

Sub-Saharan Africa

Internal and international migrations are a very significant phenomenon in Africa. This note offers a succinct examination of:

- the principal characteristics of migrations on the continent
- the situation of the three main categories of migrant – workers, refugees and internally displaced persons – with respect to human rights
- the main migration-related issues faced by the continent
- the main conventions and remedies which exist both at continental and at sub-regional level

I. Some broad characteristics of migration in Africa

1. Large-scale migration taking many forms and mainly within the continent

The Sub-Saharan African countries are experiencing large numbers of movements by different types of migrant: workers, refugees and displaced persons. The region contains both countries which many migrants are leaving (Sahelian countries, Zimbabwe) and countries receiving large numbers (South Africa, Nigeria, Democratic Republic of Congo).

These African migration are large in number both in relation to the population of the continent and of the world in general. Of the approximately 200 million migrants estimated internationally in 2006 about one third were African in origin (including North Africa)¹. Moreover, Africa alone is responsible for a third of refugees and internally displaced persons in the world².

These migration are mainly within the continent of Africa. Thus, half of African migrants are living in a different country of the continent³ and nine tenths of African exiles find refuge in a country neighbouring their country of origin⁴. It is thus mainly other African countries which are exposed to the shock of major migration pressure in conjunction with conflicts and natural disasters occurring on the continent and which receive a significant share of the migrant workers.

2. An old mobility in a new form

Internal and international migration were a customary feature of Africa's history: trade caravans, nomadism, slave routes, movement of students and workers within the former colonial areas, etc. Cross-border micro-movements are frequent, particularly among communities living on either side of national borders: Mozambique/South Africa;

¹ Source: African Union: meeting of experts on migration and development on 3 to 5 April in Algiers.

² Source: UNHCR. According to this organisation in 2006 there were 23.7 million displaced persons in the world, 12 million of whom were in Africa; worldwide there were 8.4 million refugees, of whom 2.7 million in Africa.

³ Source: AU, see above.

⁴ Source: Michelle Guillon, La mosaïque des migrations africaine, Esprit, August-September 2005.

Rwanda/Congo; Burkina Faso/Côte d'Ivoire; etc. These movements continue and indeed increase for social and economic reasons or in the event of crises, despite increasing restrictions at borders. This means that these migrants then find themselves in an irregular administrative status.

Since the 1950s the main migratory movement on the continent has been the exodus from rural areas which has led to an increase in urban population from 20 to 410 million between 1950 and 2000⁵. However, this movement is now slowing down and in some countries it is even possible to observe a return from the towns to the countryside and an increase in temporary migration, chiefly due to economic difficulties in the urban areas.

Today the migratory movements are developing and becoming more complex. There are more destinations, the journeys become longer (as can be seen in the increasing presence of West Africans in South Africa), and migration may consist of several stages: paying for the journey, finding channels of access to the destination country and obtaining the desired job or status. Certain emigration countries also become immigration countries; it is not unusual to note that some countries are both senders and receivers of refugees (Sudan) or migrant workers (South Africa). Moreover, migration is becoming feminised: women now make up a significant part of migrant workers and are among the main victims of internal displacement and human trafficking.

II. The 3 main types of migrant: refugees, internally displaced persons and workers

1. Refugees and asylum seekers

According to the Office of the United Nations High Commissioner for Refugees (UNHCR) there are 2.7 million refugees in Africa,⁶ 773,500 of whom are asylum seekers. Refugees are not only individuals – political opponents, human rights activists, journalists, etc. fleeing from a threatening regime, but also entire populations fleeing from armed conflict, raids, famines and natural disasters.

African refugees come mainly from Sudan, Burundi, DRC, Somalia, Liberia, Togo, Central African Republic and Rwanda. As previously noted, nine tenths of these seek refuge in a neighbouring country; if possible they gather in a region close to their own where the population speaks the same language. Thus, the DRC has received about 1.2 million Rwandan refugees since 1994. Cross flows of refugees are not unusual. Thus, Sudan received 300,000 Eritreans while 400,000 Sudanese sought refuge in Uganda, Ethiopia, Kenya and DRC⁷.

