refugees' 'adversaries' and further encourages the proliferation of arms.[70] Consequently, a state that would have received persons at risk on humanitarian grounds finds itself having to deal with security concerns that are not of its making. Far from just being a venue for clashes between militarised refugees and those who pursue them, host states also have to contend with general criminality and pressure on their social services and employment.

The characterisation of refugees as a threat is not without consequence. In Kenya and Tanzania for example, this perception has led to the adoption of policies that have adverse effects on the rights of refugees in those countries. As Pongo notes, once characterised as threats, refugees are bound to be victimised, as host states focus more on control and restriction as opposed to a strictly humanitarian approach, where the rights of the refugees are paramount.[71] Tracing the parliamentary debates leading up to the adoption of Kenya's Refugees Act in 2006, Andrew Maina demonstrates how the perception of refugees as a security threat shapes policy. He notes that throughout the process, Kenyan legislators consistently submitted that refugees "refugees were responsible for the prolifera-

67 PONGO, O. Elias. Refugee Undesirability and economic Potentials: Questioning Encampment Policy in Forced Migration. In SCHMIDT, Dragsbaek; KIMATI, Leah and OWISO, Michael, eds. Refugees and Forced Migration in the Horn of Africa: Trends, Challenges and Opportunities. Switzerland: Springer, 2019, p.118.

68 ibid

69 See generally, ZOLBERG, Aristide, SUHRKE, Astri and AGUAYO, Sergio. Escape from Violence: Conflict and the Refugee Crisis in the Developing World. Oxford: Oxford University Press, 1989.

70 WEINER, Myron. Security, Stability and International Migration. International Security. 1992–1993, Vol. 17, No. 3, pp.91–126; LOESCHER, Gil. Refugee Movements and International Security. The Adelphi Papers. 1992, Vol. 32, No. 268, p.2.

71 PONGO, O. Elias. Refugee Undesirability and economic Potentials: Questioning Encampment Policy in Forced Migration. In SCHMIDT et al, supra note 91, p.119.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

tion of arms and that an encampment policy was going to cure this'.[72] In line with these sentiments, encampment was eventually formally adopted as a policy.

5 Reinforcing The Nexus Between Peace and Security and Refugee/IDP Protection

From the causes of conflict discussed above, it cannot be contested that unresolved grievances lead to conflict and in turn, conflict leads to forced displacement. Often, when displacement occurs, either across international borders or within a state, focus turns to the welfare of the displaced and how the host state can cope with the shocks of a sudden influx of 'outsiders'. Because of the perception of a 'crisis situation', driven in large part by the media and its portrayal of the displaced and their lack, concerns about how the displaced persons were compelled to flee invariably take a backseat. At this stage, the UNHCR and other aid organisations become central role players and because of their stated mandates, they adopt an apolitical posture, focusing solely on humanitarian assistance.

The APSA referred to above has amongst its framework, a Continental Early Warning System, an organ whose sole mandate is to facilitate the prevention and mitigation of conflict. This, strictly interpreted, suggests an appreciation of the need for preventative measures to avert or mitigate consequences of conflict, amongst them, forced displacement. However, the AU's practice so far betrays a lax approach to dealing with threats timeously to prevent violent conflict and by extension, human displacement. Cases of protracted refugee situations, of which the Dadaab camp is one, suggest a failure to address root causes of displacement, chief amongst which –as discussed above–is poor governance. This interplay between the AU's mismanagement of conflicts and the prevalence of displacement supports the conclusion that the nexus between conflict and displacement is not accorded the weight it deserves. Indeed, in most instances, post-displacement, little or nothing is done to enable the implementation of one of the key solutions to preventing protracted refugee situations, namely, repatriation. Hyndman and Giles capture the sequence of events accurately when they say that "acute humanitarian crises capture world attention, bringing the plight of the displaced to light.[73] However, once the 'emergency' or 'crisis' is over and people-at-risk have been fed, housed, and triaged for medical care, world attention wanes and the displaced disappear from view". Although this observation alludes to continued humanitarian support or the lack thereof, its application can be extended to political endeavours to address the root causes of displacement. Indeed, humanitarian responses are, and should be understood to be nothing but temporary remedies pending lasting solutions.

