

West Africa: a testing ground for regional solutions

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West Africa has a very mobile population and high vulnerability to natural hazards. It also, however, has a number of regional cooperation agreements and may therefore be a useful testing ground for addressing cross-border disaster displacement.

Nearly all the states of West Africa have been incorporated into a relatively unified political space within the Economic Community of West African States (ECOWAS),¹ making the region politically much less fragmented than many other parts of the world. With the resultant porous borders, the concept of 'cross-border' movement in this context is relatively loose and the area has an unusually high level of intra-regional migration – over 58% of migration in West Africa takes place within the region.

Migration flows are related not only to economic inequality, political unrest and environmental degradation but also to the traditional mobility-based livelihoods which national boundaries drawn post-decolonisation have not interrupted. In addition, displacement due to natural hazard-induced disasters is a frequent occurrence, with nearly 9.3 million people reported displaced by disasters in the region between 2008 and 2013.²

Current protection mechanisms

There is currently no consensus internationally or in the West African region on procedures to admit or protect people crossing borders in disaster contexts. Whether people can be admitted into another state to seek assistance and for how long they may be permitted to stay are key questions.

The 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 Convention) broadens the obligations in the 1951 Refugee Convention and expands the definition of *non-refoulement* to include "events seriously disturbing public order".³ It is unclear if natural hazard-induced disasters are included within this phrase. Its interpretation has varied among states, partly because of a

lack of consensus concerning the threshold for applying the expanded definition. The limited evidence there is suggests that African states have taken a relatively restrictive approach to the definition. In addition, no treaty covers people leaving their homes due to, or in anticipation of, a slow-onset crisis.

As no right to admission to a foreign state in the case of displacement due to natural hazard-induced disasters is enshrined in international law, a discussion of ways to address this type of mobility in the region must necessarily consider the migration and asylum policies of ECOWAS and its member states. ECOWAS has expanded its initial mandate to entrench mobility within its political project. Its Protocol on Free Movement of Persons, Right of Residence and Establishment (signed in 1975, revised in 1986) allows each citizen of ECOWAS member states the right to live and work in another member state for 90 days.

An exception to the 90-day rule of the Protocol lies in the ECOWAS programme for the sustainable management of pastoral resources and observation of transhumance,⁴ which is the most developed policy area directly concerned with environment-related and seasonal human mobility. During the 2000s, a special document was designed for nomadic herders, the International Transhumance Certificate (CIT) which could be compared to a passport that facilitates cross-border transhumance for pastoralists and their livestock.

Assistance, good practices and weaknesses

The Common Humanitarian Policy of ECOWAS seeks to expand national and regional capacities to provide context-specific

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and people-centred responses to humanitarian concerns. Importantly, obligations to assist migrants appear to have been purposely left out. For displaced people who cross borders because of disasters, specific provisions will thus have to be developed within the Protocol to enable them to avail themselves of humanitarian assistance as well as to establish conditions and length of stay.

In practice, the ECOWAS Protocol fails to bring down key barriers that may prevent displaced people from enjoying the full exercise of their rights. For example, the necessary steps to obtain legal documents to enter the labour market and health-care system can be extremely long and complex. West African states are nonetheless working to increase the portability of social rights within the region. The ECOWAS General Convention on Social Security represents an important milestone in ensuring strong protection of rights in the implementation of regional free movement protocols. ECOWAS states and the International Organization for Migration (IOM) have committed in the regional strategy for 2014-16 to work towards greater protection of 'distressed' and 'stranded' migrants, particularly in relation to situations of human trafficking. Increased protection afforded to people in such conditions may ultimately help improve the overall level of protection for other mobile peoples.

On a positive note, the ECOWAS free movement agreements have cut down on threats for migrants within the region who may otherwise be forced to rely on smugglers and dangerous routes (as compared to the Horn of Africa, for example).

Within the structures of ECOWAS, disaster risk reduction is conflated with disaster management and handled within the Humanitarian and Social Affairs Directorate. A Technical Committee on Disaster Management was established to put into effect the most recent regional action plan (2010-15).



A family of Ivorian refugees walking along a forest track towards Zwedru, a town in south-eastern Liberia, following an eruption of violence in Côte d'Ivoire in 2011.

Among regional organisations with developed frameworks on disaster risk reduction and management, ECOWAS is one of very few globally to officially organise joint simulation exercises to promote technical cooperation and to improve training for disaster response; in addition, development of a regional disaster relief fund is ongoing and an Emergency Response Team serves as a regional response tool for situations of disaster and conflict.

Despite the numerous provisions in place for West African states to respond to disasters and provide protection and assistance to displaced people, however, responses to date have been largely makeshift. The inability to mobilise funds and the lack of a coordinated response adequate to meet the scale of humanitarian needs are often cited as causes of weakness.

There have not so far been any cases for which the countries of origin and of destination are called upon to coordinate in the context of disaster displacement. For refugee movements, tripartite commissions established between the country of origin, country of asylum and the United Nations High Commissioner for Refugees play an important role in establishing good practices and could serve as a good basis for cross-border displacement following disasters. Confidence-building measures built between the countries of asylum and of origin following the population movements related to armed conflict are also essential.

Outlook

West Africa is in a position to serve as a global model of collaboration and cooperation in pioneering solutions. The ECOWAS Vision 2020 programme sets an ambitious goal of a coherent 'borderless' and 'people-centred' region;⁵ burden sharing and cooperation to assist displaced people are core to achieving this vision. Numerous concerns remain, however, in regard to population movements in the region. The ECOWAS Protocol on Free Movement allows in principle all ECOWAS citizens the right of admission in member states but relies heavily on political cooperation and goodwill.

Establishing national policies and temporary protection schemes within West Africa is paramount, since higher-level agreements need domestic implementation to be of any use. Domestic policy making and implementation should be guided by higher-level agreements such as: extension of the temporary stay period and special provisions for people displaced by disasters; special provisions for disaster-affected migrants, which could reasonably take the CIT 'passport' as a model; greater consideration of the specific needs of displaced people in implementation of existing international frameworks; and greater consideration of potential cross-border displacement within frameworks for protection and delivery of humanitarian assistance. Although policies already in place are a good foundation, it will be important to clarify the rights and responsibilities of people displaced by disasters for the duration of their stay, whether temporarily or until longer-term solutions are achieved.

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1. The exceptions are Mauritania, Saint Helena, and Sao Tome and Principe.
2. IDMC 'Global Estimates 2014: People displaced by Disasters' <http://tinyurl.com/IDMC-2014-GlobalEstimates>
3. Article I (2) and Article II (3).
4. ECOWAS Decision A/DEC.5/10/98
5. ECOWAS Commission (2011) 'ECOWAS vision 2020. Towards a Democratic and Prosperous Community' <http://tinyurl.com/ECOWASVision2020>