Most of these refugees are gathered in camps under the protection of the host country and/or international organisations, first of which the UNHCR. Their living conditions there are very precarious. There are problems of access to water and food, accommodation is cramped and ill-equipped, access to health care is limited, and there is a high risk of spread of disease, little or no access to jobs, continued violence due to raids or the presence of armed groups within the camps, etc. This reception and protection are in any case only temporary as the refugees are required to return to their countries as soon as the situation permits⁸.

⁵ Source: Michelle Guillon, *La mosaïque des migrations africaine*, Esprit, August-September 2005.

⁶ Note that this number, although considerable, is falling, as there were 5.4 million in 1990. This drop is due to the return of some refugees to their countries after the settlement of certain conflicts in the 1990s. Source: High-level dialogue on international migration and development, UNO, Regional profile: Sub-Saharan Africa, available at: <http://www.un.org/french/migration/africa.html>.

⁷ Cf. Guillon, *op.cit.*

⁸ *Idem.*

Moreover, some African refugees (mainly from Somalia, Liberia, DRC, Eritrea and Burundi) have found refuge in countries of the North, particularly the United Kingdom, United States, France, Canada, Belgium, Netherlands and Switzerland. However, in the majority of these countries increased restrictions now apply on entry and the granting of refugee status. A similar toughening of conditions can also be seen in certain African countries: hence South Africa is reluctant to grant refugee status to asylum seekers from Zimbabwe and the DRC, deeming the situation in their countries not to be a conflict or political crisis.

2. Internally displaced persons

Sub-Saharan Africa is the first region of the world with respect to internally displaced persons. Of the 12 million internally displaced persons in Africa almost half – 5.3 million – are Sudanese. The other main countries affected by this phenomenon are Uganda with 2 million; DRC, 1.6 million; Côte d’Ivoire, 700,000; Zimbabwe 570,000 and Kenya with 381,000⁹.

These displacements are often the result of violations of international human rights laws during an armed conflict. Civilians, mostly women and children, are obliged to flee for their lives to escape violence or persecution, without, however, leaving their country. Less frequent but equally important, natural disasters are another cause of internal displacements. For instance, floods caused the displacement of 24,000 people in Kenya in 2006.

Just like refugees, internally displaced persons gather in camps where they sometimes enjoy the protection and support of the UNHRC or non-governmental organisations. Others spread out in urban or rural areas, particularly on the outskirts of large cities like Khartoum or Nairobi. Their living conditions are particularly precarious, and they often remain exposed to violent attacks.

3. Migrant workers

The vast majority of African migrants are workers, going to other African countries or to other continents, in particular Europe. In Africa the main countries receiving other African workers are South Africa, Nigeria, Gabon and, until recently, Côte d’Ivoire. Some migrants also move to the Maghreb countries and to the Middle East (Libya, Morocco, Algeria, Yemen). In a country such as Gabon one fifth of the population are migrants¹⁰. One after the other, however, these host countries are shutting the door, forcing the workers into irregular situations or encouraging them to seek new host countries, often further away.

A new trend in the migration of workers is to be observed in the significant number of graduates and highly skilled workers emigrating to the countries of the North. In certain countries or professions (particularly the medical sector), this trend is so great that it can truly be called a “brain drain”. Thus, according to the World Health Organisation, 12,000 South African and 900 Ghanaian doctors are working in an OECD country, compared with 33,000 and 3,200 respectively in their own countries¹¹. Such migration cause significant shortages of employees and skills in the country left and this reduces present and future accessibility and quality of health and education services and holds back economic development of that country. Moreover, the African countries “lose” the funds invested in the education and

⁹ Source: HRC, 2006

¹⁰ Cf. Guillon, op.cit

¹¹ Cf. UNO, High-level dialogue, op.cit.

training of these graduates. The UN Conference on Trade and Development (UNCTAD) estimates the cost of losing one African graduate to be 184,000 dollars¹².