72 MAINA, Andrew. Securitization of Kenya's Asylum Space: Origin and Legal Analysis of the Encampment Policy. In SCHMIDT, et al, supra note 91, p.85.

73 HYNDMAN, Jennifer and GILES, Wenona. Protracted displacement Living on the edge. in BLOCH, Alice and GIORGIA Donà (eds) Forced Migration Current Issues and Debates, 2018, Routledge, p.78

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

For the longest time, countries in the Horn of Africa have produced and hosted the largest numbers of conflict induced refugees and IDPs in sub-Saharan Africa. In analysing the region and its politics, analysts and commentators agree that the policy discord between conflict and displacement lies at the heart of this now seemingly permanent problem. For example, Pongo notes that in the absence of strategies to address grievances and conflict, the region's refugee problem will not be resolved.[74] The question that then flows from this observation is; but why are those strategies not being put in place?

The answer to this question, is that there is a glaring disconnect between the AU's legal and institutional framework for responding to conflicts and threats of conflict on one hand and addressing instances of largescale displacement on the other. The AU and its sub-regional organisations are mostly reactionary in their approach, and their responses–if any–tend not to address the key causes of displacement. Conflict and the welfare of the displaced are often treated as separate challenges. Because the root causes of conflict are often tied to politics and issues of governance, political organisations like the AU, SADC, ECOWAS and EAC conveniently take a backseat, leaving aid agencies to carry the burden of providing humanitarian assistance.

A perusal of the AU's normative framework reveals an impressive array of provisions that acknowledge the primacy of addressing root causes of displacement to rid the continent of the scourge. The Kampala Convention makes reference to adopting "measures aimed at preventing and putting an end to the phenomenon of internal displacement by eradicating the root causes, especially persistent and recurrent conflicts…".[75] On the other hand, the AU Constitutive Act and the PSC Protocol proclaim emphatically that peace and security and the eradication of violence are towering objectives and principles of the organisation. Although these two instruments do not make reference to displacement as a consequence of threats to peace and security, the mandate they set for the organisation would, if carried out, address what was outlined above as causes of violent strife on the continent.

However, because displacement and conflicts are treated as distinct, the AU and its sub-regional organisations often direct all their focus towards merely bringing political players together to quell tensions and mitigate violence. Even then, significant efforts are only undertaken when tensions are at their 'peak', after which interest wanes and states are 'on their own'. This, as indicated above, is the same pattern that characterises refugee situations. Once the 'peak of the crisis' is past, attention dies down and conflict situations are left to take the usual course. Unfortunately, once efforts to establish positive peace are not adequately pursued, countries remain in a state of conflict and consequently, displaced per-

74 PONGO, Elias. Refugee Undesirability and economic Potentials: Questioning Encampment Policy in Forced Migration. In SCHMIDT et al, supra note 91, p.119.

75 Kampala Convention on IDPs, preamble.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

sons are unable to return, thereby setting the stage for situations of protracted displacement. A look at the refugee crisis in East Africa places this assertion into perspective. Uganda hosts refugees from neighbouring DRC, South Sudan and Burundi, who in turn host displaced persons from the same countries around them. Mandrup captures this conundrum perfectly.[76] He observes that the main problems in the region are bad governance, under development and instability.[77] Consequently, no single state offers adequate protection as governments are also pre-occupied with retaining power.

This failure by political organisations to pursue lasting peace in countries of origin has far reaching consequences. Although the temptation to sympathise with host states because of the shocks of sudden largescale arrivals is high, displaced persons undoubtedly bear the brunt of the AU's failure to act on its normative framework. In the preceding section, a distinction was drawn between the security of refugees and that of states, particularly in instances where displaced persons have sought refuge across international borders. Because the AU and its sub-regional organisations rarely play a role post-displacement, refugees as 'vulnerable' populations find themselves at the mercy of host states who, although bound by the Refugee Convention, prioritise their own citizens and interests. Commenting on the ethics of responding to displacement crises, Pareck notes that unfortunately, a majority of states "are clear that helping refugees is a matter of benevolence, not responsibility".[78] He concludes that it is this denial that humanitarianism is a responsibility which has led to policies of encampment, long-term statelessness and violations of human rights and dignity.[79]

