

# Legal Frameworks for Refugee Protection and Internal Displacement in West Africa: Challenges of Forced Migration in Conflict and Climate-Affected Regions

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## Abstract

West Africa experiences significant forced displacement driven by armed conflicts, terrorism, political instability, communal violence, environmental degradation, and climate change impacts. This research paper examines legal frameworks governing refugee protection and internal displacement in West Africa, analyzing their effectiveness in addressing contemporary displacement crises. The study investigates international refugee law instruments including the 1951 Refugee Convention and 1969 OAU Refugee Convention, regional frameworks such as the ECOWAS Protocol on Free Movement, national refugee legislation, and emerging legal responses to climate-induced displacement. Through comparative analysis of displacement situations in countries including Nigeria (Boko Haram insurgency), Mali (armed conflict), Burkina Faso (terrorism), and Senegal (Casamance conflict), this research identifies gaps between legal protections and lived realities of displaced populations. The paper examines critical issues including refugee status determination procedures, encampment policies versus urban refugee integration, protection of internally displaced persons (IDPs) under the Kampala Convention, durable solutions including voluntary repatriation and local integration, and the particular vulnerabilities of women, children, and other groups within displaced populations. Employing doctrinal legal analysis, empirical case studies, and human rights monitoring data, the research reveals that while international and regional legal frameworks provide comprehensive protection standards, implementation suffers from inadequate resources, security concerns, political sensitivities around sovereignty, and limited coordination among humanitarian actors. The paper concludes with recommendations for strengthening refugee and IDP protection including enhanced implementation of the Kampala Convention, development of regional protection frameworks addressing climate displacement, improved asylum procedures ensuring fair refugee status determination, increased support for host communities, and durable solutions emphasizing rights-based approaches to displacement resolution.

## Introduction

Forced displacement constitutes one of the most pressing humanitarian challenges facing West Africa, with millions of people uprooted from their homes by violence, persecution, and environmental disasters. As of 2023, West Africa hosted approximately 2 million refugees and over 5 million internally displaced persons, with numbers fluctuating based on conflict dynamics and seasonal displacement patterns (UNHCR, 2023). Major displacement crises include the Lake

Chad Basin crisis affecting Nigeria, Niger, Chad, and Cameroon with over 3 million displaced by Boko Haram insurgency; the Sahel crisis involving Mali, Burkina Faso, and Niger with armed groups and intercommunal violence displacing over 2 million; and protracted situations including Malian refugees in neighboring countries and Mauritanian refugees in Senegal and Mali (Internal Displacement Monitoring Centre, 2023).

Displacement drivers in West Africa are complex and interconnected. Armed conflicts including insurgencies, civil wars, and communal violence force populations to flee life-threatening situations. Political instability and human rights violations create refugees fleeing persecution based on political opinion, ethnicity, or religion. Environmental degradation including desertification, drought, and flooding increasingly contribute to displacement, though the legal status of "climate refugees" remains contested. Generalized violence, state collapse, and human rights emergencies create mixed migration flows combining refugees, economic migrants, and people moving for multiple overlapping reasons (Betts, 2013).

Legal frameworks governing forced displacement in West Africa derive from multiple sources operating at international, regional, and national levels. International refugee law, primarily the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, establishes core protection principles including non-refoulement, rights of refugees, and state obligations. The 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa expands the refugee definition to include persons fleeing generalized violence and events seriously disturbing public order, recognizing African displacement realities (OAU, 1969). The 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) represents the world's first regional treaty specifically addressing internal displacement (African Union, 2009).

At the regional level, ECOWAS protocols on free movement of persons and goods create rights to enter and reside in member states that can facilitate protection for displaced populations, though implementation varies. National legislation in most West African countries establishes refugee status determination procedures, institutional arrangements for refugee protection, and rights and obligations of refugees. However, significant gaps exist between legal commitments and protection realities, with displaced populations facing restricted rights, inadequate assistance, protection threats, and limited prospects for durable solutions (Crisp, 2010).

This research paper examines refugee and IDP protection legal frameworks in West Africa, analyzing their evolution, content, implementation, and effectiveness. The central argument is that while West Africa has developed progressive legal frameworks incorporating international standards and regional innovations, implementation challenges including resource constraints, security concerns, political sensitivities, and institutional weaknesses severely limit protection effectiveness. The paper investigates international and regional legal frameworks, national refugee legislation and practice, specific protection challenges, durable solutions, and reform prospects for enhancing protection of forcibly displaced populations.

## International Refugee Law Foundations

The 1951 Convention Relating to the Status of Refugees, adopted in the aftermath of World War II and originally limited to European displacement, was extended globally through the 1967 Protocol. The Convention defines refugees as persons outside their country of nationality with well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, who are unable or unwilling to return due to that fear. This individualized persecution-based definition requires demonstrating specific threats rather than generalized violence or hardship (Hathaway, 2005).