Alongside this brain drain the majority of migrant workers hold low- or non-skilled jobs: farm workers, building labourers, small traders in the formal or informal sector, etc. Their working and living conditions are generally more precarious than those of nationals. They are frequently victims of discrimination at work, especially when their situation is irregular: some employers take advantage of this to impose less favourable working conditions (less than minimum wage, unpaid overtime, dangerous work, ban on joining unions, etc.). Migrant workers, in particular those in irregular situations, also often have greater difficulty in gaining access to social services (schools, health centres, retirement pensions...) and are more exposed to pressure and violence from the police.

Remittances of wages of African migrant workers constitute an essential contribution to their families and their country of origin. Transfers from African workers living on other continents amounted to 17 billion dollars per annum over the period 2000-2003, i.e. an average transfer of 200 dollars per migrant per month¹³. These transfers are a vital resource, permitting families to meet essential needs (food, health, children's education, etc.), or to build a house, invest in some economic activity, etc. This money also has a multiplier effect at local level leading to the creation of workshops and shops, hiring of staff, introduction of new technologies, increase of taxes and thus public revenue, etc. These remittances represent between 3 and 4% of the GDP in Nigeria, Mali, Kenya and Uganda, about 7% in Senegal and Togo and up to 26% in the case of Lesotho¹⁴.

III. New trends, new issues

1. The dramas of emigration to Western Europe

Since the beginning of the 1990s dramatic incidents have increased at the borders of a Europe which has become a fortress: numerous migrants from Sub-Saharan Africa have died in makeshift boats in the Mediterranean or in the hold of an aeroplane, have been pursued by the police and the European and other Mediterranean coastguards, impaled themselves on the barbed wire surrounding Ceuta and Melilla or hidden in the surrounding woods while waiting for a passage. These migrants often finance their journeys thanks to the savings of an entire social network or by getting into debt. They travel through several countries, taking casual jobs along the way and have to pay smugglers and avoid the police. They often start all over again if they are arrested and repatriated.

2. Sudan: a country where one in seven inhabitants is internally displaced

In response to the creation of two armed opposition groups in February and April 2003 the Sudanese government has been supporting nomadic militias in order to attack the villages of settled groups in Darfur in western Sudan. These militias have attacked the villages, killing tens of thousands of men and women and raping thousands of women. They have also forcibly removed the villagers, burnt their houses and looted or stolen crops and animals. These attacks have caused a very significant internal displacement: 5.2 million people at the end of

¹² UNO High-level dialogue, op.cit. i.e. a total loss of 18.4 billion dollars, as the World Bank estimates that 100,000 graduates living in the North received all or part of their training in Africa.

¹³ UN Office of the Special Adviser on Africa, Resource flows to Africa: An update on Statistical Trends, December 2005.

¹⁴ Cf. UNO, High-level dialogue, op.cit.

2005. Even today the displaced people of Sudan are victims of attack, murder, rape and looting, at the instigation of their own government. They frequently have to survive in camps where the conditions are deplorable due to lack of resources and the impossibility of bringing in international aid.

3. The rise of nationalism and xenophobia

Over the last decade we have seen an increase in xenophobia and nationalism, often accompanied by flare-ups of violence, in several African countries with large numbers of migrants. For instance, in Côte d'Ivoire the concept of "ivoirité" was created and used for political ends to distinguish between the "true" Ivoirians (going back at least two generations) and so-called "foreign" Ivoirians. This concept establishes a social and political hierarchy based on the origin of nationals and promotes hostility to foreigners and Muslim Ivoirians from the North. In 1998 a Property Law reserved the right of land ownership for "true" Ivoirians only, leading to the expulsion of thousands of farmers of Burkina Faso origin from the north of the country. This concept was one of the triggers for the crisis in Côte d'Ivoire. Botswana offers another illustration of this phenomenon. Zimbabwean immigrants are a target for xenophobic behaviour and aggression. They are subject to public humiliation, arbitrary sentences and expulsions and sometimes even murder and torture. Examination of their applications for asylum is unreasonably delayed, and they are denied access to employment and certain services¹⁵. They are also frequently accused of being responsible for crimes, diseases and prostitution in Botswana.