By failing to do more than just 'calming the storm', the AU fails in its core mandate, which in turn leaves displaced persons in limbo. Because peace agreements are not de facto cessations of conflict, the inability to undertake meaningful reconstruction, reintegration and reconciliation tasks merely suspends the violence as grievances remain unresolved.[80] That the AU should always see peace processes through is made even more critical by the fact that in most conflicts, parties will be contesting the very essence of statehood.[81] As Long notes, lasting solutions to displacement will not be conceived if the characterisation of the challenge is done solely through the lens of 'physical dislocation' because, beneath the surface lies grievances of denial of political rights as citizens.[82]

76 MANDRUP, Thomas. Regional Intergration by Military Means: The Case of the East African Standby Force. In SCHMIDT et al, supra note 91, p.99.

77 Ibid.

78 PAREKH, Serena. Refugees and the Ethics of Forced Displacement. Routledge, 2016, p.104.

79 Ibid.

80 NYAORO, Dulo. Refugee Hosting and Conflict Resolution: Opportunities for Diplomatic Interventions and Beffeting regional Hegemon. In SCHMIDT et al, supra note 91, p.122

81 Ibid.

82 LONG, Katy. Rethinking 'Durable' solutions. In FIDDIAN – QASMIYEH, Elena, supra note 2, p.475.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

Owing to the AU's laxity in resolving conflicts, host states invariably get 'fed up' with accommodating 'outsiders' without a lasting solution in sight. The practice of encampment for example, is a clear expression of a 'them versus us' policy approach to dealing with refugees. In these camps, refugees are deprived of fundamental rights.[83] Even worse, when countries feel overwhelmed and threatened, they turn to expulsion, as is the case with Kenya's Dadaab decision.

That the activities of the AU are not sufficiently coordinated is not new. In 1998, the AU's predecessor, the Organisation of African Unity (OAU) issued what is commonly referred to as the Addis Ababa Document on Refugees and Forced Population Displacement in Africa in which it recommended, amongst other things, that "the linkage between the activities of the OAU in conflict prevention, management and resolution and those on behalf of refugees and internally displaced persons should be strengthened".[84] Despite this recognition and acknowledgement that 'there is a problem', nothing has been done to reinforce this nexus.

A critic of the argument above may ask: what then, if the AU views conflict through the lens of displacement. The answer to this question is three-fold. First, The value of the AU and its sub-regional organisations pursuing lasting peace is obvious. Studies have empirically and theoretically shown that rather than abandoning any desire to return to their homeland, displaced persons always retain a strong desire to go back.[85] It follows therefore, that for strategies like repatriation to stand any chance of success, the AU cannot afford to continue treating conflict and displacement as distinct challenges. Where it is established, through the Early warning system within the APSA that conflict is inevitable – and with it massive displacement – the organisation must respond with an article 4(h) – of Constitutive Act – urgency. One can even argue, that what the organisation needs at this point is a new refugee management instrument which, like the Kampala Convention, incorporates the right of the union to intervene specifically in massive displacement situations as well as the right of member states to request assistance.

Second, in 2018, UN Member states agreed on a Global Compact on Refugees, a non-binding instrument aimed at enhancing responses to contemporary refugee problems. At the core of the global compact is burden and responsibility sharing. This, one can argue, places organisations like the AU at the centre

83 See ATAK, Idil. An International Human Rights framework for migration in a globalizing world. In TRIANDAFYLLIDOU, A. ed. Handbook of Migration and Globalisation. Cheltenham: Edward Elgar, 2018, pp.17–37.

84 Organisation of African Unity. Addis Ababa Document on Refugees and Forced Population Displacements in Africa. Adopted by the OAU/UNHCR Symposium on Refugees and Forced Population Displacements in Africa, 1994. See recommendation 3 para i.

