

Refugeehood in Crisis and the Quest for a Decolonial Turn in Africa

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Abstract

Current trends in refugee protection within the African continent expose the deep-seated manifestations of coloniality. The 20th-century Eurocentric approaches to the management of *people of concern* continue to guide refugee protection in Africa. The approaches that are arguably a triumph of 'European Universalism' or Eurocentrism in refugee protection, both in theory and praxis, continue to be questioned because of their unmistakable results – the formation of hierarchies between Africans based on nationality and territoriality. This has led to the categorisation of African people and power conflicts, clashes, and intense contests for co-existence. Such a status quo has been normalised to be natural, occasioning deplorable refugee situations in the continent. Against such a background, this article aims to augment and complement the broad swathe of literature in the quest for African Renaissance movements using a Decolonial approach to refugee protection. It departs from untangling the lived experiences of the forcibly displaced, particularly refugees and asylum seekers, to critique the Western-influenced system of refugeehood in Africa. The research argues that the modern approaches to refugeehood rooted in Eurocentrism have eliminated ways of acceptance and co-existence amongst Africans, disregarding some of the traditional ways of incorporation, inclusion and integration. Instead, the refugee regime has been ordering, othering and hierarchizing the forcibly displaced, making them typical subjects of coloniality. It suggests decolonising the asylum system, considering an African-driven refugee regime and the involvement of local communities in the management of migration.

Keywords: Coloniality, Decoloniality, Refugee Regime, Africanism, Forcibly Displaced, Forced Displacement.

Introduction

One of the most dramatic events experienced in the African continent in the 'post-colonial' period has been the massive migration of people across borders. A continent on the move aptly describes Africa's migration trends. While such a phenomenon is not new, Africa currently faces different types of migratory patterns both within and outside the continent. However, the mobility of the forcibly displaced has been the most notable trend (Pinduka 2021; Adepoju 2021). Today, the continent continues to endure escalating and unparalleled levels of forced migration. The push factors of forced migration differ, but the process has been spurred on by various circumstances, including but not limited to rapacious governments, vehement extremism and political instability, among others.

Although migration data is fragmentary, fluid and often imprecise, it is estimated that over 31 million Africans are immigrants within the continent, with West Africa hosting a majority of them (Adepoju 2021). With such migration trends, inevitably, the refugee regime created in 1969 by the Organisation of African Unity (OAU), which is based on the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Additional Protocol, continues to be invoked to support the forcibly displaced, refugees and asylum seekers to be precise. The central concern for the refugee regime has been the need to achieve "durable solutions". Durable solutions are often equated with three routes to resolving displacement—voluntary repatriation, local integration or resettlement—and the concept is closely tied to ideas about permanency, protection, and the rectification of refugees' legal limbo (Bradley et al,2022). However, African refugees are in a quandary due to the failure of this *de jure* and *de facto* refugee regime.

The bureaucratic categorisation of refugees has failed to turn into empirical reality in Africa. The 'Catch-22' situation of African refugees and refugees in general is pertinently captured by Pinduka (2021), who reiterates that while refugees are forced to bank on aid that is not sufficient for a positive impact on their human security, prospects for them to be relocated in third countries are lessening, and alternative solutions are similarly scarce. A brief synopsis of the refugee crisis in Africa discloses that solutions are ever more elusive and that the reality of new refugee movements adding to the already absurdly large numbers of refugees who remain in exile has added to

the misery of the ever-increasing number of refugees. In most cases, the third generation of refugees is being raised in camps due to this predicament.