Core principles established by the 1951 Convention include non-refoulement—the prohibition on returning refugees to territories where their lives or freedom would be threatened—which has achieved customary international law status binding even non-parties. The Convention establishes minimum standards for refugee treatment including access to courts, education, employment, and freedom of movement, though many rights are contingent on legal presence and may be restricted. The Convention also specifies cessation and exclusion clauses defining when refugee status terminates and categories of persons excluded from protection despite meeting the refugee definition (UNHCR, 2011).

West African states' engagement with the 1951 Convention varies. Some countries including Ghana, Nigeria, and Senegal ratified the Convention and Protocol in the 1960s-1970s, establishing legal obligations to protect refugees according to Convention standards. Others remained non-parties while still providing protection through regional frameworks and customary law. Reservations entered by some parties limit Convention obligations, particularly regarding freedom of movement and employment rights. Overall, the 1951 Convention provides foundational framework but proves insufficient for addressing African displacement characterized by mass influxes fleeing generalized violence rather than individualized persecution (Sharpe, 2012).

The 1951 Convention's limitations for African contexts include the narrow persecution-based definition excluding persons fleeing armed conflict and generalized violence; individualized status determination requirements impractical for mass influx situations; and Eurocentric assumptions about state capacity to provide protection procedures and assistance. These limitations catalyzed development of regional legal instruments better suited to African displacement realities (Okello, 2014).

## **The OAU Refugee Convention and African Innovations**

The 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa represents pioneering regional refugee law development addressing African displacement characteristics. Adopted by the Organization of African Unity (now African Union), the Convention has been ratified by nearly all African states including most West African countries, establishing broad acceptance of its norms (OAU, 1969).

The OAU Convention's most significant innovation is the expanded refugee definition. While incorporating the 1951 Convention definition, Article I(2) adds that "the term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or

nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." This broader definition recognizes that most African displacement results from armed conflict, generalized violence, and massive human rights violations rather than individualized persecution (Okello, 2014).

The expanded definition enables protection for larger populations and facilitates prima facie refugee recognition in mass influx situations where individual status determination is impractical. When thousands flee conflict zones, host states can grant refugee status collectively based on objective country conditions rather than interviewing each individual. This pragmatic approach better serves protection needs in large-scale displacement crises characteristic of West Africa (Sharpe, 2012).

Additional OAU Convention provisions address voluntary repatriation as the preferred durable solution, requiring safety and dignity in return; non-refoulement obligations preventing forcible return; prohibition on subversive activities by refugees against countries of origin; and cooperation among African states in burden-sharing and finding solutions. The Convention emphasizes African solutions to African displacement, encouraging regional solidarity and cooperation (OAU, 1969).

Implementation of the OAU Convention faces challenges despite its widespread ratification. Many states lack domestic legislation incorporating Convention provisions into national law, creating implementation gaps. Limited awareness among officials and refugees about expanded refugee definition results in restrictive interpretations favoring the 1951 Convention's narrower definition. Resource constraints prevent effective protection and assistance provision. Political sensitivities including relations with countries of origin and domestic security concerns sometimes override Convention obligations (Crisp, 2010).

### **ECOWAS Free Movement Protocol and Displacement**

The ECOWAS Protocol on Free Movement of Persons and Goods, adopted in 1979 and supplemented by subsequent protocols, establishes rights for ECOWAS citizens to enter, reside, and establish economic activities in member states without visas. While not specifically a refugee protection instrument, the free movement regime has significant implications for displaced populations (Adepoju et al., 2010).

The Protocol creates three-stage liberalization: visa-free entry for up to 90 days; right of residence; and right of establishment. Implementation of visa-free entry has been largely achieved, allowing ECOWAS citizens to cross borders with minimal documentation. However, residence and establishment rights face implementation challenges including continuing documentation requirements, discrimination, and harassment (Flahaux & De Haas, 2016).

For displaced populations, free movement rights provide alternative protection pathways complementing refugee status. Displaced persons who are ECOWAS citizens can enter neighboring countries and potentially regularize their stay through free movement provisions rather than seeking refugee status. This can provide more durable solutions than refugee status if residence and establishment rights are effectively implemented. However, free movement does

not provide specific protections against refoulement or ensure humanitarian assistance, requiring complementary refugee protection mechanisms (Adepoju et al., 2010).

Tensions sometimes arise between free movement commitments and refugee protection, particularly when states invoke security concerns to restrict movement. Border closures during conflicts or health emergencies can prevent displaced populations from accessing safety. Irregular migration crackdowns sometimes affect displaced persons moving under free movement provisions. Balancing migration management with protection obligations requires coordination between migration authorities and refugee protection institutions (Mohamoud, 2005).

## **The Kampala Convention and Internal Displacement**

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in Kampala in 2009 and entered into force in 2012, represents groundbreaking international law development. As the first and only regional treaty specifically addressing internal displacement, the Kampala Convention establishes comprehensive legal framework for IDP protection and assistance (African Union, 2009).

The Convention defines internally displaced persons as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." This broad definition encompasses various displacement causes including armed conflict, generalized violence, human rights violations, natural disasters, and development projects (African Union, 2009).