85 ADELMAN, Howard. Jonah and Socrates as Refugees: Repentance, Redemption and Responsibility. In JUSS, Satvinder, ed. The Ashgate Research Companion to Migration Law, Theory and Policy. Burlington: Ashgate Publishing Limited, 2013, p.79.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

of solution-seeking. The reason for this lies in the political authority that the organisation can legitimately exercise without courting accusations of meddling in domestic affairs of a member state. As argued above, what Africa needs is a normative framework and the implementation thereof that places conflict and displacement prevention at the core of its functions. For this reason, the global compact provides a springboard for such normative innovation. The AU has generally fared badly in a number of issues, amongst them conflict prevention and post-conflict reconstruction. However, this has not precluded the organisation from continuously fine-tuning its normative and institutional frameworks relevant to these mandates. Indeed, it would be short-sighted for anyone to suggest it must. At the core of the organisation's failures is the lack of a political will hence to disregard the development of the organisation's normative framework on this basis would limit the effectiveness of well-meaning leaders in the future (if the thinking within the leadership changes) who may find themselves hamstrung by the absence of sound and progressive normative frameworks.

Finally, the call for lasting solutions in addressing human displacement is also relevant to the economic development of the continent. Viewed from a human development perspective, the long-term effects of forced displacement are chilling. In host states that practice encampment, refugees are forced to depend on humanitarian assistance as they are rendered "dormant, unemployed, and bored with unspent energies".[86] The twin evils of the adults' preclusion from pursuing fulfilling careers, and the children's inability to obtain quality formal education sets off a vicious cycle of poverty and social exclusion. In 2015, the AU adopted the Agenda 2063 policy document which in the main, reflects the organisation's aspirations and wishes for the continent in the next forty years.[87] In their wisdom, the drafters of the document counterbalanced the stated aspirations with the risks or impediments thereto (chapter five) and chief amongst these are leadership and political commitment. While these policy documents as well as the Global Compact are important for normative transformation, political leadership and commitment are key to implementation and monitoring. For this reason, a reinforced nexus between conflict and displacement may help alter what legal instruments cannot legislate for, namely; the attitude of the continent's collective leadership in pursuit of conditions that enable development and prosperity. In discussing what he terms normative incoherence for sustainable migration in Africa, Koff argues that "the notion of 'better management of migration should be linked to the transformative development pursued by the SDGs".[88]

86 PONGO, Elias. Refugee Undesirability and economic Potentials: Questioning Encampment Policy in Forced Migration. In SCHMIDT et al, supra note 91, 117.

87 AU Commission Agenda 2063 Framework Document: The Africa we Want (2015)

88 KOFF, Harlan. Perpetuating Crises at the Source?: (Inter)Regionalism and Normative Incoherence for Sustainable Migration in Africa. Politikon, 2020, Vol. 47, No.4, pp.400–421.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

As the Agenda 2063 document reminds us, the aspirations it espouses must be viewed as MDGs for Africa (94).[89]

6 Conclusion

Sub-Saharan Africa has a crisis of forced human displacement. Although the phenomenon is not new, the failure of traditional responses to situations of displacement calls for a reassessment of how the challenge has been handled. As Long asserts in the context of protracted displacement, "to escape the trap… we must first rethink the problem".[90] This article has argued that the persistence of human displacement, which in many instances results in protracted refugee situations is a result of a disconnect in the AU's policy approach to conflict and human displacement. While acknowledging that on paper, the organisation's normative framework recognises the interconnection between the two, in practice, very little is done to demonstrate this appreciation. This failure to treat conflict and human displacement as intrinsically linked is not limited to the AU, as the continent's sub-regional organisations also fail to demonstrate sufficient political will to address root causes of conflict.

While there will always be human displacement as a result of natural disasters and other non-conflict push factors, violence remains the leading cause of human displacement. For this reason, the AU must treat conflicts on the continent through the lens of displacement. This approach, although based on the organisation's current normative and institutional framework, would elevate peace and security intervention to more than just responding to emergency situations. As was observed by the then UN Secretary-General Kofi Annan in 1998, for the AU, there should be no higher goal, no deeper commitment and no greater ambition than preventing armed conflict.[91] This prevention of conflict, in his words, "is no longer a matter of defending States or protecting allies. It is a matter of defending humanity itself".[92] In this assignment to 'defend humanity', the AU finds itself in a unique and privileged position. Unlike Europe, whose preoccupation is preventing inter-continental arrivals (Prior to the war in Ukraine in February 2022), the AU has both the moral and political authority to do more in refugee producing and hosting countries. This authority allows it to address the issue of governance in its various facets which, as stated above, underlies most conflicts on the continent.