Given such a phenomenon, in today's studies of refugeehood¹; the focus has been on the lived experiences of refugees to enhance their lives (Pinduka 2021; Landau 2017; Betts *et al.* 2017; Crush *et al.* 2017). Efforts have been made to examine the lives of refugees, particularly their access to social and economic services in host countries. The rationale has been to correct or reorient the durable solutions to lessen the predicaments that refugees find themselves in within Africa. Despite its contemporary prominence, the genealogy of the refugee system in Africa has not been fully considered, yet refugees continue to suffer. The question of what to do with refugees remains unanswered, unsolved, and worth exploring in Africa. Perhaps the fundamental question that should be asked first is the compatibility of the refugee system being used in Africa and African people's ways of life. Given that the refugee regime has a legal basis in the 1951 United Nations Convention Relating to the Status of Refugees, which was written and subscribed to within the European conception of the worthy refugee to suit the specific circumstances of post-World War II Europe, the transferability of the model to other places, African included has remained concerning (Mayblin, 2010).

From this point of view, the study contends that refugeehood is and has been in crisis in Africa because the system being used is foreign to certain traits of Africanism. It is not an absolute view, as several factors also account for the regime's failure, and Africanism is an elusive term with subjective undertones. Nonetheless, the central argument in this research is that the 20th-century Eurocentric approaches to the management of people of concern embraced at the continental level and state levels that continue to guide refugee protection in Africa are arguably a triumph of 'European Universalism' or Eurocentrism in refugee protection, both in theory and praxis. The Western orientation has produced unmistakable results –forming hierarchies between Africans based on nationality and territoriality. It is an oppressive system of refugeehood that has constructed, (re)deconstructed and (re)decentered co-existence in Africa. This has eliminated ways of acceptance amongst Africans, disregarding some of the traditional ways of visitation, cooperation and

1 Refugeehood is a term used by Andrew Shacknove (1985) to refer to the regime under international law that seeks to protect people who flee their countries of origin based on a well-founded fear of persecution or alienation.

integration in the process. The results of the refugee regime have been the ordering, othering and hierarchising of the forcibly displaced in Africa, making them typical subjects of coloniality. Taking cognisance of such a background, decolonial approaches to the exclusivity and ruinous nature of the current refugee regime, both in theory and praxis, become pertinent to lessen the refugeehood crisis in the African continent.

The Refugee Regime in Africa: A Product of Eurocentrism

The global context in the establishment of Africa's refugee regime

Thoughts of a 'post-colonial state' decades after most countries are supposed to have achieved independence have become problematic due to the scourges that have plagued the African continent. It is exceedingly challenging and even illusory to grasp the socio-economic and political configurations of African nations snubbing the concept of coloniality, which has survived colonialism in the African continent (Ndlovu-Gatsheni 2013). The colonisation of African minds by the West, which gave rise to the idea, belief, and narrative that Westernisation is ideal, was one of colonialism's most difficult processes and goals. Its effect has been the adoption of several Eurocentric concepts that have led to the classification and categorisation of people, particularly in the theory and practice of migration, with little questioning. The standards set by Europeans have been under scrutiny for some time, at least in academic studies, but they nevertheless impact how individuals live their daily lives in Africa. Africa has thus remained a 'desolate continent with little influence in its affairs and international concerns with most of its brutal, irrational, and uncultured inhabitants devoid of standards or even ideals.' Plainly put, in modern times:

The African human experience constantly appears in the discourse of our times as an experience that can only be understood through a negative interpretation. Africa is never seen as possessing things and attributes properly part of "human nature." Or, when it is, its things and attributes are generally of lesser value, little importance, and poor quality. It is this elementariness and primitiveness that makes Africa the world par excellence of all that is incomplete, mutilated, and unfinished,

its history reduced to a series of setbacks of nature in its quest for humankind (Mbembe 2001: 1).

Unless otherwise, these views are attached to Africa historically, in the present and possibly in the future. Contextualised, such nuances inform the system of refugeehood that is attendant to the refugee crisis in Africa. European ideas have often been perceived to be ideal, presently and historically. Such parochial proclivities are well articulated by Ndlovu-Gatsheni (2013, 40), whose views reveal how independent African contribution to the shaping of global cultural order has been denied by certain historical processes such as colonialism. Consequently, Western, specifically European, views are holding down African initiatives. The narratives that the European way of life standardised broad ways of living that have been naturalised were created from the conviction that the darker side of the world cannot unearth anything substantial or worth considering. These ideas continue to influence Africa and its policies. At the Commonwealth Heads of Government Meeting (CHOGM) in 2022, President Paul Kagame of Rwanda – on the subject of values – reiterated that the global system has been shaped in a way that there is one part of the world that has assumed the sole responsibility and monopoly of defining values; with the other part being kept in the process of learning the values; and, regardless of the lengthiness of the process, the latter never qualifies to attain the standardised values (Kigali Today, 2022).