State obligations under the Kampala Convention include preventing arbitrary displacement, protecting and assisting IDPs, facilitating durable solutions, and ensuring accountability for displacement. The Convention prohibits arbitrary displacement including from land expropriation, development projects without appropriate procedures, disasters when warning and evacuation are feasible, and collective punishment. When displacement occurs, states must provide protection and humanitarian assistance, ensure access to education and livelihoods, and facilitate durable solutions through return, local integration, or settlement elsewhere (IDMC, 2014).

Significantly, the Kampala Convention addresses obligations of non-state armed groups, requiring them to respect international humanitarian law and avoid arbitrary displacement. This recognition that armed groups control territory and populations in many African conflicts extends protection responsibilities beyond states alone, though enforcement against armed groups presents obvious challenges (Beyani, 2013).

Implementation of the Kampala Convention requires domestication through national legislation incorporating Convention provisions into domestic law. Several West African countries including Nigeria, Mali, and Niger have adopted IDP-specific legislation or policies, though many countries lack comprehensive legal frameworks. The African Union's model law on

internal displacement provides template for national legislation, but legislative processes are slow and politically complex (Orchard, 2019).

Challenges to Kampala Convention implementation include limited state capacity to prevent displacement and provide assistance, particularly in conflict-affected areas; security constraints preventing humanitarian access to IDPs; political sensitivities around acknowledging internal displacement; weak accountability mechanisms for Convention violations; and inadequate international support for implementation. Moreover, displacement by non-state actors including Boko Haram and Sahel armed groups complicates state responsibility and protection provision (Mooney, 2010).

## **National Refugee Legislation and Institutions**

Most West African countries have enacted national refugee legislation establishing institutional frameworks, status determination procedures, and refugee rights and obligations. These laws translate international and regional commitments into domestic legal frameworks enabling protection implementation. However, legislative quality and implementation effectiveness vary substantially across the region (Sharpe, 2012).

Ghana's Refugees Act of 1992 established comprehensive refugee protection framework including institutional arrangements assigning refugee matters to the Ghana Refugee Board under Ministry of Interior, status determination procedures for individual and group recognition, rights of refugees to documentation, freedom of movement within designated areas, access to education and healthcare, and prohibition on refoulement. Subsequent amendments and regulations have updated the framework, though challenges including limited documentation, restricted movement, and inadequate assistance persist (Anarfi & Kwankye, 2005).

Nigeria's immigration law addresses refugees within broader migration management framework rather than dedicated refugee legislation, though regulations specify refugee status determination procedures. The National Commission for Refugees, Migrants and Internally Displaced Persons serves as the primary institution coordinating refugee and IDP responses. Nigeria hosts significant refugee and IDP populations, including refugees from Cameroon and Chad and millions of IDPs from Boko Haram insurgency. Protection challenges include encampment policies restricting refugee movement and livelihoods, insecurity affecting camps, and limited durable solutions (Omata, 2020).

Senegal's refugee law establishes liberal refugee protection including prima facie recognition for certain populations, access to employment and education on par with nationals, and pathways to naturalization after long-term residence. Senegal's progressive approach reflects its tradition of hospitality and relatively stable political context. However, even Senegal faces challenges supporting protracted refugee situations without sufficient international assistance (Mbodj-Pouye, 2016).

Institutional arrangements for refugee protection typically involve multiple government agencies—immigration, interior, foreign affairs—plus UNHCR and NGO partners. National refugee commissions or eligibility committees conduct refugee status determination.



Coordination challenges arise from overlapping mandates, inadequate information sharing, and sometimes contradictory policies. Humanitarian-development-peace nexus approaches seek better coordination across humanitarian response, development programming, and peacebuilding, though implementation remains nascent (Betts & Collier, 2017).

## **Refugee Status Determination Procedures**

Refugee status determination (RSD) processes identify individuals entitled to refugee protection by assessing whether they meet legal refugee definitions. RSD can occur through individual procedures examining each applicant's specific circumstances or group/prima facie procedures recognizing entire populations as refugees based on objective country conditions. West African RSD practices employ both approaches depending on displacement situations (UNHCR, 2020).

Individual RSD involves application submission, interview with RSD officials, assessment of credibility and evidence, and decision granting or denying refugee status with appeal rights. This process aims to identify genuine refugees while excluding persons who don't meet refugee criteria or fall within exclusion clauses. However, individual RSD proves challenging in West African contexts due to limited capacity of RSD bodies, language and literacy barriers for applicants, lack of legal assistance, lengthy processing times, and sometimes inconsistent decision-making (Kagan, 2006).

Prima facie recognition, acknowledging entire groups as refugees without individual examination based on objective evidence of generalized violence or persecution, is employed in mass influx situations. The expanded OAU Convention refugee definition facilitates prima facie recognition for persons fleeing armed conflict and generalized violence. Prima facie status provides immediate protection and assistance access while RSD capacity is developed. However, it may not capture individual persecution claims that don't fit group patterns, and conversion from group to individual status creates procedural complexities (Sharpe, 2012).