Finally, for the AU, addressing root causes of conflict is not only relevant for the peace and security of the continent, but also extends to its economic development and the enhancement of the welfare of its people. In the absence of peace and

89 AU Agenda 2063, supra note 117, p.94.

90 LONG, Katy. Rethinking 'Durable' solutions. In FIDDIAN – QASMIYEH, Elena, supra note 2, p.475

91 SG Report on Causes of Conflict in Africa, supra note……., para.3.

92 Ibid.

security, conflict prone states will remain underdeveloped, unstable and devoid of meaningful direct foreign investment. Because of the role poverty plays in triggering or exacerbating conflict, such countries will remain major human displacement hotspots with the potential to destabilise their neighbours and regions.

List of References

Adelman, Howard. 2013. "Jonah and Socrates as Refugees: Repentance, Redemption and Responsibility". In *The Ashgate Research Companion to Migration Law, Theory and Policy,* edited by Juss, Satvinder, Burlington: Ashgate Publishing Limited.

Atak, Idil. 2018. "An International Human Rights framework for migration in a globalizing world". In *Handbook of Migration and Globalisation*, edited by Triandafyllidou, Anna. Cheltenham: Edward Elgar.

Barton, Benjamin. 2018. "China's security policy in Africa: A new or false dawn for the evolution of the application of China's non-interference principle? *South African Journal of International Affairs* 25(3):413–434.

Bates, Robert H. 2008. *When Things Fell Apart: State Failure in Late Century Africa.* Cambridge: Cambridge University Press.

Botha, Anneli. 2008. "Challenges in Understanding Terrorism in Africa: A Human Security Perspective" *African Security Review* 17(2):28–41

Bush, Ray; Martiniello, Giuliano & Mercer, Claire. 2011. "Humanitarian imperialism" *Review of African Political Economy* 38(129):357–365.

Cilliers, Jakkie. 2010. "Hopes and Challenges for the Peace and Security Architecture of the African Union". In: *Crafting an African Security Architecture: Addressing Regional Peace and Conflict in the 21st Century,* edited by Besada, Hany. Burlington: Ashgate Publishing Limited.

Collier, Paul. 2008. *The Bottom Billion: Why the Poorest Countries are Failing and What can be Done About It*. New York: Oxford University Press.

Collier, Paul. 2000. "Doing Well out of War: An Economic Perspective". In *Greed and Grievance: Economic Agendas in Civil Wars,* edited by Berdal, Mats and Malone, David M. London: Lynne Rienner Publishers.

Collier, Paul and Hoeffler, Anke. 2004. "Greed and Grievance in Civil War" *Oxford Economic Papers* 56(4): 563–595.

Collier, Paul and Hoeffler, Anke. 1999. *Justice-Seeking and Loot-Seeking in Civil War*. Washington, D.C: World Bank.

Collier, Paul and Hoeffler, Anke. 1998. "On Economic Causes of Civil War" *Oxford Economic Papers* 50(4):563–573.

Collier, Paul; Hoeffler, Anke and Rohner, Dominic. 2009. "Beyond Greed and Grievance: Feasibility and Civil War" *Oxford Economic Papers* 61(1):1–27.

Dare, Olabisi & Abebe. M. Allehone. 2018. "Regional Solutions and the Global Compact on Refugees: The Experience from Africa" *International Journal of Refugee Law* 30:704

Dhanapala, Jayantha. 2002–2003. "Multilateral Cooperation on Small Arms and Light Weapons: From Crisis to Collective Response" *Brown J. World Aff.* 9(1):163–171.

Di John, Jonathan. 2008. "Conceptualising the Causes and Consequences of Failed States: A Critical Review of the Literature" *Crisis States Working Paper Series No.2.*

Ellis, Stephen. 2005. "How to Rebuild Africa" *Foreign Affairs* 84(5):135–148.