It is in such a global context that the refugee regime in Africa was created. Though rectified to suit the African setting, the refugee regime in Africa is arguably a by-product of Western modernity in dealing with the forcibly displaced. It is important to clarify and acknowledge that different historical views account for refugee protection. In some contexts, refugee protection dates back at least a few centuries, not to mention refugee situations in antiquity. In this, the custom of giving safety to others is an even older tradition and one beyond Europe (Kleist (2017, 164), but the contemporary refugeehood regime is deeply rooted in events that took place in Europe in the 20th century (Jaeger 2001). Debates among states about whom the 1951 Convention should apply to revealed that the refugees were tense, highly contested, and strongly opposed by many, but the European bias sufficed before the 1967 protocol (Klause, 2021). Even the 1951 UN Convention Relating to the Status of Refugees in Article 2 precisely mentions that the term “refugee” is limited to Europe as it applies due to events occurring

before 1 January 1951. The events relate to the World War II infighting among European States between 1914 and 1922, which impacted negatively on the shelter security of European citizens. This history only demonstrates that the refugee regime operating in Africa was primarily developed by Europeans to aid European refugees at the time.

The 'assassination' of African ideas: Formation of Africa's refugee regime in history

The creation of the Convention relating to Refugees in Africa can be summed by the following proclamations – 'the triumph of Eurocentrism in Refugee Policing in Africa' or 'Regional Exceptionalism rather than Global Leadership'. It reflects the ideas shared by Ndlovu-Gatsheni (2013: 50), who asserts that Africa has never been afforded any space to recapture the power to decide the course of its destiny after historical processes associated with colonialism and the flawed decolonisation process. He argues that whenever Africans tried to capture and put the destiny of their nations into their own hands, the powerful forces of the colonial matrix of power were quicker to interrupt, de-centre and discipline the initiatives. These accounts speak deafeningly of the process leading to the formation of the Organisation for African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 (OAU Convention). The seclusion and capture of the idea of an African renaissance in the formation of Africa's refugee regime has rendered scholars like Schenck (2021) to argue that there is a convention that purports to govern refugees in Africa, yet there is "Africa's Forgotten Refugee Convention." Indeed, African ideologies were assassinated and seized in the formation of the OAU Convention as it was a prolonged process.

An account for the coming into being of the 1969 Convention, which is difficult to isolate from the global historic context, the regionally specific confluence of decolonisation struggles and ideas about Pan-African solidarity, as noted by Schenck (2021), reveal marginalisation practices. The drafting of the Convention took place within five years (1964-1969), and in the process, the 1967 Additional Protocol to the 1951 Geneva Convention was established. It must be noted that the United Nations refugee regime 1951 was limited to Europe and did not provide conditions that warranted refugeehood in Africa. Thus, at the formation of OAU, African refugees were excluded from international refugee law, which limited its application to European World War

II refugees. While the 1967 Additional Protocol was holistic in approach and not limited to events that took place in Europe, it can be argued that its creation interfered with Pan-African efforts that were being made in the creation of the African regime of refugees. Consequently, after the 1967 protocol, one of the initial reasons for beginning the drafting process disappeared, and it now became a question of how to supplement the Geneva Convention rather than draft the first convention applicable to African refugees (Schenck 2021).

With such a historical formation, the OAU Convention lacks an authentic African vibe and contradicts African social norms, as will be observed more later. It is difficult to deny or even consider the possibility that the programs, policies, and conventions developed in Africa during the 1960s, which are widely regarded as some of the peak decades of nationalist movements and the demand for emancipation in Africa, could have overlooked Africanism and the Pan-African ideologies of solidarity. Such an observation is also cemented by a 2009 Reliefweb question and answer segment relating to the relevance of the OAU Convention 40 years after its establishment. The arguments implicitly affirm the Eurocentric nature of the refugee regime in Africa.

