

Foreword

Anniversaries often provide an opportune moment to reflect on the past and contemplate the present and future. This was certainly the opportunity presented by the anniversaries of the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention) and the African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa (Kampala Convention) when they turned 50 and 10 respectively in 2019. At the start of the year, the AU Assembly declared 2019 to be the Year of Refugees, Returnees and IDPs in Africa.

This declaration was notable in many ways. It galvanized significant regional attention to the prevalence of forced migration and steered the way towards durable solutions to forced migration. The declaration also drove processes towards addressing forced migration at the highest level of regional and national governance. This declaration by the AU Assembly mobilized efforts to tackle the significant challenge presented by forced migration. Within this narrative, pertinent initiatives emerged across various strata.

As the Special Rapporteur of the African Commission on Human and Peoples' Rights on Refugees, Asylum Seekers, IDPs, Returnees and Migrants, I led the development of General Comment No 5 of the African Commission on Human and Peoples' Rights on article 12(1) of the African Charter on Human and Peoples' Rights. There is often a general assumption that movement within state borders is free, but this is not always the case. There are challenges with dire consequences for various categories of persons within state borders, including refugees and IDPs. As such, deconstructing impediments to movement is imperative in driving the regional vision towards free movement.

The declaration of 2019 as the Year of Refugees, Returnees and IDPs in Africa also brings to the fore the pertinence of academic discourse on forced migration at global and regional levels, with a view to providing critical insights on the regional frameworks (the OAU Refugee Convention and Kampala Convention). These insights offer guidance on addressing issues relevant to the protection of forced migrants in Africa. Moreover, they provide comparative lessons for other regions in the protection of refugees, returnees and IDPs.

This Special Issue of the Journal of African Law on Refugees, Returnees and IDPs is significant as it contributes to knowledge on forced migration in Africa that is crucial to unpacking the law and providing durable solutions to forced migration in Africa beyond anniversaries.

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