Fearon, James D. 2005. "Primary Commodities and Civil War" *Journal of Conflict Resolution* 49(4):483–507.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

Feldman, Robert L. 2009. "The Root Causes of Terrorism: Why Parts of Africa Might Never Be at Peace" *Defense & Security Analysis* 25(4): 355–372.

Furley, Oliver and May, Roy. 2006. "Introduction: Ending Africa's Wars: Progressing to Peace". In *Ending Africa's Wars: Progressing to Peace*, edited by Furley, Oliver and May, Roy, Aldershot: Ashgate Publishing Limited.

Gammeltoft-Hansen,Thomas. 2018. "The Normative Impact of the Global Compact on Refugees" *International Journal of Refugee Law* 30:605

Grossman, Herschel I. 1999. "Kleptocracy and Revolutions" *Oxford Economic Papers* 51(2):267–283.

Holzer, Elizabeth. 2012. "A Case Study of Political Failure in a Refugee Camp" *Journal of Refugee Studies* 25(2):257–281

Howard, Rhoda E. 1995–1996. "Civil Conflict in Sub-Saharan Africa: Internally Generated Causes" *International Journal*, 51(1): 27–53.

Humphreys, Macartan. 2005. "Natural Resources, Conflict and Conflict Resolution" *Journal of Conflict Resolution*. 49(4):508–537.

Hyndman, Jennifer and Giles, Wenona. 2018. "Protracted displacement Living on the edge". In *Forced Migration Current Issues and Debates,* edited by Bloch, Alice and Dona, Giorgia.

Koff, Harlan. 2020. "Perpetuating Crises at the Source?: (Inter)Regionalism and Normative Incoherence for Sustainable Migration in Africa" *Politikon* 47(4):400–421.

Lischer, Sarah K. 2014. "Conflict and Crisis Induced Displacement". In *The Oxford Handbook of Refugee and Forced Migration Studies,* edited by Fiddian-Qasmiyeh, Elena *et al*. New York: Oxford University Press.

Loescher, Gil. 1992. "Refugee Movements and International Security" *The Adelphi Papers* 32(268):3–8.

Loescher, Gil. 2002. "Blaming the Victim: Refugees and Global Security" *Bulletin of the Atomic Scientists* 58(6):46–53.

Long, Katy. 2014. "Rethinking 'Durable' solutions". In *The Oxford Handbook of Refugee and Forced Migration Studies*. Edited by Fiddian-Qasmiyeh, E, Loescher, G; Long, K and Sigona, Oxford: Oxford University Press, 2014, p.475

Lujala, Paivi *et al*. 2005. "A Diamond Curse? Civil War and a Lootable Resource."*Journal of Conflict Resolution* 49(4):53–562.

Maina, Andrew. 2019. "Securitization of Kenya's Asylum Space: Origin and Legal Analysis of the Encampment Policy". In *Refugees and Forced Migration in the Horn of Africa: Trends, Challenges and Opportunities,* edited by Schmidt, Dragsbaek; Kimati, Leah and Owiso, Michael O, Switzerland: Springer.

Maphosa , Sulvester B. 2012. "Natural Resources and Conflict: Unlocking the Economic Dimension of Peace-Building in Africa" *Africa Institute of South Africa, Policy Brief Number 74*.

Mandrup, Thomas. 2019. "Regional Intergration by Military Means: The Case of the East African Standby Force". In *Refugees and Forced Migration in the Horn of Africa: Trends, Challenges and Opportunities,* edited by Schmidt, Dragsbaek; Kimati, Leah and Owiso, Michael O, Switzerland: Springer.

Morier-Genoud, Eric. 2020. 'The jihadi insurgency in Mozambique: origins, nature and beginning, Journal of Eastern African Studies, 14(3):396–412

Murithi, Tim and Mwaura, Charles. 2010. "The Panel of the Wise". In *Africa's New Peace and Security Architecture: Promoting Norms, Institutionalising Solutions,* edited by Engel, Ulf and Porto, Joao G. Burlington: Ashgate Publishing Limited.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

Murshed, Syed Mansoob. 2010. *Explaining Civil War: A Rational Choice Approach*. Cheltenham: Edward Elgar.