4. Feminisation of migration: vulnerabilities and opportunities

In Africa almost one in two migrants (47%) is a woman: women and children also make up 70% of the refugees and displaced persons on the continent¹⁶. The growth in the number of migrant women is chiefly seen in the sub-regions of West and East Africa. In West Africa and in Southern Africa an increasing number of women carry out cross border trading, like the Zimbabwean women engaged in trading activities with South Africa. Migrant women are also turning to the countries of the North, although in smaller numbers than the men. 20,000 African female nurses and doctors contribute each year to the brain drain. In 1999, 320 nurses qualified in Ghana, the same number of nurses who left the country that year, while half of the vacant nursing posts had not been filled nationally¹⁷. Migration offers women new resources and roles and gives them the opportunity of consolidating their financial independence, adopting new roles in society and promoting the image of women and social standards in their country of origin.

At the same time many migrant women are victims of violence, sexual abuse, human trafficking and poor working conditions. In 2005 Médecins Sans Frontières reported numerous cases of sexual abuse committed by Moroccan security officers and other migrants against women and minors transiting Morocco to emigrate to Europe. Women also face special health risks: HIV/Aids infection, births and abortions in inappropriate sanitary and medical conditions, etc.¹⁸.

¹⁵ These violations were noted by the UN Committee for the Elimination of Racial Discrimination when it examined the Botswana report in 2006.

¹⁶ UNFPA, A Passage to Hope, Women and International Migration, State of World Population, 2006

¹⁷ Id.

¹⁸ UNFPA, Passage to Hope, etc. op.cit.

5. Human trafficking

Human trafficking, mainly of women and children, is a major problem in Africa. According to a UNICEF report, of 53 African countries studied, 89% recognised that they were affected by human trafficking to other countries on the continent and 34% by trafficking to other continents (mainly Europe and the Gulf countries). The victims of this trafficking are set to serve as prostitutes, domestic slaves, child soldiers or wives in arranged marriages¹⁹. According to the United Nations 200,000 children are victims of trafficking every year in West and Central Africa²⁰.

6. Migration and health

Apart from the aforementioned problem of the exodus of African medical personnel to other continents, one of the key health problems is the prevalence of HIV/Aids among African migrants, particularly in Southern Africa. Contrary to received perception, migrants are rarely infected when they leave their country. It is their migration journey or their living conditions in the host country which expose them to greater risks²¹: sexual abuse and prostitution (including casual) for the women, confinement in single sex accommodation, and use of prostitutes or multiple sexual partners being important risk factors for migrants. Migrants who have contracted HIV/Aids are also more vulnerable to other diseases, and this is all the more serious as they generally have less access than nationals to health care and medication. The spread of the epidemic leads certain migrant workers to abandon their jobs, which in turn may lead their spouses to seek alternative resources and emigrate.

7. Migration and growing pressure on natural resources

Environmental factors, particularly land and water, are one of the main reasons for population movements, either directly or, more frequently, because they are causing conflict or are being used for political ends. Anticipated environmental developments, especially climate change, prompt us to devote special attention to these factors which could cause massive displacements in Africa in the coming decades. According to the latest estimates from the Intergovernmental Panel on Climate Change (IPCC), the number of refugees and internally displaced persons as a result of climate change will be 15 million in 2010 and 100 to 200 million in 2100, half of whom will be in Africa²². These displacements will be caused by the reduction in some water reserves (in particular Lake Chad), lower productivity, a shift in agricultural land and rising waters in certain coastal regions.