In this Reliefweb (2009) question and answer segment, it is noted that the 1969 OAU Convention set a basis for refugee jurisprudence and practice in Africa to develop in a predictable and asylum-friendly manner. It also states that the Convention cemented in Africa the international refugee framework represented by the 1951 UN Refugee Convention, which it incorporated both substantively and in mandating wholesome collaboration with the machinery of enforcement set down in that Convention. The latter argument confirms that the OAU refugee regime is an extension of the 1951 UN Convention. The idea that the broadened refugee definition is the most well-known aspect of the 1969 Convention is intriguing but perplexing. It is unnerving to consider the impact of the OAU Convention due to the 'alienation extensions'² both in theory and in practice, currently and even historically, given that Sharpe (2019) argues that the convention has struggled to significantly improve the situation of African refugees across the continent as implementation challenges continue to mount.

Today, much of Africa does not welcome refugees with the same fervent sense of camaraderie surrounding the adoption of the OAU Convention. Instead, African nations are increasingly imitating Europe and the West by

2 See Shacknove, A.E. (1985). Who Is a Refugee? *Ethics*, Vol. 95, No. 2 (Jan. 1985), p. 274.

locking down their borders and threatening to expel anyone who enters their countries illegally. Even in nations where refugees are welcomed and have favourable policies, their treatment is not always consistent with the Convention (Pinduka 2021; Ostello 2014). The tip of the iceberg is the 2022 April case in which 70 refugees from the Democratic Republic of Congo (DRC) were reportedly detained and deported by the Zimbabwe government. Once back in the DRC, their government rejected 15 of them, who were sent back to detention facilities in Harare (Nair 2022).

While the Zimbabwe government has given an account of the incident and so have the refugees³, such an episode not only raises legal issues regarding human rights, the responsibilities of states that are signatories to the OAU Convention, and even the international refugee regime, but it also demonstrates that African refugees have been made the problem rather than the system. The system has deconstructed (re)deconstructed and (re)decentered mechanisms of acceptance and co-existence in Africa. The aforementioned factors illustrate how the existing refugee regime in Africa is a product of hegemonic European epistemologies, and its transferability to the continent has arranged and re-arranged African ways of life, occasioning the misery of refugees.

Refugees as Subjects of Coloniality in Africa

Coloniality and Refugeehood in Africa

A key observation that is often ignored in refugee studies has been the missing link between the historical contextualisation of the system governing refugees and its effect on refugee governance in Africa (Tuley 2020; Bhambra 2017). Yet, historical processes have affected refugee governance in Africa. African 'refugees have been turned into subjects of coloniality' because of the operational regime in the continent. With such a bold statement, the first port of call would reflect what the concept of coloniality entails. Coloniality refers to the logic, metaphysics, ontology, and matrix of power created by the massive processes of colonization and decolonisation (Maldonado-Torres 2001). It relates to structures, practices and even ideologies derived from settler colonialism and colonial governance that continue to influence social

3 see <https://www.fairplanet.org/story/their-real-crime-was-seeing-too-much/>

institutions and relations in the present, even though they originally are derived from an era many now believe is in the past.

Ndlovu-Gatsheni (2013:11) even goes beyond colonialism to note that the processes that Africa has experienced, such as the slave trade, imperialism, colonialism, apartheid, neo-colonialism, neo-liberalism, and globalisation taken together, constitute colonality and affect power relations internationally. To this end, the past and modern West, its hegemonic discourses, and its hegemonic institutions have given rise to categorisation and subjectivity even in the policing and activities of African states. This has led to the classification of migrants into refugees, asylum seekers, and the internally displaced, a modern European mechanism that has been adopted to deal with 'strangers or visitors' fleeing from their areas of origin.

