A historical overview of forcibly displaced persons in Southern Africa (2011-2020):

Realising the Expectations of the Global Compact on Refugees

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Abstract:

This paper provides a historical overview of forced displacement in Southern Africa for the period of 2011 to 2020 and notes that the region has seen a dramatic change in forced displacement from refugee generating to refugee hosting. As a result, the region has shifted toward a more restrictive approach and views refugees as a security risk rather than a humanitarian concern. Nevertheless, all the countries in this study have adopted the Global Compact on Refugees (GCR) at the UN General Assembly. The paper explores what is required for states in Southern Africa to deliver on the promise of the GCR and reflects on the ways in which the GCR can progressively advance the protection of forcibly displaced persons in Southern Africa. The paper finds that while states can advance the protection of refugees through the adoption of the GCR, there are certain criteria that must be met for this to happen.

Executive summary

This background paper titled 'A Historical Overview of Forcibly Displaced Persons in Southern Africa (2011-2020): Realising the Expectations of the Global Compact on Refugees' has been commissioned by the UNHCR Southern Africa Regional Bureau (RBSA)[1] for the 7th edition in a series of publications that orients the work of the UNHCR. This edition of *'People Forced to Flee: History, Change and Challenge'* aims to examine what will be needed to realise the expectations of the Global Compact on Refugees.

Major developments

The period from 2011 to 2020 has seen a dramatic change in forced displacement in Southern Africa when compared to the previous 50 years in which it experienced successive waves of forced displacement primarily as a result of armed conflict and civil war'. As a result, there has been a significant drop in the number of forcibly displaced persons generated in this region when compared to the previous decades. Besides the DRC and northern Mozambique, there has been no major civil unrest in the region and, hence no other large-scale mass displacement as a result of conflict. During the last decade, the southern African region has become a destination for refugees mainly from Burundi, the DRC, Ethiopia and Somalia. In addition to receiving refugees, the region also finds itself in a position of having to provide protection to internally displaced persons (IDPs), stateless persons, economic migrants, and persons displaced as a result of climate change, some of whom may be forcibly displaced. Consequently, states in the region define themselves as having to deal with the phenomenon of mixed migration flows (IOM, 2018). UNHCR Global Trends, 2019 shows that the region currently hosts about 8.9 million forcibly displaced persons of whom 1.1 million are refugees and asylum seekers.

Challenges

Even though most of the states in the region are party to the 1951 Refugee Convention, many have made reservations on socio-economic rights, such as the right to education, right to work and freedom of movement. Furthermore, there has been a low level of ratification of the other international and regional protection instruments for the forcibly displaced persons.

With respect to the movement of the forcibly displaced in the region, the Southern African Development Community (SADC) includes refugees and asylum seekers in its security portfolio. This illustrates that SADC views refugee and asylum issues as a potential security risk rather than a humanitarian concern.

Despite this, all the countries in this study have adopted the Global Compact on Refugees at the UN General Assembly. To deliver on the promise of the GCR, states, and stakeholders must acknowledge that previous attempts at providing refugees with international protection have not been adequate. A defining challenge in the region is the protracted nature of refugee status as refugees remain housed in camps, in some

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[1] The following 16 southern African countries covered in this study are part of the UNHCR Southern Africa Regional Bureau (RBSA): Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Republic of Congo, Seychelles, South Africa, Zambia and Zimbabwe.

cases for more than 20 years. Many refugees in this region are from Burundi, DRC, Ethiopia, and Somalia, where there are ongoing conflicts in some areas. Voluntary repatriation is therefore a less accessible solution, although the most widespread and preferred durable solution in Africa. Furthermore, a decreasing number of refugees are being resettled in third countries (UNHCR Global Trends, 2019). Regarding naturalisation, although, only 3 countries have reservations to article 34 of the 1951 Refugee Convention, administrative barriers create obstacles to accessing naturalisation (Crush and Chikanda, 2014). In addition to this, local integration is not functioning optimally as laws that allow for integration are better on paper than the lived reality of refugees (Landau & Amit, 2016). Refugees in the region are thus struggling to find durable solutions and have difficulties in living purposeful and settled lives.

Solutions and future solutions

The GCR sets a new direction to the international refugee response and links refugee protection to the advancement of human development. It could also assist in providing solutions to the current challenges faced by the southern African region. States in the region need to be incentivised to adopt the approach promoted by the GCR and fundamentally shift the perception of refugees as "a burden" or "a security risk". The human rights approach endorsed by the GCR, alongside the narrative of international solidarity and sustainable development, are precisely what should make the GCR attractive to developing countries. Sustainable development, which focuses on socio-economic inclusion and self-reliance, can ease the burden on host states and benefit host communities. Importantly, these programs and initiatives should not be hampered by the laws and policies within the country. Lastly, the GCR, fundamentally, in order to have any meaningful impact, requires the political will from the state and must lead to durable solutions for refugees while promoting responsibility sharing amongst states. This does not mean that the AU, SADC, or the UNHCR do not have a significant role to play. In this regard these organizations can assist in areas such as advocacy for the lifting of restrictions or reservations on freedom of movement and the right to work; assisting states in the implementation of the GCR; the tackling of root causes and dignified and safe return to countries of origin, which requires a regional comprehensive response. This contribution will assist in ensuring that host states are more receptive to shouldering their obligations for the international protection of refugees.

An analysis of the pledges made by states at the Global Refugee Forum in December 2019 shows that there is a willingness to adopt an alternate approach. The analysis has revealed the following issues; i. a willingness by states to allow for the socio-economic inclusion of refugees; ii. distinguishing between humanitarian and development aid; iii. understanding donors' roles; iv. recognising refugee participation.

The example of Zambia indicates the possible success of the GCR in integrating the humanitarian and development solutions for a comprehensive refugee response. However, it also illustrates that the GCR holds no legal power and therefore requires a strong commitment from all stakeholders to ensure its meaningful success. Malawi, where encampment had been the preferred approach, has also made significant steps in operationalising the GCR since 2018, incorporating refugees into the Government's "growth development strategy", and further pledging local community economic inclusion, amongst other pledges made at the GRF forum in 2019

A Historical Overview of Forcibly Displaced Persons in Southern Africa (2011-2020): Realising the Expectations of the Global Compact on Refugees.

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CONTENTS:

A. Forced Displacement in Context

B. A brief overview of current laws and policies for forcibly displaced persons in Southern Africa.
   1. International protection instruments for the forcibly displaced
   2. National protection instruments for the forcibly displaced

C. Increase awareness on important developments in forced displacement in the Southern African region in the last 10 years.
   1. Regional trends in forced displacement – Southern Africa
   2. Important developments in forced displacements in the region
      2.1 States perspective
      2.3 SADC perspective
      2.3 UNHCR's approach
      2.4 Refugee perspective

D. nderstanding what is required to enable the Southern African region, to deliver on the promise of the Global Compact on Refugees (GCR). Is there common ground between the OAU Refugee Convention and the GCR
   1. What will it take for the GCR to work where the OAU Refugee Convention has faltered?
   2. Can the states in the region be incentivised to change their approach to refugee protection?