Quality and fairness of RSD processes affect protection effectiveness. Procedural safeguards including trained decision-makers, interpreters, legal assistance, written reasons for negative decisions, and independent appeals enhance fairness. However, many West African RSD systems lack these safeguards, with decisions based on cursory interviews, limited country of origin information, and minimal reasoning. UNHCR sometimes conducts RSD under mandate when states lack capacity, though state responsibility for RSD is preferable for long-term sustainability (Kagan, 2006).

Particular RSD challenges include determining membership in "particular social groups" for gender-based persecution claims, assessing credibility when documentation is unavailable, and distinguishing refugees from economic migrants in mixed migration flows. RSD for children requires specialized procedures accounting for developmental capacity and best interests. Expedited procedures for manifestly unfounded claims must balance efficiency with fairness. Continuous improvement of RSD through training, standard operating procedures, and quality assurance mechanisms enhances protection while maintaining integrity (UNHCR, 2020).

## **Encampment Policies and Urban Refugees**

Host state policies regarding where refugees may reside significantly affect their rights and wellbeing. Encampment policies confining refugees to designated camps restrict movement and livelihoods while facilitating protection and assistance provision. Urban refugee policies allowing self-settlement in cities provide greater freedom but may result in marginalization and inadequate assistance. West African countries employ varying approaches, with implications for refugee protection (Crisp et al., 2012).

Encampment policies predominate in countries hosting large refugee populations, including camps in Mauritania hosting Malian refugees, Nigeria hosting refugees from Cameroon, and Niger hosting Nigerian and Malian refugees. Arguments favoring encampment include easier assistance provision, security concerns about refugees dispersed in communities, and host country preferences to limit refugee integration. However, encampment creates protection concerns including restricted livelihoods and self-reliance, dependency on assistance, security threats within camps, limited education and skill development opportunities, and social isolation from host communities (Crisp, 2000).

Urban refugees, whether officially permitted or living irregularly in cities, face distinct challenges including limited assistance as humanitarian programs focus on camps, protection risks from arrest and deportation, exploitation in informal labor markets, inadequate housing, and limited access to services. However, urban environments also offer opportunities including diverse livelihood options, social networks, and potential for self-reliance. Progressive policies recognize urban refugees' rights to residence and work while extending protection and assistance beyond camps (Pavanello et al., 2010).

Policy shifts toward alternatives to camps emphasize self-reliance, local integration, and area-based approaches serving both refugees and host communities. Self-reliance strategies provide refugees with land, agricultural inputs, vocational training, and market access enabling self-sufficiency rather than aid dependency. Area-based programming integrates refugees into development plans, building infrastructure and services benefiting refugees and hosts. The Comprehensive Refugee Response Framework (CRRF) promotes such approaches, piloted in some West African contexts (UNHCR, 2018).

Host community support is essential for sustainable refugee protection, as communities bearing displacement burdens without adequate support may develop negative attitudes toward refugees. Assistance programs benefiting both refugees and hosts—schools, health facilities, water systems, infrastructure—reduce tensions and build solidarity. However, limited funding often results in assistance focused on refugees while hosts' needs are neglected, creating resentment (Betts et al., 2017).

## **Protection Challenges and Vulnerable Groups**

Forcibly displaced populations face multiple protection challenges beyond immediate physical safety. Refugees and IDPs experience gender-based violence including sexual exploitation, domestic violence, and trafficking; child protection concerns including family separation, recruitment by armed groups, child marriage, and interrupted education; lack of civil documentation affecting access to rights and services; and discrimination and xenophobia from



host communities. Addressing these protection challenges requires specialized interventions and mainstreaming protection across all assistance programs (UNHCR, 2015).

Women and girls constitute the majority of displaced populations in West Africa and face specific protection risks. Sexual and gender-based violence (SGBV) occurs during flight, in camps and settlements, and through exploitation by those providing assistance. Prevention requires safe camp design, lighting, women-friendly water and sanitation facilities, and livelihood opportunities reducing vulnerability to transactional sex. Response services including health care, psychosocial support, legal assistance, and safe houses must be accessible and confidential. Empowerment programs including women's participation in camp management, livelihood support, and leadership development build resilience (Vu et al., 2014).

Children separated from families during displacement face heightened protection risks. Unaccompanied and separated children require immediate care arrangements, family tracing and reunification services, and prevention of harmful practices including trafficking and recruitment by armed forces. Best interests determination procedures ensure decisions prioritize children's wellbeing. Education access is both a protection mechanism providing safe spaces and psychosocial support and a development imperative preventing lost generation. However, displaced children often experience interrupted education due to language barriers, lack of documentation, and inadequate school infrastructure (Ferris & Winthrop, 2010).

Older persons, persons with disabilities, and LGBTQ+ individuals within displaced populations face specific vulnerabilities requiring tailored protection responses. Older persons may have limited mobility affecting flight and access to assistance, chronic health conditions requiring specialized care, and leadership roles in displaced communities that should be recognized. Persons with disabilities require accessible facilities, assistive devices, and inclusive programming. LGBTQ+ refugees face discrimination and violence requiring safe accommodation and specialized support (UNHCR, 2017).