Musah, Abdel-Fatau. 2002. "Small Arms: A Time Bomb under West Africa's Democratization Process" *Brown Journal of World Affairs* 9(1):239–249

Ncube, Swikani. 2014. "Responding to Boko Haram: Why the African Union Must Lead the Fight Against the Insurgency" 39 *South African Yearbook of International Law* 39:209-226.

Nyaoro, Dulo. 2019. "Refugee Hosting and Conflict Resolution: Opportunities for Diplomatic Interventions and Beffeting regional Hegemon". In *Refugees and Forced Migration in the Horn of Africa: Trends, Challenges and Opportunities,* edited by Schmidt,

P.G. Okoth. 1994. "The Political Economy of Human Rights crisis in Uganda, 1962–1985" *Transafrican Journal of History* 23:142–157

Parekh, Serena. 2016. *Refugees and the Ethics of Forced Displacement*, Routledge.

Pongo, Elias O. 2019. "Refugee Undesirability and economic Potentials: Questioning Encampment Policy in Forced Migration". In *Refugees and Forced Migration in the Horn of Africa: Trends, Challenges and Opportunities,* edited by Schmidt, Dragsbaek; Kimati, Leah and Owiso, Michael O, Switzerland: Springer.

Posner, Daniel N. 2007. "Regime Change and Ethnic Cleavages in Africa" *Comparative Political Studies* 40(11):1302–1327.

Aidoo, Richard & Steve Hess. 2015. "Non-Interference 2.0: China's Evolving Foreign Policy towards a Changing Africa" Journal of Current Chinese Affairs, 44(1): 107–139.

Ross, Michael L. 2006. "A Closer Look at Oil, Diamonds, and Civil War" *Annual Review of Political Science* 9:265–300;

Rotberg, Robert I. 2003. "Failed States, Collapsed States, Weak States: Causes and indicators". In *State Failure and State Weakness in a Time of Terror,* edited by Rotberg, Robert I. Washington, D.C: Brookings Institution Press.

Elizabeth Schmidt Foreign Intervention In Africa: From the Cold war to the war on Terror (2013)

Silva, Mario. 2004. *State Legitimacy and Failure in International Law*. Leiden: Brill Nijhoff.

Stohl, Rachel. 2005. "Reality Check: The Danger of Small Arms Proliferation" *Georgetown Journal of International Affairs* 6(2):71–77.

Turk, Volker. 2003. "Forced Migration and Security" *International Journal of Refugee Law* 15(1):113–125.

UN Assessment Mission to Libya. 2012. *Report of the Assessment Mission on the Impact of the Libyan Crisis on the Sahel Region* S/2012/42.

UNHCR. 2023. Global Appeal 2023

UNSG. 2012. Report of the Secretary-General on the Situation in Mali, UN Doc. S/2012/894.

UNSG. 1998. Report of the Secretary-General on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa, UN Document A/52/871-S/ 1998/31.

Viljoen, Frans. 2009. "The African Charter on the Rights and Welfare of the Child". In *Child Law in South Africa,* edited by Boezaart, Trynie. Cape Town: Juta.

Viljoen, Frans. 2012. *International Human Rights Law in Africa*. Oxford: Oxford University Press.

Weiner, Myron. 1992–1993. "Security, Stability and International Migration" *International Security*17(3):91–126.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)

Yusuf, Abdulqawi A. 2002. "Government Collapse and State Continuity: The Case of Somalia" *Italian YearBook of International Law* 13(1):11–33

Zartman, William I. 1995. "Introduction: Posing the Problem of State Collapse". In *Collapsed States: The Disintegration and Restoration of Legitimate Authority,* edited by Zartman, William I. London: Lynne Rienner Publishers.

Zimmermann, Warren. 2005. "Migrants and Refugees: A Threat to Security?". In *Threatened Peoples, Threatened Borders: World Migration and U.S. Policy*, edited by Teitelbaum, Michael S and Weiner, Myron. New York: Columbia University Press.

Zolberg, Aristide R; Suhrke, Astri and Aguayo, Sergio. 1989. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World.* Oxford: Oxford University Press.

Published by Palacký University Olomouc, Czech Republic, 2023.
ISSN 1213-8770 (print); ISSN 2464-6601 (online)