   3. The Global Refugee Forum (GRF) and pledges.

      3.1 Socio-economic inclusions
      3.2 Distinguishing humanitarian aid and development aid
      3.3 The donors as stakeholders
      3.4 Refugee participation

E. Ways in which the GCR can progressively advance the protection of forcibly displaced persons in Southern Africa;
   1. Operationalizing the GCR
   2. Critical analysis of Zambia's implementation of the GCR - lessons for the region.

F. Conclusion
G. Bibliography

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A: Forced Displacement in Context

The period from 2011 to 2020 has seen a dramatic change in forced displacement in southern Africa[2] when compared to the previous 50 years in which it 'experienced successive waves of forced migration primarily as a result of armed conflict and civil war' (Crush and Chikanda, 2014). As a result, there has been a significant drop in the number of forcibly displaced persons generated in this region when compared to the previous years. The region currently hosts 8.9 million forcibly displaced persons of whom 1.1 million are refugees and asylum seekers (See Table included below). At its height, the region produced close to 2 million refugees (Crush and Chikanda, 2014). Currently, the only country that has produced substantial displacement of persons (both internally and externally) due to conflict, is the Democratic Republic of Congo ("DRC") (UNHCR Global Trends, 2019).

The last decade has instead witnessed the southern African region become a destination for refugees mainly from Burundi, the DRC, Ethiopia, and Somalia. In addition to receiving refugees, the region also finds itself in the position of having to provide protection to internally displaced persons (IDPs), stateless persons, economic migrants, and persons displaced as a result of climate change (UNHCR, Global Trends, 2019). Consequently, states in the region define themselves as having to deal with the phenomenon of mixed migration flows (IOM, 2018).

Furthermore, states in this region find that they are unfairly burdened with the forcibly displaced and that there is a need for the international community to share in the responsibility (Sebola, 2019). Refugees in the region, on the other hand, are appealing for durable solutions, particularly the refugees in protracted refugee situations and the victims of xenophobia. (Carciotto, Gastrow and Johnson, 2018). The UNHCR, particularly during the last 10 years, has advocated for the self-reliance of refugees in the host state (Hansen, 2018). Irrespective of whether or not refugees in the region have been able to fully realise their human rights, there has been a recognition that African states need assistance to cope with the rising number of refugees. The OAU Refugee Convention expressly addresses this through article 2(4) on burden-sharing which calls for member states to aid any African host state that "…finds difficulty in continuing to grant asylum to refugees".

This paper begins with a brief overview of current laws and policies aimed at providing protection to forcibly displaced persons in these southern African countries, thereafter the paper aims to increase awareness of important developments in forced displacement in the last 10 years. These developments are presented from various perspectives, those of; states in the region; the Southern African Development Community (SADC)[3]; scholars; and the forcibly displaced themselves. It is also evident that the entire world has recognised the need for a different approach to address the plight of the forcibly displaced, hence the adoption of the Global Compact

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[2] The following 16 southern African countries covered in this study are part of the UNHCR Southern Africa Regional Bureau (RBSA): Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Republic of Congo, Seychelles, South Africa, Zambia and Zimbabwe.

[3] The Southern African Development Community (SADC) is a regional economic community of 16 member states. The Republic of Congo is not part of the SADC. Tanzania, a member of the SADC is not included in this study.

on Refugees (GCR). The main focus of this paper is to deepen the understanding of what is required to enable the southern African region to deliver on the promise of the GCR, more specifically, how the GCR can instil a new direction in international refugee responses. This paper will conclude by reflecting on ways in which the GCR can progressively advance the protection and solutions for refugees and asylum seekers in southern Africa.

B. A brief overview of current laws and policies for forcibly displaced persons in southern Africa

The southern African region currently hosts around 8.9 million people of concern. Of this number, 1.1 million are refugees and asylum-seekers. There has also been a substantial increase in IDPs in recent years, both as a result of climate change and conflict. In addition to this, statelessness is a problem within southern Africa. Without a mechanism to report on statelessness, the full scale of the problem is not yet defined in the region. (This study notes that not all stateless persons are forcibly displaced.)

Table 1: Forcibly Displaced Persons comprising of refugees, asylum-seekers, IDPs, returned IDPs by country of asylum in the Southern African Region. (UNHCR Global Trends, 2019).

Country of Asylum	Refugees	Asylum Seekers	Returned Refugees	IDPs of concern to the UNHCR	Returned IDPs	Total - Forcibly Displaced Persons
Angola	25 802	30 192	-	-	-	55 994
Botswana	1115	153	-	-	-	1 268
Comoros Islands	No data	No data	No data	No data	No data	-
DRC	523 734	3 197	23 861	5 014 253	2 134 349	7 699 394
Eswatini	945	976	-	-	-	1 921
Lesotho	147	79	-	-	-	226
Madagascar	116	133	-	-	-	249
Malawi	14 086	30 299	-			44 385
Mauritius	20	7	-	-	-	27
Mozambique	4 708	20 983	-	180 516		206 207
Namibia	3 188	1 309	14	-	-	4 511
Rep. of Congo	25 670	14 416	4	134 430	5 312	179 832
Seychelles	No data	No data	No data	No data	No data	-
South Africa	89 285	188 296	-	-	-	277 581
Zambia	57 521	5 075	-	-	-	62 596
Zimbabwe	8959	11 533	132	270 000	-	290 624
Total	755 296	306 648	24 011	5 599 199	2 139 661	8 824 815

This section seeks to provide a brief overview of the current laws and policies of the southern African states in relation to their protection provided to forcibly displaced persons. The section will begin with an overview of international and regional

instruments and then individually contextualise each country's governance systems with regard to the forcibly displaced and, where necessary, the context in which they operate.

1. International protection instruments for the forcibly displaced

All 16 countries in this study except for, Comoros and Mauritius, are party to the 1951 Refugee Convention Relating to the Status of Refugees ("1951 Refugee Convention"). All states in the region, except for South Africa, Lesotho, Republic of Congo and the DRC, have made reservations. Most of the reservations surround socio-economic rights, like the right to education, right to work, and freedom of movement. A significant regional convention for refugees is the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Refugee Convention"). Namibia, Madagascar, and Mauritius are the only states yet to ratify the Convention. According to Tamara Wood (2019), a scholar in refugee law, "the 1969 OAU Refugee Convention gained much more acceptance than the 1951 Refugee Convention due to its focus on aspirational as opposed to the mandatory obligations imposed by the 1951 Refugee Convention".

Another grouping of persons of concern is stateless persons. Gaps in nationality laws, low birth registrations, and forced displacement are some of the causes of statelessness (Mbiyozo, 2019). The 1954 Convention Relating to the Status of Stateless Persons which protects against statelessness has only been acceded to by nine states in this region.[4] The 1961 Convention on the Reduction of Statelessness has been acceded to by four states in the region.[5] Comoros, DRC, Namibia, and the Republic of Congo have pledged but have yet to accede to both Statelessness Conventions while Zimbabwe, Malawi, and Zambia, who are already party to the 1954 Convention, have pledged to accede to the 1961 Convention.

