

Policy Brief

Enhancing cooperation for R2P in situations of internal displacement in Africa

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Summary

Africa has experienced civil wars, internal strife, ethnic clashes, genocides and other humanitarian emergencies which have generated millions of refugees and internally displaced persons (IDPs). Cognisant of the high incidence of human rights violations, exponential growth in the number of IDPs and a hike in their generalised vulnerability the protection of IDPs becomes paramount. Towards this end, the concept of the responsibility to protect (R2P) is one of the responses that has been mooted for protection of IDPs. The African Union through its Constitutive Act has committed itself to the protection of IDPs by pledging to intervene in circumstances of egregious violations of human rights. This article critically assesses how cooperation towards R2P can assist in protecting IDPs.

1 Introduction

The world has in recent years seen a remarkable spike in displaced people across the world. The cumulative global displacement exceeded 71.5 million in 2018 which is the highest level ever recorded (UNHCR, 2018). This unprecedented upsurge in refugees and IDPs in recent years, demands a paradigm shift towards a new protection framework, that should focus on the root causes of forced displacement and the responsibility of nations to protect their citizens (Simeon, 2017). In 2014 the UN Secretary-General singled out displacement as a significant humanitarian challenge facing the world. This come at a time when out of a global estimate of 33.3 million IDPs, 15 million were domiciled in sub-Saharan Africa making the protection of IDPs so critical. The statistics represents an exponential increase of 7.5% between 2013 and 2014 (Osagioduwa and Oluwakorede, 2016).

The protracted crisis of IDPs in countries like South Sudan, Somalia and the Democratic Republic of Congo has reached new dimensions that demand a re-orientation towards Africa's frameworks on the protection of civilians. According to Williams (2018) an average of 1.6 million Africans have been forcibly displaced since 2014. By 2018, the continent had a record of about 25 million people who were internally displaced, and this represented a five-fold increase from the 5 million people displaced in 2005 (Williams, 2018). It is worrying that with this alarming increase in the number of IDPs, their protection has not been adequately addressed. In this regard, cooperation towards enhancing the R2P doctrine that seeks to address the root causes of internal displacement is paramount in dealing with IDPs crisis.

2 The responsibility to protect

The aim of the R2P principle is to protect populations from egregious harm and death. Its origin, however, is closely linked to forced displacement and the protection of victims of forced displacement (Newman, 2018). The principle was meant to address four situations, that is, genocide, war crimes, crimes against humanity and ethnic cleansing; situations that invariably force people into flight/leaving their homes. The R2P concept was codified by the United Nations at World Summit in 2005 (United Nations, 2005).

As the increase in the number of IDPs in the world reached crisis proportions, the protection of this population becomes ever more imperative. The immediate challenges that IDPs face include the loss of assets and livelihoods, disruption from education as well

as separation from support networks of community and family (Mooney and Davies, 2016:16). With time they are subjected to violation of their civil and political rights, hence protection to counter these challenges is important. The African Union (AU) recognises the distinct threat faced by civilian populations in conflict zones in the region. Despite having the maiden legal framework for the protection of IDPs in the form of the Kampala Convention, the AU has faced serious challenges in operationalising its instrument for IDP protection. Failure to address the principal or root causes of displacements in Africa has seen the region remaining the global epicentre and hotspot of internal displacement.

It is worth mentioning that conflict has been the principal cause of internal displacement. This recognition has resulted in the AU playing a central role in ensuring the safety and protection of civilians. Protection of Civilians (PoC) has been prioritised by the AU in its peace and security missions considering the protection needs of civilians notably vulnerable groups such as women and children during conflict. So, any attempt to protect IDPs should consider dealing with the primary causes of conflict. It is interesting to note that the authors of the Constitutive Act of the AU made attempts to include in their document, the R2P doctrine by enshrining the principle in the founding AU document (Murithi, 2007; Abatan & Spies, 2016). Article 4(h) of the AU Constitutive Act affirms 'the right of the Union to intervene in a member state, pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity' (AU 2000, article 4(h)). Furthermore, article 4(j) declares 'the right of member states to request intervention from the African Union in order to restore peace and security' (AU 2000, article 4(j)).

The inclusion of article 4(h) was an indirect acknowledgement by the AU that its member states experience a disproportionately large share of crimes against humanity (which often results in massive displacements). It was also an admission that, in many cases, the humanitarian crises and the concomitant violence is orchestrated and perpetrated by incumbent governments against their own populations (Abatan & Spies, 2016). Article 4(h) was a departure from the traditional view of state-centric security-with its principle of sovereignty-which provided a shield for suppressive governments to abuse their populations. The article provides room for the AU to intervene in states where 'grave circumstances' pose a threat to the welfare of citizens. Though the principle of non-intervention in the internal affairs of member states was upheld in the Constitutive Act, its acknowledgement of the right to intervene by member states to stop war crimes, genocide and crimes against humanity is an admission of the need to implement R2P.

The amendment of the AU's Constitutive Act in 2003 grants provision to the AU to intervene against the destabilising effects of conflicts and restore peace and security, as such making the AU one of the first regional organisations to have a clear mandate to intervene in the internal affairs of its member states (Mwanasali, 2008: 41-61). Thus, the AU has theoretically departed from the OAU's edict on sovereignty and its non-interference principle (which had defined its *modus operandi* in the past). The doctrine of non-intervention has given way to the principle of non-difference, which, in principle, endorses the interventionist paradigm on the continent (Adigbuo, 2019). The commitment of the regional body to R2P can be seen in the interventionist stance the AU had taken to the domestic conflicts in Burundi, Sudan and Somalia. Article 4(h) of the Constitutive Act provides a major departure from the realist theory of International Relations, that is, it proclaims that sovereignty is provisional. The state bears both the global and domestic responsibilities of a broader sovereignty, which entails the duty to protect the people within its territory. Thus, the AU Constitutive Act makes provision for intervention in circumstances when international crimes against humanity occur (in line with the doctrine of 'responsibility to protect').