The refugee regime is not explicitly but implicitly a by-product of yesteryear processes such as colonialism, slave trade, apartheid and even processes such as imperialism. In these processes is the notion of superiority and inferiority based on specific backgrounds. The refugee regime in Africa lies within the catastrophic transformation of human space, structure and even culture into dehumanising coordinates or foundations that perpetuate the inferiority of some and the superiority of others (Maldonado-Torres, 2001). It gives the state the power to assume the role of policing one's access to being classified as a human entity, a factor that was absent previously in African settings. The results have been the bordering and ordering of the homeless refugee thrown into the realm of the sub-human (Yohannes, 2021). Due to the refugee regime being used in Africa, humanity for the Africans – the forcibly displaced seeking and granted haven in other countries has become a condition of impossibility within the frame of colonality.

The ordering and othering reflect the avarice and egotism, which are key factors of Eurocentrism. These have become manifestations of Africa's refugee Convention. The idea that a culture of acquisitiveness and narcissism is produced by a Eurocentric worldview is still relevant, especially in light of the current refugee regime in Africa. It may be argued that from a Eurocentric perspective, reality is conceived in terms of material possessions, and only so many resources can be used to ensure survival. The idea that everything in life is a 'zero-sum game' causes people to act aggressively and competently in social situations. Because the Eurocentric mindset places such a high value on competitiveness, individualism and the acquisition of material goods

are encouraged (Nunn 1997). Although not limited to African refugees but migrants from the continent in general, this Eurocentric view has contributed to the fights and xenophobic attacks that continue engulfing the state of South Africa. It has been competition and fights between different Africans because of the ordering and othering that is in existent in the state – citizen, refugee, asylum seeker, foreigner and migrant. Refugees are being held captive, experiencing the worst conditions of all time in Africa. The system rather than the refugee has led to such unbearable conditions.

The distortive nature of Integration to Africanism

The contemporary conception of the refugee regime in Africa demonstrates that the central objective is to attain durable solutions, arguably associated with permanent settlement, whether in the host country, a third country or the country of origin (Bradley et al, 2022). While it is true that repatriation and resettlement have remained a distant dream for most due to myriad reasons, the concept of local integration is concerning when examining the refugee regime in the context of coloniality. Such a concept is problematic and has been normalized in Africa. The words of Ndlovu-Gatsheni (2013, 11), who argue that “what Africans must be vigilant against is the trap of ending up normalising and universalising coloniality as a natural state of the world,” ring hallow when one examines the concept of integration being utilised under the refugee regime in Africa.

As Tuley (2020) notes, integration has often been used unreflectively, emblematic of how it has become ‘common sense’, yet this is dangerous because it has an underlying (neo) colonial logic. It treats migrants as being poor and unprivileged, requiring them to be ‘integrated’ into host states of citizens for the best socio-economic, political and cultural outcomes. This asserts some fundamental difference between ‘migrants’ and ‘citizens’, which elides the histories of colonialism. The refugee regime has created binaries between ‘forcibly displaced’ and ‘citizens’. It treats refugees and asylum seekers as *out-groups*, while citizens are the *in-groups*. In this context, the *out-group* is rendered a favour by the *in-group* and is a poor, underprivileged who should strive to be like the native citizens, the type of standardization deeply rooted in European ideas of slave trade, colonialism, and imperialism, including democracy.

Such a bifurcation is problematic because it creates the boundaries of *us* and *them* based on a European-influenced categorising system that distorts the history and ways of life of Africans. Just like in colonialism and slave trade, with the regime of refugees has come the suffering of those treated as the *out-group*. This has led to what Yohannes (2021) terms the 'triple loss', which relates to the lived experiences of refugees in which being a refugee has entailed the loss of home, loss of humanity and the worst one of all - the loss of hope. A refugee in Africa has become a homeless and hopeless sub-human accustomed to inhuman and degrading treatment. This has been normalised and natural, yet it is a creation of a European-based system.