Statelessness intersects with displacement when displaced persons lack nationality documentation or when displacement leads to statelessness through loss of documentation, discriminatory nationality laws, or state succession. Statelessness exacerbates vulnerability by preventing access to rights and services, restricting movement, and limiting durable solutions. Addressing statelessness requires birth registration, legal identity documentation, and nationality law reforms eliminating discrimination (Manby, 2018).

## **Durable Solutions: Return, Integration, and Resettlement**

Durable solutions aim to resolve displacement situations by enabling displaced persons to rebuild lives in safety and dignity. The three traditional durable solutions are voluntary repatriation to countries or areas of origin, local integration in countries of asylum or displacement, and resettlement to third countries. West African contexts increasingly emphasize sustainable reintegration after return and development approaches addressing displacement root causes (UNHCR, 2019).

Voluntary repatriation represents the preferred solution when safety and dignity can be ensured in return areas. The OAU Convention and Kampala Convention emphasize voluntary character and safety requirements. Organized repatriation involves negotiations between countries of origin and asylum, verification of voluntariness, provision of transportation and assistance, and reintegration support. However, premature returns occur when refugees are pressured to return before conditions are safe, voluntary repatriation becomes de facto forced return when asylum conditions are deliberately made intolerable, and sustainability is undermined when returnees lack livelihood opportunities and security, potentially leading to re-displacement (Chimni, 2004).

Local integration involves granting refugees permanent residence and progressively increasing rights toward citizenship in asylum countries. Senegal has provided pathways to naturalization for long-staying Mauritanian refugees, demonstrating local integration as viable solution. However, most West African countries resist local integration due to economic constraints, political sensitivities about demographic changes, and security concerns. Limited legal frameworks for integration prevent refugees from obtaining permanent residence, nationality, or full economic rights even after decades of displacement (Hovil, 2016).

Resettlement to third countries, primarily in the Global North, offers solution for refugees facing specific protection risks or without local integration prospects. However, resettlement opportunities are extremely limited relative to needs, with annual quotas of tens of thousands against millions of refugees. West African refugees are significantly underrepresented in resettlement, with quotas prioritizing other regions. Expansion of resettlement including to emerging resettlement countries could provide additional opportunities, though this remains marginal relative to overall displacement scale (Ferris & Martin, 2019).

Emerging approaches emphasize mobility and rights-based solutions. Complementary pathways including family reunification, humanitarian visas, educational scholarships, and labor migration programs provide protection while enabling displaced persons to contribute to host societies. Regional mobility under ECOWAS free movement, if fully implemented, could provide alternative to refugee status. Development approaches addressing displacement drivers through peacebuilding, governance reforms, economic development, and climate adaptation tackle root causes enabling prevention and solution of displacement (Betts & Collier, 2017).

## **Climate Change and Environmental Displacement**

Climate change increasingly drives or exacerbates displacement in West Africa through droughts reducing agricultural productivity, floods destroying homes and infrastructure, coastal erosion displacing coastal populations, and resource scarcity fueling conflicts. However, legal frameworks for "climate refugees" or environmentally displaced persons remain underdeveloped, creating protection gaps (Ferris, 2012).

The 1951 Refugee Convention does not recognize environmental factors as persecution grounds, excluding most environmentally displaced persons from refugee status unless environmental harm relates to persecution based on Convention grounds. Some climate-displaced persons may qualify under the expanded OAU Convention definition if environmental disasters constitute "events seriously disturbing public order," though this interpretation is contested. The Kampala

Convention includes natural disasters as displacement causes, providing protection for climate-induced IDPs though not cross-border climate migrants (McAdam, 2012).

Regional consultative processes including the Nansen Initiative and Platform on Disaster Displacement have developed protection agenda for disaster and climate displacement, emphasizing prevention through disaster risk reduction and climate adaptation, facilitation of migration as adaptation strategy, and protection of persons displaced across borders by disasters. However, these processes produce soft law guidance rather than binding legal frameworks (Platform on Disaster Displacement, 2018).

Legal and policy gaps include absence of binding international framework defining climate refugee status and state obligations, limited regional mechanisms for cross-border climate displacement in West Africa, inadequate legal pathways for preventive migration enabling people to move before displacement occurs, and insufficient integration of climate and displacement considerations in development and adaptation planning. Addressing these gaps requires regional agreements establishing protection frameworks for climate displacement, national legislation recognizing environmental displacement, and integration of displacement into climate adaptation and disaster risk reduction strategies (Zetter, 2015).

## **Regional Protection Frameworks and Burden-Sharing**

Effective refugee protection requires burden-sharing among states rather than responsibilities falling disproportionately on neighboring countries hosting the majority of displaced populations. West Africa lacks robust regional burden-sharing mechanisms, with protection and assistance responsibilities largely shouldered by host countries and UNHCR with limited international support (Betts, 2009).