Other regional instruments gaining very little support and receiving major push back from southern African states are the 2018 African Union (AU) Free Movement Protocol and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention"). No states in the region have acceded to the (AU) Free Movement Protocol, which seeks to implement progressive policies for the free movement of persons and a right of residence within Africa. Only seven[6] countries in the region acceded to the Kampala Convention despite the increasing number of internally displaced persons in the region, from conflict as well as climate change.[7] In SADC, the Protocol on the Facilitation of the Movement of Persons which sees states individually responsible for migration has been adopted. It

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[4] Angola, Botswana, Eswatini, Lesotho, Madagascar, Malawi, Mozambique, Zambia and Zimbabwe
[5] Angola, Mozambique, Eswatini, and Lesotho.
[6] Angola, Republic of Congo, Eswatini, Lesotho, Malawi, Zambia and Zimbabwe
[7] The UN Human Rights Committee in the case of *Teitiota v. New Zealand* (2020) ruled that states will be in breach of its human rights obligations where they return persons whose life will be at risk due to the climate crisis.

has yet to enter into force as only five states have ratified the Protocol (Maunganidze & Formica, 2018). [8]

In contrast, the Global Compact on Refugees (GCR) is fully supported by all states in the study. Though neither an international treaty nor a UN General Assembly resolution, it is an indication of the will of the entire international community to protect refugees.

2. National protection instruments for the forcibly displaced

The four Indian Ocean Islands, **Comoros, Mauritius, Seychelles, and Madagascar** do not have domestic laws regarding the protection of refugees. Despite this, they do provide certain protections to persons of concern. Comoros has committed to reforming its national legislation to prevent childhood statelessness. Mauritius has promised to uphold the principle of non-refoulement (UNHCR, 2017 a. b) and Madagascar has pledged to set up a functional asylum system as well as a mechanism to identify and protect stateless persons. Seychelles has taken steps towards the development of national legislation for the protection of refugees. This work, which is being done with the help of UNHCR, will hopefully serve as a model to the other Indian Ocean Island states (UNHCR, 2020a. b.).

Like the above states, the **Republic of Congo (RoC)** does not have comprehensive domestic legislation on asylum seekers and refugees, but its laws do establish the National Refugee Assistance Committee which regulates asylum applications, documentation, and work (UNHCR, 2017c)

All other countries in the southern African region have domestic legislation for the protection of refugees. **Botswana, Namibia, Malawi, and Zimbabwe** prefer containment policies. Botswana and Namibia have strict encampment laws and policies while Malawi's laws and policies have limited opportunities outside of camps, making most refugees 41 000 (out of 44 000) entirely reliant on the one designated refugee camp in the country. Although Zimbabwe's legislation allows for mixed camp and urban settlement, the government has shown a clear preference for encampment policies (Crush and Chikanda, 2014). These states retain their reservation to Article 26 of the UN Refugee Convention. However, despite Namibia's restrictive refugee policies, the county has agreed to the local integration of Angolan refugees (UNHCR, 2020 a. b.) and Malawi have included refugees in the Malawi Growth Development strategy (2017-2022) which will push for durable solutions for refugees (UNHCR, 2020c).

Angola, DRC, Eswatini, Mozambique, and Zambia allow for mixed policies of encampment and freedom of movement with some countries maintaining reservations to article 26.[9] These countries all have domestic legislation allowing access to socio-economic rights however policies and practices do not allow for the full enjoyment of these rights. For example, Angola has national legislation that provides for an asylum-seeking system, which in 2018 stopped registering refugees. Only registered refugees are permitted to leave refugee camps (UNHCR). The DRC has continued to maintain

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[8] Botswana, Mozambique, South Africa, Zambia and Eswatini
[9] Angola, and Mozambique.

an "open-door policy" towards refugees and hosts the largest number of refugees but it is constrained because it is a country in conflict. Eswatini requires mandatory encampment for the initial period of asylum and Mozambique's flexible arrangements established by the authorities, allow for freedom of movement, access to business and employment opportunities, and universal access to education and healthcare (UNHCR, 2015). Zambia is the only country in the region where there has been a significant shift in the asylum system in recent years. The Zambian Refugees Act of 2017 is far more generous than the previous legislation which ensured control of movement.

Lesotho and South Africa are the only countries in southern Africa whose laws do not allow for the encampment of refugees. Lesotho manages its asylum system through the Lesotho Refugees Act of 1983. Hosting only 147 refugees, Lesotho defends its policy of integrating refugees into Basotho society. South Africa hosts the second-largest refugee and asylum-seeking population in southern Africa. The asylum system in South Africa is governed by the Refugees Act 130 of 1998. With no reservations made to the 1951 Refugee Convention, South Africa's refugee law is human rights centred and refugees and asylum seekers enjoy the liberal provision of rights on paper (Khan and Schreier 2014). The Bill of Rights has also been interpreted, where appropriate, to apply to refugees and asylum seekers. Although the Refugees Act was amended in December 2019, reflecting a more restrictive approach to asylum governance, refugees remain protected by the Bill of Rights.

C. Increase awareness on important developments in forced displacement in the southern African region in the last 10 years.

1. Regional trends in Forced Displacement – Southern Africa

Southern Africa has continued to be a destination for refugees and asylum seekers, in the last ten years. The main destination countries in this region are South Africa, DRC, and Zambia which, combined, hosted approximately 80 percent of the total refugees in 2019.

According to some observers, the actual numbers of refugees in southern Africa may well be much higher, as certain countries are resistant to providing protection to asylum seekers from countries that are not regarded as 'refugee-generating'. Generally, refugee-producing countries are deemed to be the ones where there is civil unrest. It is however evident from the literature that even in countries in this region where there is no civil unrest, there may be cultural practices and laws that may produce individual refugees. Examples hereof are cases where the restrictive laws have created LGBTQI refugees (Camminga, 2018), or where states are unable to protect victims of domestic violence, or protect women as victims of traditional paternalistic practices, such as forced marriages, where the states are unwilling to intervene (Manjoo 2014)).

Furthermore, there is also evidence that in countries where there is a restrictive application of refugee laws, it has led to the failure of refugee recognition. States have ignored the *lex spesialis* on issues such as the non-penalisation for illegal entry and

criminalised entry through their immigration laws (Alfaro, 2015). Other ways in which refugees have been prejudiced are the long periods that refugees remain as asylum seekers due to cumbersome administrative procedures, the categorization of refugees as possible security risks and the difficulty in accessing the asylum system; have left large numbers of refugees undocumented and unprotected (Amit, 2015). In South Africa, the decision by the Department of Home Affairs to close several refugee reception offices in 2014 created barriers to accessing the asylum system and resulted in large numbers of undocumented refugees (*Scalabrini Centre v Minister of Home Affairs*, 2016). This restrictive approach to refugee assessments as well as the refugees' inability to access asylum systems must be noted when analysing the available data on refugees in the region.