Encampment Policies: An Alteration of the African Way of Life

The refugee encampment system in Africa: A product of Western ideologies

The influence of the European ways on the current refugee regime in Africa cannot be underestimated. The pedigree of camps traces various theories and responses to socio-economic and political factors, but refugee camps as a response to migration are traceable to Europe. McConnachie (2016) notes that the consistent, large-scale use of refugee camps as a response to forced migration is undoubtedly a recent phenomenon, beginning during World War II. It hence began during World War II, where Displaced Persons (DP) camps were created across Europe, initially to house people fleeing the Nazi regime but subsequently also to accommodate people who had been freed from concentration camps or who were fleeing the Soviet Army (McConnachie, 2016).

Since then, the refugee camps have been embraced and used to shelter refugees in most of Africa and the world. Approaches to encampment differ, and so do methods to restrict refugees' rights to free movement (Pinduka, 2021). Some camps allow for limited freedom of movement – refugees may be allowed to leave the camp between certain curfew hours every day or travel within a certain, often limited, geographical area, like in Tanzania. Other camps allow refugees to come and go but require "residence" in the camp to be checked through ID renewals, ration records, or similar monitoring systems

(Themba, 2015). However, confinement in a refugee camp is the antithesis of the human rights approach.

Encampment policies reveal exclusion, forms of segregation and dehumanisation. The policies have deconstructed and reconstructed the traditional ways of co-existence and acceptance that permeate African norms and values in theory and praxis. The Afro-centric views have no refugee in the modern legalised sense but a visitor in mind, whether on short-term or extended long-term stays. This is aptly captured in the dyad of inclusion/exclusion sociologically, leading to two forms of the anthropophagic and anthropoemic (Cohen 2017). The anthropophagic insists on calling 'primitive society' where outsiders are swallowed and digested, and the anthropoemic focuses on aliens who are discarded, institutionalised, incarcerated, or expelled (Cohen 2017; Levi-Strauss 1995). While not general, it might not be an overstatement to suggest that many early African communities were anthropophagic, viewing foreigners as welcome guests who could at the very least be gradually absorbed by the communal body (Cohen 2017). Ultimately, the idea of encampment being used in Africa stems from European ideas, and has been embraced in Africa, leading to the decentering and destruction of the social fabric of co-existence in African societies. This is clearly articulated in 4.2 on the deep-seated effects of refugee camps in Africa.

The deep-seated effects of encampment on Africanism

Looking into the earlier lives of Africans and their methods of co-existence may help us better understand the implications of the refugee regime on Africanism. The policies of the refugee regime have profound impacts on Africans, as is evident from a simple reflection of the pre-colonial manner of life on the continent. In early African communities, integration transpired in a variety of ways. Although exclusion and expulsion tendencies were acknowledged, there were inclusion strategies for guests and newcomers. Perhaps an account of African integration and co-existence captured by Cohen (2017) deserves mentioning. In a research entitled, *Strangers and Migrants in the Making of African Societies: A Conceptual and Historical Review*, the author gives an account of how strangers, visitors or those seeking a haven were integrated into African societies. He articulates four processes relevant to this research which resulted in the integration and co-existence of different African communities.

Firstly, he noted that early societies were formed by contiguous but barely related kin, clan and lineage groups, which joined together through migration, myths of a common origin or early forms of clientelism, and strangers in large states were often captives (generally women or children) and slaves who were welded to the body politic by coercion. Secondly, he notes that the formation of kingdoms also involved captives and slaves who were joined to the body politic by force. His third account concerns about new societies formed by refugees fleeing from traumatic exogenous natural disasters—like floods or extensive droughts, human-made political calamities like Arab and European slavery, or the series of events loosely described as the *Mfecane*. Fourthly, strangers, often traders, could enter pre-colonial cities and form (or be enclosed in) *sabon garuruwa* such as those found in Nigeria. It is also worth noting that intermarriages were also allowed and were a way of integration in Africa.

