



Andrew & Renata Kaldor Centre
for International Refugee Law

Research Brief

CONFLICT, DISASTER AND REGIONAL REFUGEE DEFINITIONS

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Introduction

This year celebrates the 50th anniversary of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Forty-five years have passed since a regionally attuned refugee definition became international law and an integral component of the global refugee regime. Relative to the 1951 Convention relating to the Status of



regions around the world, including in parts of Africa, the Middle East and the Americas, interactions between disaster and/or adverse effects of climate change and conflict and/or violence continue to play out. These so-called '**nexus situations**' create risks and experiences of harm that may satisfy criteria in regional refugee definitions. As such, a deeper examination of their potential for alleviating protection challenges related to admission and status is essential.



In Harm's Way

A 2018 UNHCR study, *In Harm's Way: International Protection in the Context of Nexus Dynamics Between Conflict or Violence and Disaster or Climate Change*, examined State practice on the use of refugee law to protect claimants fleeing nexus situations.¹¹ It described Kenya and Ethiopia's responses to the cross-border movement of Somalis in 2011 when famine, drought, conflict and insecurity intermingled in Somalia. It also examined the responses of Brazil and Mexico to the cross-border movement of Haitians into their territories in the aftermath of the 2010 earthquake in Haiti when insecurity, violence and



strengthen their protection, and agreed to respect international refugee law, where applicable.¹⁶ Within the section on commitments for refugees, States reaffirmed that ‘international refugee law, [*inter alia*], provide[s] the legal framework to strengthen the protection of refugees’ and committed to ‘ensure, in this context, protection for all who need it.’¹⁷ States took ‘note of regional refugee instruments, such as the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa and the Cartagena Declaration on Refugees’¹⁸ affirming the significance of regional refugee instruments for protecting refugees.