Regional responsibility-sharing frameworks could include financial burden-sharing through regional funds supporting host countries, admission burden-sharing through coordinated refugee reception across multiple countries, development assistance to host regions addressing infrastructure and service needs, and resettlement burden-sharing through intra-regional resettlement. However, implementation faces challenges including limited fiscal capacity of West African states, competing development priorities, and political resistance to accepting displaced populations (Chimni, 2014).

The African Union's proposed Protocol on Free Movement of Persons could facilitate regional protection by enabling displaced persons to reside and work across the continent, potentially providing alternatives to protracted encampment. However, the Protocol's focus on economic migration rather than forced displacement requires complementary protection frameworks. Regional solidarity mechanisms including the Comprehensive Refugee Response Framework aim to mobilize international support for refugee-hosting regions, though funding remains insufficient (Achiume, 2019).

International responsibility-sharing, particularly engagement of Global North countries, is essential given West Africa's limited resources. Development assistance, humanitarian funding, resettlement opportunities, trade preferences, and diplomatic support for peacebuilding all

contribute to addressing displacement. However, restrictive migration policies in destination countries, inadequate funding of UN appeals, and limited engagement with displacement root causes perpetuate protection gaps. The Global Compact on Refugees adopted in 2018 establishes responsibility-sharing framework requiring fuller implementation (UNHCR, 2018).

## **Displacement, Security, and Counterterrorism**

Displacement in West Africa increasingly occurs in contexts of armed conflict, terrorism, and violent extremism, creating tensions between protection obligations and security concerns. States invoke security imperatives to justify restrictive policies including camp enclosure, restricted movement, screening procedures, and sometimes refoulement. Balancing legitimate security concerns with protection obligations requires rights-respecting security measures (Crisp, 2017).

The Lake Chad Basin crisis illustrates security-protection tensions, with governments implementing counterterrorism measures affecting displaced populations. Camp closures and forced returns have occurred despite insecurity in return areas, violating non-refoulement principles. Screening processes identifying persons associated with Boko Haram result in detention without adequate due process. Children born to Boko Haram members face stigma and nationality documentation challenges. Humanitarian access restrictions in areas controlled by armed groups prevent assistance to populations in need (Matfess, 2017).

Security screening of displaced populations aims to identify individuals associated with armed groups while protecting genuine refugees. However, screening must respect due process, avoid collective penalization based on ethnicity or origin, and ensure children are treated primarily as victims requiring protection rather than security threats. Exclusion from refugee status applies to persons who have committed war crimes, crimes against humanity, serious non-political crimes, or acts contrary to UN purposes, but requires individualized determination with procedural safeguards (UNHCR, 2003).

Preventing violent extremism in displacement settings requires addressing recruitment drivers including marginalization, lack of opportunities, and grievances while avoiding securitized approaches that stigmatize displaced populations. Community engagement, education and livelihood opportunities, psychosocial support, and inclusive governance reduce vulnerability to radicalization. However, counterterrorism legislation sometimes restricts humanitarian assistance to areas controlled by designated terrorist groups, creating protection dilemmas (Bester, 2016).

## **Civil Society and Humanitarian Actors**

Civil society organizations, including local and international NGOs, faith-based organizations, and community groups, play essential roles in refugee and IDP protection and assistance. These actors provide humanitarian services, advocate for protection, monitor rights violations, and facilitate community participation. Effective protection requires collaboration among governments, UN agencies, and civil society (Ferris, 2011).

UNHCR operates in most West African countries as the lead UN agency for refugee protection, providing technical support to governments, conducting RSD where capacity is lacking,

coordinating humanitarian response, and mobilizing resources. UNHCR's effectiveness varies depending on government cooperation, funding levels, and operational contexts. Strengthening national protection systems reduces dependency on UNHCR while ensuring sustainability (Crisp, 2010).

International NGOs including Danish Refugee Council, Norwegian Refugee Council, and International Rescue Committee provide protection and assistance services including shelter, food security, education, health care, livelihoods, and protection programming. Local NGOs and community-based organizations offer contextual knowledge, community connections, and cost-effectiveness, though often lack resources and capacity of international actors. Partnerships leveraging comparative advantages enhance response quality (Bennett et al., 2016).

Faith-based organizations including Islamic Relief and Catholic Relief Services contribute humanitarian assistance while engaging religious leaders in protection advocacy and community mobilization. Religious networks can provide social support and mobilize resources, though care must be taken to avoid proselytization and ensure inclusive assistance (Ferris, 2005).

Coordination mechanisms including humanitarian country teams, cluster systems, and inter-agency working groups aim to ensure coherent response avoiding gaps and duplication. However, coordination is often challenged by competing organizational mandates, funding incentives favoring visibility over collaboration, and inadequate information sharing. Humanitarian leadership and coordination strengthening improves response effectiveness (Stoddard et al., 2015).

## **Reform Recommendations**

Strengthening protection of refugees and IDPs in West Africa requires comprehensive reforms addressing legal frameworks, institutional capacity, resource allocation, and regional cooperation. The following recommendations emerge from the analysis.