There is also a strong connection between the forcibly displaced and statelessness in the region. Whilst refugees and IDP's will not themselves be stateless, failure to document and register the births of their children creates a risk of statelessness. With birth registration at less than 50% in the region, there is a high indication of the prevalence of the problem (UNHCR, 2019a). In southern Africa, statelessness is primarily linked to colonial histories, border changes, migration, ethnic and religious discrimination, and poor civil registry systems (Mbiyozo, 2019). UNHCR is actively creating awareness among states in the region that failure to document displaced persons could lead to statelessness.

Other than in the DRC and northern Mozambique, there has been no major civil unrest in the region and hence, no other large-scale mass displacement as a result of the conflict. There have however been two other kinds of large-scale mass displacements in the region, those resulting from climate change and as a result of poverty. Cyclone IDAI affected Malawi, Mozambique, and Zimbabwe – one year later, several thousand are still internally displaced (UNHCR Cyclone Idai, 2019). Later that year, Cyclone Kenneth led to further displacement in Mozambique. Poverty can also drive migration as is evident from migrants from Malawi, Mozambique, and Zimbabwe seeking employment in South Africa (World Bank, 2018). The question to ask is whether those forcibly displaced as a result of poverty and climate change can simply be referred to as 'economic migrants' and therefore are not deemed in need of international protection *stricto sensu*. Although we note the link between climate change and conflict, and poverty and conflict, both of which may lead to forced displacement, there is insufficient research conducted on these issues in this region.

2. Important developments in forced displacements in the region

This section will trace the developments of forced displacement in the region by commenting on the approaches adopted by states, the UNHCR, the SADC, and the forcibly displaced themselves.

2.1 States Perspective

States have noted with concern the phenomena of mixed migration in the region and the difficulties in distinguishing between economic migrants and forcibly displaced persons. To remedy this situation, UNHCR, and IOM convened a regional conference

on how to distinguish between bona fide refugees and irregular migrants (Conference, 2010). However, in so far as mixed migration refers to migrant streams combining *bona fide* refugees and economic migrants, it will potentially be prejudicial to refugees if states placed more attention on the ancillary reasons for migration rather than the primary reason for seeking refugee status. According to Crush and Chikanda, migration from Zimbabwe to its neighbours is seen as a good example of the phenomenon of mixed migration and the challenges it poses.

Furthermore, the region has also been marked by declarations of cessation of refugee status, which has led to the repatriation of refugees from several countries in the past ten years. States have thus shown a preference for voluntary repatriation as a durable solution. This has resulted in the withdrawal of refugees' status by states, under the provision of the 1951 Refugee Convention (Article 1[C5] amongst others), which provides for the application of the cessation clause, guided by specific principles to determine when and where persons no longer need international protection. This occurred in the cases of the Angolans in South Africa and the DRC, as well as the Namibians in Botswana. Whilst the 1951 Refugee Convention allows for cessation, the withdrawal of refugee status has resulted in several persons remaining without any legal status in the host state. It is to be noted that this residual caseload of undocumented refugees could potentially lead to the creation of a stateless class of persons.

Additionally, states in the region appear to be cooperating on the issue of border controls (IOM workshop, 2019). Legal avenues for migrants seeking employment in another country in the region are extremely restricted, leading to considerable undocumented migration and irregular employment. The response of most states has been to try to control the influx with border fortification (World Bank, 2018). This may potentially prejudice a refugee's right to non-penalisation for illegal entry.

The region has also experienced deportations of the migrant population, which has sometimes impacted refugees and asylum seekers. In South Africa, the State, through the Immigration Act, has been rounding up migrants and deporting them to neighbouring countries. At its height, in 2008, deportations reached 300,000 (Vigneswaran et, 2010),and in 2017, 15 000 deportations were recorded (DHA, 2018). South Africa is simply the most prominent example of a regional phenomenon. Forcibly displaced persons in other countries in the region face similar kinds of treatment. The UNHCR has protested to the Zambian government over a series of expulsions of refugees to the DRC. A *note verbale* was sent to the Zambian authorities to express alarm at the developments (UNHCR News, 2010). In September 2019, 800 Namibian refugees from the Caprivi Strip were deported from Botswana after resisting calls for voluntary repatriation (APA Gaborone, 2019).

At the heart of the current approach by states in the region, is the need to control migration from a sovereignty and security perspective, while still maintaining international obligations for the protection of refugees.

2.2 SADC perspective to forced displacements in the region

Compared to the other African regions[10] SADC has yet to regularise the movement of peoples in the region for economic purposes (Dare and Abebe, 2018). SADC included refugee and asylum issues in its sub-committee, the Organ for Politics, Defence and Security (OPDS), which is mandated to maintain security and rule of law. The inclusion of refugees and asylum seekers in this portfolio may be an indication that refugee and asylum issues are seen as a potential security risk rather than a humanitarian concern as advocated by the OAU Refugee Convention However, according to SADC, it has recognised the need to balance the potential security risks associated with hosting refugees against the benefit of regional integration, which encourages the movement of people for economic development. In this regard, the OPDS, including Refugee Commissioners in the region have undertaken various initiatives on forced displacement, including a regional policy framework on managing asylum seekers and refugees. It has also developed a strategic indicative plan which outlines strategies for the social reintegration of refugees. Furthermore, it attempts to address root causes and has resolved to prevent and contain inter and intrastate conflict by peaceful means to reduce forced displacement in the region.

SADC also demands through Article 28 of the Protocol on the Facilitation of Movement of Persons that member states adhere to relevant international agreements to which they are party to, including the 1951 Refugees Convention. To this effect, a Memorandum of Understanding was signed by member states and the UNHCR in 2019 which governs the management of refugees in the region. A similar MOU signed in 1996 commits member states to address the social, economic, and political issues in the southern African region that have a bearing on the root causes of forced population displacement, refugee protection, provision of humanitarian assistance, and the search for durable solutions. This further commitment by SADC to recognise the root causes of forced displacement will bode well for the region. There is relative political stability in SADC now, however, there is no guarantee that forms of displacement as a result of climate change and poverty will not trigger internal conflict and generate refugees. Studies confirm that poverty due to climate change or failed economies can lead to internal conflict (OCHA, 2016).

SADC has also drafted a Regional Disaster Preparedness and Response Strategy, to enhance the region's efforts in coordinating responses and interventions to disasters. Furthermore, SADC has committed to holistically address the needs of stateless persons which are challenging and manifest in various forms, some of which may lead to refugee status. In this regard, the SADC Migration Dialogue for Southern Africa (MIDSA) produced conclusions and recommendations on statelessness in August 2016 (Muller, 2018).

