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The OAU Convention recognized refugees as people who fled because of aggression and external domination

50 years of OAU's refugee pact

As State borders were arbitrarily drawn, dividing same communities to two or more countries, refugees have a lot in common with the host communities

By Janemary Ruhundwa

Dar es salaam. On 10th September 1969, 50 years ago, 45 African States met in Addis Ababa, Ethiopia to enact the Convention Governing the Specific Aspects of Refugee Problems in Africa (The 1969 OAU Convention). The adoption of the OAU convention 50 years ago was one of the earliest evidence showing Africa's commitment to finding solutions to the refugee problem within the region filling in the gaps in the 1951 Convention Relating to the Status of Refugees (The 1951 Convention). The African States that were gaining independence and others were still struggling to become independent had issues that were peculiar to them, and reasons that were forcing their nationals to flee were different.

Through the 1969 OAU Convention's wider definition, African Nations gave themselves mandate to grant asylum to people who would otherwise not fit the refugee definition as provided in the 1951 Convention. The OAU Convention recognized refugees as people who fled because of aggression, external domination, and events seriously disturbing public order.

The OAU Convention introduced provisions prohibiting refugees from engaging in subversive activities while enjoying asylum in other States, and the emphasizing on the humanitarian nature of refugee protection. These were important to ensure that States do not hesitate to extend protection to refugees for fear of being misinterpreted as harboring people planning to overthrow the newly formed African governments. Responsibility sharing provision is necessary to relieve countries that are overwhelmed with hosting refugees so that the challenges of hosting refugees do not result in forceful returns of refugees or denial of entry to the territory.

50 Years Later: Achievements, Challenges, and opportunities

Achievements

As we are marking 50th Anniversary of the OAU Convention, the biggest achievement from the 1969 OAU Convention has been to open up doors for people fleeing their countries for reasons that are not recognized by the 1951 Convention. Countries, like Tanzania, provide in their domestic laws for a prima facie refugee status where certain groups of people may be declared to be refugees without going through a process of proving individual fear of persecution, which may legally and practically be impossible.

Challenges

Just like elsewhere in the world,



Refugees from Burundi live in desperate conditions at Kagunga Village in Burundi before travelling to Kigoma Region in May 2015.
PHOTO: FILE

new conflicts have created new refugees, and difficulties in finding lasting peace in some countries have made it hard for refugees to return home hence protracted refugee situations with 20 years being the average time a refugee stays in asylum in Africa. Africa, with one-third of the world's 70.8 million forcibly displaced people, has continued to host one of the largest refugee population in the world.

Refugee-hosting countries in Africa are increasingly finding hosting refugee difficult. Economic, environmental, and security challenges, together with decreasing international burden-sharing, are constantly on the agenda. In response some countries have been tempted to limit asylum space through adoption of restrictive policies. However, just like how Africans adopted the OAU Convention to respond to specific aspects of refugee problems in Africa, African nations have continued to seek solutions to the emerging challenges that work within the African context.

Towards Solutions

As a way of responding to the protracted nature of asylum, there has been a shift towards creating conditions for refugees to rebuild their lives within the countries of asylum pending their return to their home countries. For example, Nigeria and the Gambia signed agreements in 2007 and 2008 under which Sierra Leonean and Liberian refugees in these states received both a passport from their country of origin – a form of "political" repatriation – and a workers' visa, so that they could stay in their countries of asylum without necessarily being formerly naturalized but be able to enjoy a wide range of economic and social rights.

Other African Countries like Uganda, Ethiopia, Rwanda, and Zambia have developed programmes aiming at facilitating refugees' inclusion and opportunities to rebuild their lives pending their return. In a very peculiar way, Tanzania grant-

ed citizenship to over 170,000 refugees to mark the end of their refugee plight of over 40 years. Tanzania also naturalized 32,000 Rwandan refugees in 1982 and as the Somali Bantu refugees.

There are opportunities that the African countries can take advantage of as they are thinking of the best way to manage refugees and find solutions.

Refugees are one of our own

African nations usually host refugees from their immediate neighbouring countries. Since State borders were arbitrarily drawn, dividing the same communities and families to two or more countries, in many cases refugees have a lot in common with the host communities socially and culturally. For example the Burundian refugees and Ha of Kigoma or Hangaza of Ngara, and S. Sudanese refugees and Northern Ugandans, Somali refugees and Kenyan Somalis, etc. It is because of this reality that the Late Mwalimu Julius Nyerere said that we should not call them refugees but resident visitors (*Wageni Wakaazi*).

Also, in many cases, refugees' countries of origin and countries of asylums are members of the same regional and sub-regional groupings. For example, Burundi, S Sudan are the members of the EAC as Tanzania, Kenya, and Uganda that host refugees from Burundi and S Sudan. DRC, Tanzania, Zambia are all members of the SADC, and Zambia and Tanzania host refugees from DRC. These two realities present an opportunity for the African countries

to come up with approaches that would complement the traditional durable solutions to refugees. The commendable roles of the regional integrations and individual member countries in finding peace in the other member states, which prevents the outflow of refugees and pave the way for voluntary repatriations, is recognized. In the current protracted refugee situations, these regional blocks should also find a better way of dealing with those refugees who are not yet able to return to help them rebuild their lives.

As these regional blocks are adopting the various protocols on various issues, such as free movement of labor, people, goods, they could also make provisions for refugees who are already in the countries of asylum and come up with regional plans of facilitating their inclusion, self-reliance and opportunity to rebuild their lives while awaiting one of the three durable solutions. The fact that most refugees have many social and cultural commonalities with members of the host pave the way for the smooth inclusion of the former in the host communities.

The Global Compact on Refugees

Adopted on 17th December 2018, by 181 UN members, the GCR presents an opportunity to Africa countries. The GCR's four objectives are easing pressure on the host communities and supporting refugee inclusion and self-reliance. (*Janemary Ruhundwa is Executive Director of Dignity Kivanza - Community Solutions*)

MORE INFORMATION: SOLUTIONS TO THE REFUGEE CRISIS

Since the formation of the African countries, they have been struggling to find solutions to refugee problems that are unique to Africa, with the adoption of the 1969 OAU Convention being one of the earliest efforts. As the problem of refugees continues to exist with a new dimension of challenges, the African Countries are called upon to uphold the spirit behind the adoption of the 1969 Convention and look at approaches that work better within the region, while taking advantages of the opportunities that exist locally and globally.