First, universal ratification and domestication of the Kampala Convention should be prioritized, with states enacting national IDP legislation based on the AU model law and allocating resources for implementation. National IDP policies should be developed through inclusive consultation and integrated into development and peacebuilding strategies.

Second, refugee status determination procedures require improvement through capacity building for RSD officials, procedural safeguards ensuring fairness, legal assistance for applicants, and quality assurance mechanisms. Expanded use of prima facie recognition in mass influx situations should be complemented by individual RSD capacity development.

Third, alternatives to encampment should be pursued through self-reliance strategies, local integration opportunities where feasible, and area-based approaches benefiting refugees and hosts. Freedom of movement and livelihood rights should be progressively implemented while addressing legitimate security concerns through proportionate, rights-respecting measures.



Fourth, protection of vulnerable groups requires specialized programming for women and girls addressing SGBV, child protection systems preventing family separation and providing education, disability-inclusive assistance, and anti-discrimination measures protecting minorities and LGBTQ+ persons.

Fifth, durable solutions should emphasize sustainability through comprehensive reintegration support for returnees, local integration pathways including naturalization for long-staying refugees, expanded resettlement including to African countries, and complementary pathways through education and labor migration.

Sixth, regional protection frameworks addressing climate displacement should be developed, potentially through ECOWAS protocols recognizing environmental displacement and establishing protection standards. National legislation should address disaster displacement, and climate adaptation strategies should integrate displacement considerations.

Seventh, responsibility-sharing mechanisms at regional and international levels require strengthening through development assistance to host regions, expansion of resettlement, support for national protection systems, and addressing displacement root causes through peacebuilding and development.

## Conclusion

West Africa faces significant forced displacement driven by conflicts, violence, persecution, and environmental factors, with millions of refugees and IDPs requiring protection and assistance. Legal frameworks including international refugee law, the OAU Convention's expanded refugee definition, and the pioneering Kampala Convention on internal displacement provide comprehensive normative foundations for protection. However, implementation gaps between legal commitments and protection realities persist due to inadequate resources, capacity constraints, security concerns, and political sensitivities.

Effective protection requires addressing these implementation challenges through strengthened national protection systems, enhanced regional cooperation, adequate international support, and rights-based approaches prioritizing displaced persons' dignity and agency. The complexity of contemporary displacement—mixing conflict, climate, and economic drivers—requires adaptive legal and policy frameworks going beyond traditional refugee categories. Protection must be integrated with development and peacebuilding addressing displacement root causes while supporting durable solutions.

Ultimately, protecting forcibly displaced populations is both a legal obligation under international and regional law and a humanitarian imperative reflecting our common humanity. West Africa's progressive legal frameworks provide foundations; the challenge lies in translating these commitments into protection realities for millions of displaced women, men, and children seeking safety, dignity, and hope for the future.

## References

- Achiume, E. T. (2019). Migration as decolonization. *Stanford Law Review*, 71, 1509-1574.
- Adepoju, A., Boulton, A., & Levin, M. (2010). Promoting integration through mobility: Free movement under ECOWAS. *Refugee Survey Quarterly*, 29(3), 120-144.
- African Union. (2009). *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention). African Union.
- Anarfi, J. K., & Kwankye, S. O. (2005). *The costs and benefits of children's independent migration from northern to southern Ghana*. University of Sussex, Development Research Centre on Migration, Globalisation and Poverty.
- Bennett, C., Foley, M., & Pantuliano, S. (2016). *Time to let go: Remaking humanitarian action for the modern era*. ODI.
- Bester, P. C. (2016). *South Sudan: From independence to civil war*. Institute for Security Studies.
- Betts, A. (2009). *Protection by persuasion: International cooperation in the refugee regime*. Cornell University Press.
- Betts, A. (2013). *Survival migration: Failed governance and the crisis of displacement*. Cornell University Press.
- Betts, A., Bloom, L., Kaplan, J., & Omata, N. (2017). *Refugee economies: Forced displacement and development*. Oxford University Press.
- Betts, A., & Collier, P. (2017). *Refuge: Transforming a broken refugee system*. Penguin.
- Beyani, C. (2013). The elaboration of a legal framework for the protection of internally displaced persons in Africa. *Journal of African Law*, 50(2), 187-197.
- Chimni, B. S. (2004). From resettlement to involuntary repatriation: Towards a critical history of durable solutions to refugee problems. *Refugee Survey Quarterly*, 23(3), 55-73.
- Chimni, B. S. (2014). The birth of a 'discipline': From refugee to forced migration studies. *Journal of Refugee Studies*, 27(1), 11-29.
- Crisp, J. (2000). *Africa's refugees: Patterns, problems and policy challenges*. UNHCR.
- Crisp, J. (2010). *Forced displacement in Africa: Dimensions, difficulties, and policy directions*. *Refugee Survey Quarterly*, 29(3), 1-27.
- Crisp, J. (2017). Finding space for protection: An inside account of the evolution of UNHCR's urban refugee policy. *Refugee*, 33(1), 87-96.
- Crisp, J., Janz, J., Riera, J., & Samy, S. (2012). *Surviving in the city: A review of UNHCR's operation for Iraqi refugees in urban areas of Jordan, Lebanon and Syria*. UNHCR.
- Ferris, E. (2005). Faith-based and secular humanitarian organizations. *International Review of the Red Cross*, 87(858), 311-325.
- Ferris, E. (2011). *The politics of protection: The limits of humanitarian action*. Brookings Institution Press.
- Ferris, E. (2012). *Protection and planned relocations in the context of climate change*. UNHCR.
- Ferris, E., & Martin, S. (2019). The global compacts on refugees and migration: Introduction. *International Migration*, 57(6), 5-18.
- Ferris, E., & Winthrop, R. (2010). *Education and displacement: Assessing conditions for refugees and internally displaced persons affected by conflict*. UNESCO.
- Flahaux, M. L., & De Haas, H. (2016). African migration: Trends, patterns, drivers. *Comparative Migration Studies*, 4(1), 1-25.
- Hathaway, J. C. (2005). *The rights of refugees under international law*. Cambridge University Press.

