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Providing Refuge: A Regime Analysis of Legal Protections for Displaced Persons in Sub-Saharan Africa

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Research Panel: The State and the Refugee Regime

Presenters: Natasha Bennett, University of California, Santa Barbara; Hannah K. Brown, George Mason University

Title: Providing Refuge: A Regime Analysis of Legal Protections for Displaced Persons in Sub-Saharan Africa

Abstract:

While refugees are entitled to the right of asylum vis-a-vis the U.N. 1951 Convention Relating to the Status of Refugees and the subsequent 1967 Protocol, which includes rights of a legal resident in the host country, African states vary in their domestic implementation of refugee rights.

Sub-Saharan Africa host approximately 29 percent of the world's refugees and as such represents a key region for understanding the dynamics of refugee rights and protections. With 45 member states having ratified (another 4 having signed) the Organization of African Unity's 1969 Convention Governing the Specific Aspects of the Refugee Problem in Africa (OAU Convention), and 53 states having ratified the African Charter on Human and Peoples' Rights, Africa is one of the most legally inclusive for refugees. Even so, domestic refugee laws come into conflict with international and regional legal commitments, in some cases threatening legal protections in detrimental ways.

This study comparatively analyzes domestic laws pertaining to the rights of refugees, creating a typology of refugee regimes for the region. We then situate and comparatively analyze the refugee rights and protections for the most recent mass displacement of Burundians to Rwanda, Tanzania, and Uganda. Drawing on these three cases, the paper asks which aspects of their domestic refugee laws are the most significant in protecting displaced persons.

Based on content analysis of relevant regional and domestic laws, we argue that in addition to commitments to international and regional legal conventions, domestic respect for freedom of movement and employment opportunities are key factors that drive different outcomes for fulfilling refugee human rights.

About the presenters:

Natasha Bennett is a Ph.D. candidate in political science at the University of California, Santa Barbara, with an emphasis in human rights and global studies.

Hannah K. Brown is a Ph.D. student in George Mason University's School for Conflict Analysis and Resolution and a refugees and displaced persons analyst in the school's genocide prevention program.