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[10] These include rolling out the CRRF, fifth annual AU Humanitarian Symposium, the Intergovernmental Authority on Development (IGAD) held a special summit on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia. The Intra-Regional Forum on Migration in Africa (IRFMA, the Migration Policy Framework for Africa (2018–2030) and its Plan of Action which call for constructive engagement between the AU and all RECs. (Dare and Abebe, 2018)

Importantly, in early 2020, SADC made a commitment to UNHCR for the implementation of the GCR and further discussed the way in which to operationalize the GCR over the long term. SADC agreed to co-organize a much-needed regional conference on the implementation of the Global Refugee Forum (GRF) pledges.

2.3 UNHCR's approach

The key strategy of UNHCR in the region is in line with the ethos of the GCR; to facilitate international responsibility-sharing and the self-reliance of refugees to ease pressures on host states. The issues around protracted refugee situations have meant that the UNHCR is particularly focused on self-reliance strategies for refugees. In order to achieve this UNHCR has focused on engagement with individual states to lift restrictions and reservations on freedom of movement and the right to work to create an environment conducive to self-reliance programs. UNHCR has also facilitated and guided states for the adoption and implementation of the GCR. Importantly, the UNHCR promotes a sustainable development approach in operationalising the GCR by assisting host communities simultaneously.

Additionally, noting xenophobia in the region, UNHCR vowed to promote social cohesion and peaceful co-existence in refugee-hosting communities through a community-based approach, as well as advocate for the inclusion of refugees in the national development plans and national efforts to achieve sustainable development goals.

UNHCR has, however, continued to maintain its stance that voluntary repatriation is the preferred solution for refugees. In this regard, UNHCR facilitated the return of large numbers of refugees, (Angolans, Namibians, Congolese-DRC, and Rwandans) in the past ten years. UNHCR is also working towards the local integration of specific groups of residual refugees in the region where voluntary repatriation was not successful (Angolans in South Africa and Zambia and the Namibians in Botswana).

UNHCR also actively advocated for accession to and ratification of, international and/or regional instruments on refugees, internally displaced people and stateless persons, lifting reservations to these instruments and support for the development of national legal frameworks. It also aims to promote the implementation of the Global Action Plan to end statelessness by 2024, as well as the implementation of the Comprehensive Refugee Response Framework (CRRF) in the sub-region.

2.4 Refugee Perspective

As mentioned above, there are numerous difficulties experienced by refugees in this region; protracted situations, xenophobia, delays in status determination, lack of access to the asylum system and socio-economic rights, and prolonged encampment. These have led to refugees being unable to live meaningful lives.

Refugees in Zambia appear to be embracing the recent adoption of socio-economic inclusion and settlement approach as opposed to separated and enclosed settlements. Yet, levels of xenophobia and hostility towards foreigners are evident in

the region. The strongest sentiments were expressed by the citizens of South Africa, Namibia and to a lesser extent Botswana. South Africa has been a focal point of attacks on refugees. In 2008, 2015, and 2019 for example, over 100,000 refugees were internally displaced from urban communities in South Africa and housed in safety sites administered by the South African government (Campbell et al, 2015; BBC news, 2019). Faced with xenophobia, calls for third-country resettlement have been amplified in South Africa. However, applications for permanent residence by refugees are continuously increasing, despite xenophobia. Furthermore, in some cases, refugees, when faced with the prospect of return, as can be seen from residual caseloads following the cessation of refugee status, are unwilling to return home. For example, Namibian refugees that remained in Botswana and Angolan refugees that chose to remain in South Africa, Namibia, and Zambia.

It is evident from the various perspectives mentioned above that everyone is striving toward a solution whether it is ending refugee status through a safe and dignified return home or third-country resettlement or some form of meaningful inclusion of refugees into the host state.

D. Understanding what is required to enable the Southern African region, to deliver on the promise of the Global Compact on Refugees (GCR).

In 2016, the UN General Assembly offered a new approach to refugee protection through the GCR. The GCR reemphasises the paradigmatic shift in thought, away from burden-sharing to responsibility-sharing in which refugees are not viewed as heavy burdens but seen as contributing, rights-holding members of their host countries (Turk and Garlick, 2016). It elects both 'whole of country' and 'whole of society 'approaches to frame its core objectives: "(i) to ease pressures on host countries and communities; (ii) enhance refugee self-reliance; (iii) expand third-country solutions; and (iv) support conditions in countries of origin for return of refugees in safety and dignity".

Previous attempts at providing refugees with protection in the region have not been adequate, despite the OAU Refugee Convention echoing solidarity with other member states in terms of Article 2(4) and Article 2(5). Many refugees remain housed in camps, with some in this protracted situation for more than 20 years. Critics have described refugees in Africa as 'languishing in camps' for prolonged periods and have accused UNHCR of 'administering human misery' (Loescher and Milner,2005). Most refugees are reliant on aid for their survival in their current state of forced displacement in southern Africa.

An important question thus becomes how can states be incentivised to move away from previous attempts and towards a comprehensive solution as envisaged by the GCR. That willingness to change and the realisation of the GCR will be shown from an analysis of the pledges made by states in the region at the GFRF in December 2019. However, before these important questions can be answered it is crucial to assess how the GCR builds off the OAU Refugee Convention and evaluate whether the GCR can benefit the region where the OAU Refugee Convention has faltered.

1. Is there common ground between the OAU Refugee Convention and the GCR?

The OAU Refugee Convention is unique in its call for responsibility-sharing amongst member states, however, the OAU Refugee Convention does not provide a framework for the implementation thereof. The OAU Refugee Convention is also lacking a rights framework and a durable solution for refugees in host states. Multiple attempts have however been made to do as much, for instance, the First International Conference on Assistance to Refugees in Africa (ICARA I), and the Second International Conference on Assistance to Refugees in Africa (ICARA II). With each resolution, refugee-hosting countries have moved closer towards finding a solution through strategic policies, implementation, and funding.

The efforts made saw refugee aid aligning with the discourse of sustainability. Yet a lack of commitment on behalf of donor nations to share responsibility saw many of these efforts fail (Betts 2008).

The GCR proposes multi-sector donor aid to accomplish this, like the regional predecessors. The GCR envisions public and private funding to strengthen infrastructure and institutions. Hickel (2017) cautions against such lofty objectives and notes high-income countries tend to reap the benefits of investments in historically low-income countries, which he termed an "aid flowing in reverse situation". Thus it is important, that for the GCR not to follow suit, those ongoing partnerships fulfil the objectives of responsibility-sharing, which in doing so, will allow for host counties to be less restricted at both a national and local community level for affording refugees rights.

Such financial and humanitarian support, as envisioned by the GCR can advance the protection and integration of refugees into their respective host societies. Aligning such funding to Sustainable Development Goals (SDG) 2030 could benefit host states generally. Likewise, southern African host countries stand a better chance at 'predictable and equitable responsibility-sharing', with the GCR, unlike the OAU Refugee Convention which lacks policies for implementation and oversight.