Such ways have been disrupted by the modern refugee regime, which has brought foreign forms of co-existence, distorting, decentering, and even destroying old ways that existed in the treatment of a foreigner seeking a safe haven in a foreign land. African cultural practices have been affected by the legal treatment of refugees. This cannot be treated in isolation from the 1884-1885 Berlin Conference in which the Europeans superimposed colonial domination. The African way of treating a foreigner or a stranger who comes in peace is receptive. While one might argue that hierarchies existed in the pre-colonial systems, it is worth noting that the discriminative, segregation and degrading nature of the refugee regime because of encampment policies is alarming.

It is even challenging to contrast, for instance, the co-existence of the Ndebele state with the othering and order that the African refugee regime has brought. The *Zansi*, *Enhla*, and *Hole* tribes constituted the Ndebele state, divided into three groups. Although the state was expanded by conquest, it is important to note that some of the indigenous people who made up the Hole, such as the *Nanzwa*, *Nyai*, *Venda*, and *Shona*, emigrated or voluntarily migrated into Ndebele settlement and were assimilated into the state (Bulawayo History 2022). The youths were merged to form the *Impande* and *Amabukuthwani* military regiments, while the elders were given land to settle under one of their chiefs. Presently, in the state of Zimbabwe, a mere visit as a first-timer in the rural areas would result in the authorities of the area asking questions about your background and area of origin, which is done for various

reasons but in an accommodating manner. These ways of life have been left to the periphery. Consequently, in the African ways of life, if someone comes peacefully, they be treated fairly. However, the idea of placing refugees in a temporary, uncondusive and degrading shelter for temporary, and permanent measures, temporary camps, has been embraced and is being used in Africa, yet it has altered African ways of living.

The Need for a Decolonial Approach in Refugee Protection: The Way Forward

Reality contours to refugeehood and thoughts on possible changes in Africa

Given the context of the migration and refugee predicament in the 21st century, possible solutions should be prescribed, bearing in mind the contours and complexities that hamper the ‘post-colonial African continent’. As much as this research establishes that traditional ways of acceptance and co-existence have been affected by the modern way of refugeehood, which has a legal basis in international law – the 1951 Convention; deeply rooted in European ideas, it needs to be appreciated that certain historical events are never easily rewritten. For instance, the artificial or territorial boundaries created at the Berlin Conference. However, the need for a reorientation of certain ideologies that negatively impact co-existence in Africa remains pertinent.

‘Africanisation’ of the current refugee regime’ ought to be unmasked, resisted and destroyed as it is producing complex situations that can only be sustained through a combination of violence, deceit, hypocrisy and lies in the words of Ndlovu-Gatsheni (2013). This unmasking and resistance entail decoloniality as a political-cum-epistemological liberatory project to the refugeehood crisis in Africa. In this context, Decoloniality seeks to challenge these exclusive practices of ordering, othering and hierarchising Africans using an instrument developed for European contexts, which has been embraced and normalised in Africa.

Decolonising Asylum in Africa

As noted earlier, the African refugee regime lacks the African vibe, as it has affected the African ways of life. It has rendered refugees to be typical

subjects of coloniality. Refugees and the forcibly displaced seeking asylum are often exposed to regimes of othering, bordering and ordering. Thus, countering the persistence of these exclusive practices would necessitate decolonising asylum in Africa (Yohannes, 2021). This could arguably be the first step in the quest for a decolonial turn in refugeehood. This should start with the acknowledgement that the current regime being used in Africa is rooted in Western epistemologies and management of the forcibly displaced, and its transferability has distorted African ways of life.

This research may have served to augment and complement existing literature on the failure of the refugee regime in Africa, and it becomes pertinent for researchers and policymakers in Africa to reflect on the refugee regime, African ways of life and the unsuitability of such a mechanism in to deal with refugees in Africa. This should be an African initiative that must be led and driven by a combination of African minds, norms and values of co-existence. While there are various ways that can be used to decolonise the asylum in Africa, this research also argues for the elimination of refugee camps and the prolonged process of integration.

