

The Gambia: a haven for refugees?

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Although not usually thought of as a haven of refugee protection, the Gambia has a sizeable refugee population and some sophisticated legal frameworks and protection mechanisms. However, the political context of its refugee protection should not be underestimated.

During the 1990s, several thousand refugees fleeing civil wars in Liberia and Sierra Leone sought protection in the tiny country of the Gambia. Most refugees in the Gambia, however, are from neighbouring Senegal's Casamance region, where a low-intensity independence conflict has been ongoing since the 1980s. For many years, these refugees moved back and forth between Senegal and the Gambia depending on the state of the conflict. In 2006, however, a large number settled in the Gambia and were issued with refugee identity cards for the first time.

The Gambia offers a strong legislative framework for those who seek protection. In 2008 its Refugee Act¹ established the Gambia Commission for Refugees, which is tasked with coordinating all refugee affairs in the country. A representative from UNHCR, the UN Refugee Agency, sits on its board in an advisory capacity.

The Refugee Act reflects the provisions of the Organisation of African Unity's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa in its definition of a refugee. It also includes both

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prima facie recognition of persons belonging to a particular class or nationality and the possibility of deriving refugee status from a family member whose refugee status has already been recognised. It gives refugees the right to “engage in wage-earning employment or self-employment”, freedom of movement and “access to social amenities”.

Self-settlement and integration

In the early 2000s, there were five refugee camps in the Gambia. The *prima facie* refugee status accorded to Sierra Leoneans and Liberians ended with the tripartite cessation agreements between UNHCR, the Gambia and the countries of origin, in 2008 and 2012 respectively. With this, these refugees’ entitlement to protection and assistance ended. In any case by 2005 all camps were closed. This was because even prior to this, many refugees had voluntarily repatriated or chosen to live outside the camps, in urban areas. Additionally, UNHCR carried out a local integration initiative throughout West Africa for Sierra Leonean and Liberian refugees.²

The new wave of refugees arriving from the Casamance region in 2006 were not placed in refugee camps. It was felt that the proximity of the former camps to the border might encourage incursions from rebels, and that it would be difficult to provide adequate protection for the refugees, while a proposal to build new camps on the northern shore of the Gambia River was unpopular among the refugee community as this would have moved them too far from their own communities. As a result, the refugees self-settled straight away, and most Casamançais refugees still live in a cluster of 86 border villages. Due to cultural similarities and common livelihood strategies, the refugees are, on the whole, well integrated with the host communities.

The host communities’ own poverty and their dependence on subsistence farming, however, led non-governmental organisations (NGOs), in conjunction with UNHCR, to divide responsibility for the provision of aid for the refugees and the host communities at the time, although some provision – such as wells and communal



Senegalese refugees from Casamance wait for food distribution, in the Gambia.

gardens – are meant for both communities. This effort of assisting both communities helped to largely avoid conflict. Since 2010 provision of food and material assistance to both communities has been scaled down. Today, some limited opportunities such as skills training are still available for both the refugee and host population, by now largely run by one NGO, the Gambia Food and Nutrition Association (GAFNA).

Village chiefs known as *Alkalos* register the refugees and act as a point of liaison between the refugees and the support institutions. The refugees also receive a plot of land to live on and to farm, and GAFNA is now working on the transfer of ownership. Refugees can become involved in the political structures of their village as elders, though they cannot become *Alkalos* (which is, in any case, a predominantly male prerogative).

The current emphasis continues to be on integrating refugees – especially those from Senegal – and refugee rights negotiations

remain focused on relaxing the strict criteria for naturalisation, which requires 15 years of residency. UNHCR has successfully negotiated with the government for refugee identity cards to be used as proof of residency. The Casamançais refugees, however, have little interest in giving up their Senegalese nationality. This mirrors the behaviour of Liberians and Sierra Leoneans, who mostly declined the offer of naturalisation, preferring to keep their own nationality.³

Negotiated rights

Although the Refugee Act gives refugees the right to work and to access social amenities these rights are rather vague and are therefore open to inconsistent interpretations. For example, officially, refugees can work, with many self-employed as tailors, small traders or tilers, or even as teachers, but there are a number of technical and communication hurdles for both refugees and employers. Refugees need to apply for an additional 'alien' permit to work in the formal sector. While employers of refugees are exempt from paying an expatriate tax for employing non-Gambians (which can be very expensive), reports suggest that employers are either unaware of this or ignore it in order to have an excuse not to employ refugees.⁴

Policies on refugee access to health care and education are continually being renegotiated. Under the previous government of Yahya Jammeh (who stepped down in January 2017 after losing in elections the month before), this need to renegotiate was caused by frequent changes in personnel, and now these matters need to be taken up with the new government. For example, under the previous government, UNHCR signed an agreement with the Ministry of Health whereby refugees would pay local rates to access health care. The current Commissioner for Refugees has stated that negotiations have had to start again, with the new Ministry, in order to ensure that this arrangement continues.

Refugees as political pawns?

Former President Jammeh was generous towards refugees – if for the wrong reasons.

Jammeh is widely accused of having (indirectly) supported Casamançais independence fighters in Senegal to bolster his own political support; the Casamançais are of the same ethnic group as him, the Jola, and his home village is close to the border. There are even accusations that he distributed naturalisation certificates and voter cards to this group of refugees to increase his popularity.

With Jammeh gone, so has his protection of the Casamançais community. So far no widespread backlash against the Jola or the Casamançais refugees has been observed but it is possible that this may develop. If the conflict reignites, Casamançais refugees residing in the Gambia may become political pawns once again, with the new government expected to act much more in line with the Senegalese government.

Although Jammeh's support of refugees was alleged to be politically motivated, it also legitimised him as a protector of vulnerable populations. To what degree the new government will follow in this vein remains to be seen. The Gambia may be a country with fairly advanced legal refugee protection mechanisms and well-developed forms of self-settlement but the political context of refugee protection should not be underestimated.

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1. www.refworld.org/docid/4a71a8202.html
2. Under this initiative (which took place in Côte d'Ivoire, the Gambia, Ghana, Guinea, Liberia, Nigeria and Sierra Leone) the benefits of local integration for both host and refugee communities were promoted and refugees were encouraged to live and work in neighbouring countries under ECOWAS provisions, including a 2007 memorandum on refugees. These provisions give refugees from member countries the rights of residence, establishment and work throughout the ECOWAS region.
3. See Boulton A (2009) 'Local Integration in West Africa', *Forced Migration Review* 33 www.fmreview.org/protracted/boulton
4. See Hopkins G (2015) 'Casamance Refugees in Urban Locations in The Gambia' in Koizumi K and Hoffstaedter G (Eds) *Urban Refugees: Challenges in Protection, Services and Policy*, pp42-75.