2. What will it take for the GCR to work where the OAU Refugee Convention has faltered?

Although the GCR increases the potential for refugee reform within countries of origin and host countries, the main criticism against the GCR is its non-legally binding nature, which discredits its transformational capacity. The GCR does not place any legal obligations on member states and thus purely relies on political commitment. (Ineli-Ciger, 2018)

Olivier (2002) notes that non-binding agreements have the potential to create obligations for political actors. Resolutions can shape international practices, which shapes laws, ultimately having the potential to grow into legal obligations. Since the adoption of the GCR agreement, the non-legal nature has not detracted from states' commitments and duties to comply and implement.

Furthermore, the GCR is founded on both refugee law and human rights law, and thus its normative force is implied. The human rights framework of the GCR and its concurrent plan for operationalisation distinguishes it from the regional predecessors and the OAU Refugee Convention. Through the adoption of the GCR, the international community has acknowledged the need to support African states who bear much of the responsibility for refugee protection.

Arguably, the GCR, without its legal obligations resembles the OAU Refugee Convention, in that it is couched in aspirational goals as opposed to legal obligations. Yet the GCR can be distinguished, in that the human rights framework and link to sustainable development, which is not present in the OAU Refugee Convention, will incentivise states to reform and take actions leading towards transformation. Making the GCR a strong contender to counteract the inadequacies of the OAU Refugee Convention.

Institutional reform that is constitutional, legal, and policy orientated along with international and regional solidarity must all work towards this end for the GCR to be successful where the OAU Refugee Convention has been inadequate. The manner in which states demonstrate their compliance is country-specific, ranging from hosting to funding. Compliance does advance responsibility-sharing and global collaboration for supporting refugees. It remains crucial that the focus remains on how the GCR can be beneficial to refugees and host states, particularly in southern Africa. The GCR's human rights perspective attempts to bring a renewed motivation to generate robust, tangible, and individualised solutions: for refugee self-reliance and integration into urban spaces; for decreased usage and need for refugee camps; for assessments of the reasons people seek refuge; and for shared and equitable international responsibility.

3. Can the states in the region be incentivised to change their approach to refugee protection?

Most refugees are reliant on aid for their survival in their current state of forced displacement in southern Africa. This is the case because encampment does not allow refugees to become self-reliant. This presents several challenges to the international community and the host countries that need to be addressed to mitigate the negative effects of forced displacement and to reduce the number of people in need of international protection (Khan and Sackeyfio, 2019).

It is therefore imperative that states in the region must be incentivised to change their approach to assisting refugees. Even though international refugee law allows for reservations, the factual situation is that restrictions on the right to freedom of movement and the right to earn a livelihood have created a dependency on humanitarian aid. It is trite that access to socio-economic rights requires that states have resources, hence the narrative by states in the region that they are unfairly burdened and unable to attend to refugee needs adequately, although they recognise the need to adopt an alternate approach.

Due to the bulk of the refugees in this region being intraregional, a regional approach would be advantageous. Leading refugee law scholar Prof James Hathaway reckons that hosting refugees from the region, in the region, is not necessarily a bad thing (Hathaway, 2019). It will therefore be worthwhile exploring how SADC can be incentivised to adopt an alternate regional approach by allowing integration rather than viewing refugees as a security risk.

Would it benefit the region if refugees are no longer housed in camps and were instead allowed to develop their skills and become self-reliant? It could be argued that refugee integration and skills development will serve a dual purpose; it will enhance the skills in the region and ultimately will make a return to the country of origin easier and benefit host states. In a study conducted by the World Bank, the benefits of refugee self-reliance to the host community has been noted. (World Bank, 2019)).

Furthermore, the establishment of a UNHCR Regional Bureau for Southern Africa in 2019 could be viewed as a step in the right direction toward incentivising states in operationalising the GCR. UNHCR has a huge role to play in this region where most states have signed[11] reservations to the right to work in the Convention. UNHCR has the necessary expertise to work with states to lift these reservations and develop policies that will lead to refugee self-reliance. Importantly, it also has the ability to draw donors' attention (a requirement for the functioning of the GCR) to specific issues relevant to the region which could further incentivise states to change the narrative of refugees as burdens.

Additionally, in a region where the states are struggling to provide for their citizens, states could be incentivised to adopt a non-encampment policy if the international community displays a willingness to help in the development of these states. Therefore, a development approach as opposed to a humanitarian approach, as advocated by Betts and Collier (2017), whereby host countries are rewarded with the investment and markets for respecting refugee rights, is more suitable for the region.

It is promising that in September 2016, 193 countries (including all the countries in this region) demonstrated their political will that an alternate approach is necessary to address refugee issues by adopting the New York Declaration. They formalised this declaration by the adoption of the GCR in December 2018. As part of the commitment to the GCR, the international community (states and the private sector) made pledges at the Global Refugee Forum (GRF) in December 2019.

4.Global Refugee Forum and Pledges

An analysis of the pledges made by states at the GRF in December 2019 shows that there is a willingness to adopt an alternate approach. 12 of the 16 states in the region made asylum pledges.[12] The analysis has revealed the following issues; i. a willingness by states to allow for the socio-economic inclusion of refugees; ii. distinguishing between humanitarian and development aid; iii. understanding donors'

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[11] Angola, Malawi, Mozambique, Eswatini, Madagascar, Zambia, Zimbabwe, Botswana and Namibia's string enforcement of restrictions on freedom of movement, further limits the right to work.
[12] Seychelles, Eswatini, Comoros and Botswana did not make asylum pledges but did make pledges on the statelessness. Seychelles was the only country that did not attend the GRF.

roles; iv. recognising refugee participation. Ultimately, success rests on the political will of each country if key problems identified in the region are to be successfully addressed. This does not mean that the AU, the SADC or the UNHCR do not have a significant role to play. In this regard, these bodies can assist in areas such as the tackling of root causes and dignified and safe return which requires a regional comprehensive response. This will also assist in encouraging host states to be more receptive to shouldering the obligations for the protection of refugees by individual states. In the SADC perspectives above, these roles are beginning to be assumed.

4.1 Socio-economic inclusion

State pledges are very much in line with the ethos of the GCR, there is the explicit recognition that the reality of refugees stuck in camps is problematic, that the 'care and maintenance programmes' which have bred dependency must come to an end and that some form of self-reliance is an answer. This is a phenomenal achievement for the region that has resisted integration for the past 30 years. Except for Botswana, all the other countries where refugees are housed in camps have pledged support for some form of socio-economic inclusion. This is precisely what is needed for the GCR to work. The willingness by states to adopt policies and introduce laws that will lead to self-reliance is the first and most important step in the success of the GCR. Refugee self-reliance requires a changing of law and policy and preparedness to roll out socio-economic privileges such as work rights, education, healthcare, and the registration and documentation of such persons. The allocation of land for settlement, the creation of self-sustainability, and the allocation of work permits for some refugees are encouraging. Furthermore, for the GCR to work, institutional reform, which is constitutional, legal, and policy-oriented frameworks within the country, as well as international and regional solidarity, must all work towards this end.

In this region, Angola has pledged to support local integration of refugees who opt to stay in Angola, including former refugees falling under the cessation clauses, namely Sierra Leonean, Liberians, and Rwandans, by 2023.

