

Long-term refugee encampment in sub-Saharan Africa – left untouched by human rights law?

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Elisa Furuta is an MSc student in Human Rights at LSE and she argues here that it is about time international human rights law scrutinised the long-term encampment of refugees.

Given the recent celebration of the 60th anniversary of the [1951 Refugee Convention on the Protection of Refugees](#) and the annual World Refugee Day on 20 June, this is the right time to reflect on refugee protection.



What is the first thing that the word ‘refugee’ conjures up? Without a doubt, it is refugee camps in sub-Saharan Africa symbolised by the seamless landscape of plastic tents with the characteristic UNHCR logo. In fact, the popular media image has time and again enforced the association of the refugee with the refugee *camp*.

Yet, apart from a few outspoken critics from the academic field (Harrell-Bond and Gugliermo Verdirame along with an “Anti-Warehousing Campaign”), no-one from the field of international human rights law has ever questioned the actual legality of long-term encampment.

While it is hard to question the outright humanitarian necessity of setting up emergency transit camps in the midst of the latest refugee outflows such as in Liberia to give shelter to Ivorian refugees, in Tunisia in the ongoing Libyan civil war, in Turkey for the Syrians – to name just a few – what is more worrying are the numbers of refugee camps which house protracted refugee situations – which exist, for years on end, under the legal radar of international human rights.

It is not a question of blame as some academics readily undermine the very notion of encampment as dehumanising and completely unnecessary and see it as a convenient tool for both UNHCR and the host countries in gaining the continuous assistance of donors.

Rather than blaming UNHCR or the host country, it is more instructive to look into the complexities of this phenomenon. On one hand, we have protracted refugee situations, where the return or ‘repatriation’ of refugees back to their home countries is not an option due to protracted conflict in their countries such as Somalia, Afghanistan or Democratic Republic of Congo.

On the other, we have burdened host states, many of them developing countries, whose own people are lacking in resources. As for UNHCR, what many seem to forget, is that they often do not have the influence to shape host government policies such as encampment.

So, what can be done? Academics have criticised camps but up till this point there has been no legal assessment in international human rights law on the way that specific forms of long-term encampment have led

to denials of the several core human rights of refugees. International human rights law enshrines the right to freedom of movement and residence within states ([International Covenant on Civil and Political Rights – Article 12](#)).

Freedom of movement is necessary to fulfil a host of fundamental civil, political, social and economic human rights. This right is being denied in long-term camps where the host state either in law and/or in practice arbitrarily denies such freedom by, for example, using the system of exit passes and leaving some refugees for decades in a de facto state of aid dependency and physical confinement.

Several studies have dismissed host states' fears about the economic burden of refugees by showing that they bring positive economic benefits to the state in many ways. In other cases, refugees have self-settled in urban areas or decided to settle away from camps so they can work and provide for themselves. Yet, the problem with such cases is that police round up such refugees and take them back to the camp when they stumble upon 'trouble' with the locals – showing the arbitrariness of such freedom.

Ultimately, the only hope lies in international human rights bodies assessing some of the practical restrictions in camps that hold tens of thousands of refugees which, in effect, lead to the very denial of the human rights they seek to protect.

This is not to say that all camps are necessarily illegal or 'evil'. Above all, international human rights law must be used to scrutinise the ways in which refugee camps are regulated and legislated which so far seems to have been left entirely within the sovereign sphere and is an unquestioned humanitarian necessity.