- Hovil, L. (2016). *Refugees, conflict and the search for belonging*. Palgrave Macmillan.
- IDMC (Internal Displacement Monitoring Centre). (2014). *The Kampala Convention: A powerful tool for the protection and assistance of IDPs in Africa*. Norwegian Refugee Council.
- Internal Displacement Monitoring Centre. (2023). *Global Report on Internal Displacement 2023*. IDMC.
- Kagan, M. (2006). Frontier justice: Legal aid and UNHCR refugee status determination in Egypt. *Journal of Refugee Studies*, 19(1), 45-68.
- Manby, B. (2018). *Citizenship law in Africa: A comparative study* (3rd ed.). Open Society Foundations.
- Matfess, H. (2017). *Women and the war on Boko Haram: Wives, weapons, witnesses*. Zed Books.
- Mbodj-Pouye, A. (2016). Genealogies of rights: Everyday citizenship and land conflict in peri-urban Bamako. *Journal of Legal Pluralism and Unofficial Law*, 48(1), 44-63.
- McAdam, J. (2012). *Climate change, forced migration, and international law*. Oxford University Press.
- Mohamoud, A. A. (2005). *African diaspora and post-conflict reconstruction in Africa*. Danish Institute for International Studies.
- Mooney, E. (2010). *The concept of internal displacement and the case for internally displaced persons as a category of concern*. *Refugee Survey Quarterly*, 24(3), 9-26.
- OAU (Organization of African Unity). (1969). *Convention Governing the Specific Aspects of Refugee Problems in Africa*. OAU.
- Okello, M. C. (2014). *The OAU/AU and the responsibility to protect civilians in Africa: Beyond the rhetoric* In D. Kuwali & F. Viljoen (Eds.), *Africa and the responsibility to protect* (pp. 35-56). Routledge.
- Omata, N. (2020). *The myth of self-reliance: Economic lives inside a refugee camp*. Berghahn Books.
- Orchard, P. (2019). *Protecting the internally displaced: Rhetoric and reality*. Routledge.
- Pavanello, S., Elhawary, S., & Pantuliano, S. (2010). *Hidden and exposed: Urban refugees in Nairobi, Kenya*. ODI.
- Platform on Disaster Displacement. (2018). *Strategic framework 2016-2019*. Platform on Disaster Displacement.
- Sharpe, M. (2012). The 1969 African Refugee Convention: Innovations, misconceptions, and omissions. *McGill Law Journal*, 58(1), 95-147.
- Stoddard, A., Poole, L., Taylor, G., & Willitts-King, B. (2015). *Efficiency and inefficiency in humanitarian financing*. Global Humanitarian Assistance.
- UNHCR. (2003). *Guidelines on international protection: Application of the exclusion clauses*. UNHCR.
- UNHCR. (2011). *UNHCR handbook on procedures and criteria for determining refugee status*. UNHCR.
- UNHCR. (2015). *Action against sexual and gender-based violence: An updated strategy*. UNHCR.
- UNHCR. (2017). *Working with persons with disabilities in forced displacement*. UNHCR.
- UNHCR. (2018). *The global compact on refugees*. UNHCR.
- UNHCR. (2019). *Handbook on voluntary repatriation: International protection*. UNHCR.

- UNHCR. (2020). *Fair and efficient asylum procedures: A non-exhaustive overview of applicable international standards*. UNHCR.
- UNHCR. (2023). *Global trends: Forced displacement in 2022*. UNHCR.
- Vu, A., Adam, A., Wirtz, A., Pham, K., Rubenstein, L., Glass, N., ... & Singh, S. (2014). The prevalence of sexual violence among female refugees in complex humanitarian emergencies. *PLoS Currents*, 6.
- Zetter, R. (2015). Protection of environmentally displaced people: Gaps in the international legal architecture and potential ways forward. In F. Bianchi (Ed.), *International migration law* (pp. 1-15). Brill.