Lesotho, Malawi, Namibia, the Republic of Congo, and Zimbabwe have pledged land for settlement to enable self-reliance, this is perhaps not ideal but a start in the move away from care and dependency of refugees and an end to long-lasting humanitarian aid. This type of approach ties in well with the development aspect of these states. Lesotho has pledged support for the income generation of refugees. Zimbabwe has pledged entrepreneurship programmes by facilitating access to financial services and employment, including women, young adults, and persons with disabilities in fostering inclusive economic growth.

Mozambique and Lesotho have realised the importance of access to education and healthcare for the well-being of refugees, pledging support for higher education, and vocational training. Mozambique pledges to continue local integration, aiming at stronger synergies between refugees and host communities.

Zambia pledged to review national legislation to harmonizing the provisions of the Refugees Act and other national laws to promote the enjoyment of rights by refugees, including freedom of movement, access to employment and livelihoods; refugee inclusion in the national education system at all levels, including providing free early childhood, primary education, as well as secondary and tertiary.

South Africa has in turn pledged to address the biggest issue facing refugees in South Africa, pledging to properly document refugees.

4.2 Distinguishing between humanitarian and development aid

From the aid pledged by other states and the private sector at the GRF, it is evident that some of the pledges are humanitarian in nature and that others are development inspired.

In scholarship, refugee aid is traditionally associated with humanitarian assistance, especially for refugees in camps. Humanitarian aid is also clearly necessary in emergencies. When large numbers of refugees are displaced as a result of conflict, there is always the need for emergency assistance, but if states are to be incentivised to provide meaningful assistance to refugees that allow for local integration, then the goal of international assistance must additionally allow for development aid as is evident from the pledges.

Whilst scholars are debating whether the provision of aid must be administered linearly, that is, humanitarian aid and thereafter development aid, it is submitted that refugee emergencies and protracted situations exist simultaneously hence a linear approach to aid is not an option in refugee situations.

Insofar as refugees need emergency assistance, the aid can be categorised as humanitarian – however, the GCR objectives are also development aligned. For the GCR to be effective, it must provide for assistance that addresses the humanitarian and development needs of refugees and host communities (See an example of Zambia below). The GCR aspires to facilitate a comprehensive refugee response, creating the link between humanitarian aid and development aspirations through a whole of society approach. Their success, however, depends on clearly defining how the development humanitarian nexus works. This is not an easy task; it is a massive process that requires an institutional overhaul. The institutional capacity of host countries should be enhanced to activate the humanitarian and development link. Most existing institutions working with refugees are familiar with emergency-type humanitarian responses. Combining humanitarian aid and development requires a whole new structure and set of skills. For the GCR to be effective, states and the UNHCR must develop the correct synergy between humanitarian and developmental aid.

In addition, to deepen the understanding of what is required to deliver on the promise of the GCR, stakeholders need to recognise the strong interrelationship between humanitarian, development, and peace efforts (the triple nexus) for the development to be sustainable (Howe, 2019).

4.3 The Donors as stakeholders The pledges themselves see many pledges of donations towards supporting refugees. When analysing pledges from donors it is important to understand who the donors are, what they want to achieve by their donations, whether the funds are for multi-year projects or short-term one-off donations and whether it will dilute state responsibility.

Much has been written in recent times about the donors' agenda in issues of forced displacement, whether these donors are states or private companies. Caution should be exercised over receiving aid. While multi-sector aid is vital for the implementation of the GCR, regard must be given to the possibility of privatisation of refugee protection, which could lead to the dilution of state responsibility. The problem could arise where high-income countries solely assist through fiscal means and abdicate their responsibilities, such as the provision of third-country solutions (Yaghmaian 2018; Siegfried 2017).

It is also evident from studies of donor contributions that many donors do not want to be involved in the politics of a situation and simply want to do humanitarian work. Similarly, other donors are best at providing development aid and are prepared to work with governments (Howe, 2019).

As donors themselves are claiming an expanded role in the coordination of a response to refugee issues, the UNHCR will have to demonstrate how it is best suited to coordinate GCR activities. In many cases, donors are reluctant to fund forgotten crises. For example, several refugees in the region are in protracted situations and could be construed to be in a forgotten crisis, hence core contributions to international organisations (such as the UNHCR) are useful, as they provide funding to contexts that otherwise do not receive high levels of donor attention.

The success of the humanitarian-development link heavily depends on predictable and long-term development funding. Short-term funding provided for humanitarian aid does not meet the objective of the long-term development goals of the GCR. The GRF provides an excellent opportunity for discussion of and commitment to this goal.

4.4   Refugees Participation

The GCR is all about a change in approach to thinking about refugee communities in terms of development assistance rather than solely emergency aid. To achieve this, the needs of displaced persons must be put on the development agenda side by side with the development of host communities. The goal is to find sustainable solutions because the care and maintenance programmes have already resulted in protracted refugee situations. Therefore, even though it is important and necessary to get states on board by combining development aid to assist the host communities, it is equally essential to put in place safeguards so that the vulnerabilities of the affected refugee populations are not exploited. It is therefore key, in each case, to find out how the refugees view the forthcoming assistance. As noted above, the "whole of society approach" must be adopted. Refugees, especially those in camps for a prolonged period, must be made participants in the new development approach.

It is evident from the above that the following elements are necessary for the GCR to work: a willingness to introduce laws and policies that will allow for socio-economic inclusion; sufficient funding- both development and humanitarian; that donors intentions are understood and that, importantly, refugees are receptive to the new approach.

E. Ways in which the GCR can progressively advance the protection of forcibly displaced persons in Southern Africa

1. Operationalising the GCR

Bearing in mind the specific context of southern Africa, the GCR shifts the focus from humanitarian to that of a development framework. Therefore, a major focus needs to be placed on long-term funding, to relieve the burden of the states, while concurrent programs need to look at socio-economic inclusion and self-reliance. The GCR also needs to ensure that these programs and initiatives are not prevented by the laws and policies within the country. Lastly, the GCR fundamentally, in order to have any meaningful impact, requires the political will from the state and it must lead to durable solutions for refugees while promoting responsibility sharing amongst states.

The GCR must be operationalised in order to advance the protection of forcibly displaced persons and a possible means for which to do this is the CRRF (section 2 of the GCR). To achieve this there are four key elements, (1) rapid and well-supported reception and admissions, (2) support for immediate and ongoing needs (such as protection, health, and education), (3) assistance for local and national institutions and communities receiving refugees, and (4) expanded opportunities for solutions. (GCR, 2018).

The appeal of this new framework within the region is slowly becoming apparent. Although Zambia is the only country to have moved from the planning stage to implementation, countries such as Malawi, Mozambique, and Zimbabwe have all adopted a CRRF.