It is concerning that the forcibly displaced go for decades living in camps as refugees or as asylum seekers. The processes of integration should be monitored by the African Union together with the UNHCR and even sub-regional groupings. Decolonising the asylum would require setting up a criterion that can lead to integration based on citizenship. A standard has to be set at the continental level. While states have set some standards which they do not follow, approaching the predicament of the refugee regime from such a perspective can assist in eliminating the ordering and othering of Africans based on nationality and the 'refugeeness' brought by the refugee regime.

Development of an African-driven refugee regime

It is without doubt that the position taken in this paper is on how the current refugee regime is not African, as it is deeply rooted in European approaches and epistemologies to manage the forcibly displaced seeking a haven. As a way forward, this study calls for establishing an African-driven refugee regime. Since Decoloniality announces the broad 'decolonial turn' that involves the 'task of the very decolonisation of knowledge, power and being, including institutions such as the university (Ndlovu-Gatcheni, 2013), a reorientation of the current regime becomes imperative. Therefore, there is

a need to reflect on the asylum system in Africa and examine its relevance to the contemporary. This can be done in research and in practice. The nature of refugees suffering in Africa and the response from regional and sub-regional entities are alarming. One is made to think that the regional body - the African Union, will act in abrogating and altering some features of the 1969 OAU Convention and the entire refugee regime if it was done by Westerners first. It appears that the 1951 Geneva Convention confers a revered status amongst dominant international powers with the reluctance of African states and institutions regarding the refugee status.

In this way, the establishment of an African-driven refugee regime involves decolonizing the minds of African leaders and other stakeholders in refugeehood, especially ways of reasoning that have placed African ideas inferior to Western ideas and the 'cure is better than prevention' approach of the Western-influenced refugee regime. It is time that the African Union should lead the process of continuing and/or edifying the refugee regime in Africa so that it moves from a reactive-based to a pre-emptive approach. The concept of the African Renaissance should serve its purpose in such a situation. The transition from the OAU to African Union was for a purpose but is incomplete when certain areas remain the same even with such major changes. The *de facto* and *de jure* refugee regime, therefore, require attention and changes to suit two central positions, *viz.*, the current migration trends in Africa and African ways of life. On the latter, although norms and ways of life differ, it is imperative for the AU and sub-regional groupings to also work with states and other players (such as the United Nations High Commissioners for Refugees) for the best outcomes for refugees in the continent.

Inclusion of the Communities in Asylum Issues

African communities are significantly excluded from refugee issues; yet, they live with them. It is because the refugee regime is elite-driven, yet it affects local communities. In this regard, this study proposes the need for the inclusion of local communities in the management of refugees. Communities where refugees and even asylum seekers live do not understand and will never understand that refugees are forced migrants who are fleeing persecution and are looking for protection or a haven. Therefore, an African-driven refugee regime should raise awareness of who the refugee is. In African societies, a guest or visitor must be known to the host community to avoid

negative engagement. This, , calls for relevant stakeholders such as the AU, sub-regional groupings, the UNHCR and other players to cooperate and work towards ensuring that local communities become aware of the refugee and asylum seekers. Understanding a refugee's identity at the community level helps improve refugee protection and tolerance in the areas where refugees live, which can be crucial for easing the issues of instability and unpredictability that come with being and hosting a refugee.

Concluding Remarks

By way of conclusion, refugees and asylum seekers will live in precarious circumstances unless there is a transformation of the refugee regime in Africa. The current system jeopardises refugees and those seeking asylum since it causes African people to be seen as different, inferior, and hierarchical. The result is that the forcefully displaced, who are the out-group, lose any sense of humanity and are subjected to the harshest conditions in the host countries. The difficulty is not the forcefully displaced people but rather the African system that was created on Western epistemologies and orientations. The refugee regime is merely a transfer of Western ways of dealing with refugees. The effect of the regime's imposition has been the decentering, deconstruction and reconstruction of African ways of co-existence and integration. It, therefore, is pertinent to tackle the refugee crisis in Africa by examining the system governing refugees rather than the lived experiences of refugees. The use of decolonial approaches to develop a refugee regime that best suits the African context is pivotal.

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