¹⁹ UNICEF, Trafficking in Human Beings, especially women and children, in Africa, April 2004

²⁰ Source: http://www.npcbw.org/newweb/icwad_04_trafficking_facts.htm

²¹ IOM position paper on HIV/Aids and Migration, October 2002. IOM, HIV and People on the Move: Risks and Vulnerabilities of migrants and mobile population in Southern Africa, 2006.

²² IPCC, Summary for Policymakers, 2001 and Stern Report, 2006

IV. African conventions and remedies for the protection of migrants

1. UN

Almost all the countries of Sub-Saharan Africa²³ are signatories of the 1951 United Nations Convention on the Status of Refugees. Only about 15²⁴ have ratified the 1990 United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; these nevertheless make up almost half of the 35 States Parties to the Convention. The UN Committee for the Protection of Migrant Workers and their Families is a body entrusted with monitoring the implementation of the Convention. Made up of independent experts, this committee met for the first time in 2004 to examine the reports from the States. The Convention also provides for the possibility of individual complaints and enquiries.

2. African Union

Article 12 of the 1981 African Charter on Human and Peoples' Rights establishes the right to freedom of movement and the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions. In 1969 this was complemented by the adoption by the OAU of a Convention governing the specific aspects of refugee problems in Africa, ratified by the majority of the Sub-Saharan African countries²⁵.

The African Commission on Human and Peoples' Rights has the task of examining the periodical reports from the States, notably regarding the respect of Article 12 of the Charter and the 1969 OAU Convention on Refugees. It may also receive communications from the States or other sources, including non-governmental organisations and individuals, concerning violations by a State party of the rights enshrined in the Charter. It produces conclusions which have the status of recommendations to the States. Moreover, in 2003 the African Commission on Human and Peoples' Rights appointed a special Rapporteur on refugees, asylum seekers and displaced persons, Mr. Tom Nyanduga. His remit is to receive information, carry out studies and enquiries, instigate dialogue with the States, make them aware of the implementation of the relevant UNO and OAU Conventions and draw up reports and recommendations for the Commission²⁶.

The African Court for Human and Peoples' Rights, created in 2004, is at present being established and should become operational in the second half of 2007. For certain countries (those who signed Declaration 34.6), individuals and non-governmental organisations may make communications directly to the Court: in other cases communications are made through the offices of the African Commission on Human and Peoples' Rights. The Court will

²³ Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe.

²⁴ Benin, Burkina Faso, Cape Verde, Comoros, Gabon, Ghana, Guinea, Guinea Bissau, Lesotho, Liberia., Mali, Mauritania, Senegal, Sierra Leone, Togo, Uganda.

²⁵ Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Central African Republic, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe.

²⁶ For further information on the mandate of the Special Rapporteur see:
http://www.achpr.org/english/_info/index_rdp_en.html

monitor the implementation of the OAU and UN Conventions, including those concerning refugees and migrant workers.

3. Sub-regional Organisations²⁷

In 1979 the Economic Community of West African States (ECOWAS) adopted a protocol on the free movement of persons which grants the status of citizenship of that community to all citizens of Member States and asks that these states “abolish all obstacles to freedom of movement and residence within the Community”. Moreover, the Treaty establishing ECOWAS specifies that citizens of the Community do not require visas or residence permits and may hold a job and carry out commercial or industrial activities in all member states.

In the case of the West African Economic and Monetary Union (UEMOA) the treaty establishing the Union provides for freedom of movement of persons within the Member States and grants the right to carry out professional activities, but with many restrictions. There is, however, no such regional agreement within the Economic and Monetary Union of Central Africa (CEMAC) or the Southern African Development Community (SADC). In this region, a Protocol on the facilitation of movement of persons was adopted but has not yet been ratified.

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²⁷ Babacar Sall, Migration de travail et protection des droits humains en Afrique (Gabon, Niger, Cameroun, Benin), UNESCO: Country reports on the ratification of the UN Convention on the Rights of Migrants, November 2005.

Carte des flux migratoires en Afrique

Source : site Jeune Afrique 2006