In Malawi, refugees were incorporated into the Government's "Growth development strategy". The Government made five pledges at the Global Refugee Forum in December 2019, related to the inclusion of refugees in the national development agenda; legal and policy reform; registration and documentation; settlement approach and self-reliance; as well as reception and admission to the territory. Malawi further pledged local community economic inclusion for refugees by allowing them access to financial institutions, encouraging self-employment/business, and offering 200 work permits to those with skills. Malawi also promised to provide an enabling environment for refugees to register their businesses. This development in Malawi since the operationalising of the GCR in 2018 is a significant step for a country where encampment was the preferred approach.

In Angola, in response to the government's lack of protection to refugees, UNHCR has begun to advocate for the implementation of a CRRF to assist refugees within Angola (UNHCR, 2019b).

In southern Africa, there are simply not enough resources to meet the growing needs of the refugee populations, and thus, allowing refugees and asylum seekers to work and create businesses will provide them with more resources to improve their quality of life, be less reliant on humanitarian aid and ease the pressure on the host countries limited resources. In addition to voluntary repatriation, it is imperative that the plan to operationalise the GCR must include a strategy for third-country solutions (Hathaway, 2019).

2. Analysis of Zambia's adoption of the GCR

Taking into consideration the points above, this section seeks to critically engage with the operationalising of the GCR in Zambia. The aim is to understand how southern Africa can benefit and learn from the Zambian example.

Before the adoption of the GCR in 2019, Zambia was in the process of using its policies to improve the protection of refugees. However, with insufficient funding and international support, these policies did not adequately advance protection. A major step, in line with the operationalisation of the GCR in Zambia, was the adoption of the 2017 Refugees Act, which repealed and replaced the restrictive Refugees (Control) Act of 1970. The new law substantially opened and improved the asylum space in Zambia. This new domestic legislation enables the socio-economic inclusion of refugees in the country. A major change was the inclusion of documentation which allows the legal movement of refugees within the country. The Zambian government further took steps towards the integration of Angolan and Rwandan refugees, who have been in protracted refugee situations. Pathways for naturalisation are being extended through permanent residence and refugees and asylum seekers are included in the development plan of Zambia. It appears that this drive for change since 2016 was personally led by the President, Edgar Lungu, and the Refugee Commissioner, Abdon Mawere (Refugees Deeply, 2018). Although there are gaps, which will be highlighted below, the legal amendments and policy decisions were the first steps for creating an environment for the progressive protection of refugees within Zambia. Without a favourable legal and policy environment and strong political will, the GCR is likely to fall short.

In 2017, Zambia adopted a CRRF approach to an emergency context caused by the arrival of refugees from the DRC. The CRRF, from the onset, envisioned both a short-term humanitarian and long-term development approach to the crisis. Part of the approach included the initial settlement combined with prospects of local inclusion and self-reliance. Refugees and asylum seekers were included in national services and all ministries were included within the CRRF, through the "all of government approach". The framework also envisaged an "all of society approach", with investment and support from the international community (Government of Zambia (GZ) and UNHCR, 2019).

The CRRF initially focussed only on the Mantapala settlement which was specifically created for the reception of asylum seekers from the DRC. The development focus was on education and livelihoods which is focused on socio-economic inclusion and self-reliance of refugees and more recently is being implemented in other refugee settlements in Zambia (GZ and UNHCR, 2019). The implementation of this CRRF in Zambia highlights the important nexus between humanitarian aid in crisis and development needs for the longer term.

In line with the CRRF, the Zambian government did not believe that refugees should be separated from the host communities in the area. If the goal of the Zambian CRRF was for socio-economic inclusion and local integration, then there had to be a consideration of this from the start. It should further be highlighted that traditional leaders were engaged, showing the need for a "whole of society approach". This successful engagement with traditional leaders not only led to the allocation of land for the establishment of the Mantapala settlement but also resulted in the first

development program for the allocation of land for farming for refugees and the host community in the southern Africa Region (GZ and UNHCR, 2019).

With this development program, humanitarian stakeholders, like the World Food Programme, continued to ensure food security for new arrivals, while UNHCR, UNICEF, and implementing partners supported basic services and protection delivery. Whilst the schools and clinics within the settlement are accessible to both refugees and persons within the host community, the schools lack resources. This highlights the need for a more integrated approach in educational support, amongst others.

The framework in Zambia thus allows refugees a place to settle, become self-reliant through farming, and have access to education as well as health care. With sufficient international assistance, this approach will ease pressure on the host state as well as satisfy some development needs of Zambia.

From the Zambian example, it is evident that for the GCR to succeed, certain elements must be in place. First and foremost, it must have in place laws and policies which allow for the operationalisation of the GCR. Secondly, international support is key, as noted in Zambia, for the schools to function optimally there must be adequate funding from dedicated sources. Thirdly, the framework should include a plan for durable solutions. Since most of the refugees are from the DRC, a country in conflict, voluntary repatriation will not be an option in the foreseeable future. It, begs the question, how long will it be reasonable for these Congolese refugees to remain as refugees, albeit, self-reliant. According to Betts and Collier (2017), any refugee situation lasting more than five years needs to be rethought. Will these refugees in Zambia be granted permanent residence or are they to remain refugees indefinitely? The situation in Zambia could create a new prototype of the protracted refugee situation. It is precisely in situations like these that the global north can demonstrate a commitment to international responsibility-sharing by providing third-country solutions in the form of resettlement (Hathaway, 2019). Host countries and UNHCR should pay attention to resettlement as a durable solution and be assertive of its inclusion of the country framework.

The example of Zambia indicates the possible success of the GCR in integrating the humanitarian and development solutions to refugee protection, however, it does illustrate the fact that the GCR holds no legal power and requires incredible commitment from all stakeholders to ensure its success.

F. Conclusion

Several countries in the region do not have adequate laws and policies in place for the successful implementation of the Global Compact on Refugees. The global compact needs the political will from states to improve the lives of refugees. It is also important that the international community share in this responsibility, as the mere pledging of assistance at a global forum every few years will not bring any significant change and cannot be deemed as sufficient commitment. Even though 193 states have committed to the New York Declaration it is still incumbent on the developing states to firstly identify their specific needs and thereafter passionately pursue assistance from the international community for the GCR to be effective. Which may not be sustainable.

Insofar as the socio-economic inclusion of refugees, as envisaged by the GCR, does not, within a reasonable period, result in a durable solution, that is, an end to refugee status, the GCR, and the CRRF can only be seen as temporary relief. The international community must be called on more aggressively to bring an end to refugee status. UNHCR must, therefore, pursue the lifting of reservations to the 1951 Refugee Convention and strive towards state responsibility. Having said that, the world has responded positively to the GCR and even states which showed reluctance in the past to issues of forcibly displaced persons have committed to the GCR as is evident in this region.

The root causes of forced displacement are multi-faceted, context-specific and require holistic and strategic responses by states, humanitarian and development actors. Political commitment is a key ingredient in addressing the root causes of crises that continue to drive people from their homes and / or prevent either a sustainable return or local integration. Preventing, managing and resolving conflicts and other crises will go a long way in finding lasting solutions to forced displacement in Africa.

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