3 Enhancing cooperation for R2P

In the context of the soaring numbers of IDPs in Africa as a result of conflict, the AU should seek the cooperation of the region in embracing the R2P. Since the AU has tacitly or implicitly adopted the R2P principle through its founding Constitutive Act, the cooperation of the region in this regard would in great deal resolve one of the major drivers of internal displacement in Africa; conflict. It is without doubt that conflict and egregious violations of fundamental rights of populations are the principal drivers of massive populations displacement in Africa and even beyond. The majority of displacements emanate from the existence of failed states with weak institutions where violence and human rights violations are often perpetrated by incumbent regimes against their own populations (Abatan & Spies, 2016).

The high incidence of coups d'états in Africa (from 2003 to 2012, Africa has had 12 such armed political interventions), resulted in eight countries being suspended from the AU (Central African Republic (CAR), Côte d'Ivoire, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritania and Niger (Vines, 2013) speaks volumes on the democratic deficit in the continent. Such occurrences are a testament of ubiquitous political instabilities that fuel displacements on the continent. The frequency of civil and political instabilities has inadvertently complicated the work of the AU to adhere to the R2P principle when

confronted by errant member states. The AU's christening of the 2017 coup in Zimbabwe as a "peaceful transfer of power" (Yingi, 2018) is a case in point. The broadening of the R2P to include democratic governance would assist in ending one of the major drivers of forced migration hence the protection of IDPs.

Regional cooperation to implement the tenets of R2P is required if the AU is to effectively deal with the root causes of internal displacement. Although conceived as economic integration mechanisms, regional organisations such as the Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD), Economic Community of Central African States (ECCAS), East African Community (EAC), Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD) and Southern Africa Development Community (SADC) provide a platform for the resolution of challenges of mutual interest. Internal displacement across much of Africa from Democratic Republic of Congo to Somalia and Sudan has been principally caused by what are called proximate factors. Proximate factors refer to violations of human rights in civil and ethnic conflicts notably under authoritarian regimes. Disputes over contested elections have resulted in internecine violence in DRC, Sudan, Kenya, Guinea and many other states. As a result of these, the AU member states host a significantly higher percentage (approximately 45%) of the global IDPs and by the year 2016, the total number of IDPs on the continent was 67% of total displacements (Omede & Ngwub, 2017: 31). SADC through its Guidelines Governing Democratic Elections has attempted to promote democratic practices in member states. However, this has suffered from the region's alleged support of the incumbent regimes where disputes over elections have erupted. According to Aebey (2018), the SADC region grapple with challenges of armed insurgency, crisis of governance and lack of socio-economic development; events which have driven thousands fleeing their homes. Governance deficits and the concomitant instability and violence against populations in countries such as Sudan, DRC, Mali and many others pose as long-term risks to IDPs in the continent.

By virtue of being disproportionately affected by conflicts and the accompanying large-scale internal displacements, there is need for the AU to implore regional organisations to enforce regional instruments for peace and security. Without clarity on conflict resolution and prevention, Africa would continue to be plagued by massive displacements of populations and the protection of these populations would remain elusive. Bellamy (2016) advocates that R2P should be applied in situations where armed conflicts result in mass forced displacement. The situation in Africa fits well into the

argument of Bellany. R2P should be implemented to deal with the root and proximate drivers of internal displacement. Through its Constitutive Act, Article 4 (h), the AU has an obligation to intervene, broker peace and end armed conflict, as quickly as is possible, in order to protect the vulnerable populations. This, according to Simeon (2017), could be facilitated by the expansion of the R2P doctrine to include mass forced displacements that are now an apparent hallmark of armed conflict. The regional body should invoke its interventionist obligation and intervene in the troubled spots in the continent to curb the massive internal displacement as a result of conflict.

4 Conclusion and Recommendations

Africa is faced by an unprecedented crisis of internal displacement that has caused a lot of suffering. Internal displacement is caused by several factors among which conflict is the major driver. Despite coming with one of the world's finest instrument for the protection of IDPs in the form of the Kampala Convention, Africa remains excessively afflicted by internal displacement. A reorientation of the existing instruments meant for the protection of IDPs offers a strategic opportunity for effective resolution of the IDPs crisis. To do this, the AU needs to explore the five strategic ways of dealing with internal displacement. Firstly, the AU should draw on its valuable experience of working with regional organisations such as SADC, ECOWAS and others to try and help member states to domesticate frameworks that protect IDPs. Moreover, the AU's capacity in dealing with issues of conflict that have generated massive internal displacement has often been limited owing to non-cooperation of regional organisations and member states. This can be resolved by promoting regional cooperation as this has become the fashionable way of dealing with pressing challenges. Such actions should be supported by the overt embracing of the R2P doctrine and full implementation of the R2P by the AU to protect civilians in cases of massive violations of human rights. Regional integration is becoming a very crucial platform for cooperation of states to deal with common challenges. In this regard, the African Union should sustain the momentum in regional cooperation. Enhanced regional cooperation must be built on the following priorities:

- Strengthen regional institutions. Regional bodies can play a critically important role in protecting IDPs. Regional institutions can serve as resources to assist member states to domesticate R2P principles in their national constitutions.

- The AU should accelerate reform of regional institutions. Institutions such as the African Governance Architecture and the African Peace and Security Architecture should be reformed to be able to deal with the contemporary regional challenges.
- The AU should speak with a more unified voice especially against issues of human rights violations including civil and political rights. Often the continent has been divided on these issues which has given incumbent regimes a free hand to persecute political opponents and, in the process, causing massive displacements.

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