CHAPTER 14

Into Africa: ‘Boat People’ in Sub-Saharan Africa

Cristiano D’Orsi,* Sergio Carciotto**, and Corey R. Johnson***

1 Introduction

African ‘boat people’ generally conjures images of individuals departing Africa across the Mediterranean towards Europe. Less prolific is the phenomenon of intra-African boat migration movements, despite the fact that the continent contains some 26,000 km of coastline dispersed amongst 38 coastal States. Although the shores of Africa are not generally thought of in relation to ‘boat people’, the continent is not estranged from the situation either, with migration corridors on both the East and West coasts becoming increasingly popular routes. While African migration patterns are generally thought of on a South-to-North basis, recent research indicates that only five percent of African migrants head towards Europe or North America, while ninety percent migrate within Africa itself. With the difficulties many African migrants find in accessing ‘Fortress Europe’, the importance of intra-continental migration looks set to increase as African migrants look ‘inward’ for protection or opportunities – even

---

* Research Fellow and Lecturer at the Centre for Human Rights, Faculty of Law, University of Pretoria.
** Director of the Scalabrini Institute for Human Mobility in Africa.
*** Advocacy Officer at the Scalabrini Centre of Cape Town. All websites were last accessed on 31 May 2016.


3 The expression is now commonly used. See, for instance, ‘Fortress Europe: How the EU Turns Its Back on Refugees’ (Spiegel Online, 9 October 2013), at: <http://bit.ly/1ju7pAh>.
if ‘inward’ involves temporarily leaving the shores of the continent in certain cases.

The African Maritime Domain (AMD) represents a largely neglected area of governance, where land-based issues, particularly in relation to security, have historically taken precedence. Since roughly 2005, maritime security issues have been approached in the context of piracy, resulting in States and regional organisations responding with a set of policies in an effort to integrate developing practices into a ‘coherent maritime security and safety policy’. These recent developments, as in other parts of the globe, have seen immigration matters included with piracy and terrorism as a security threat, shifting the focus from protection concerns to those of security.

This chapter will analyse recent developments regarding emerging maritime security and protection frameworks in sub-Saharan Africa, thus offering an element of comparison with policies adopted in other parts of the world to tackle the phenomenon. The second section will offer a brief introduction to the circumstances of ‘boat people’ in Africa in the Gulf of Guinea (GoG), comprising a large portion of West and Central Africa’s coastal states on the Atlantic Ocean, and the Western Indian Ocean, from Kenya to South Africa. The third section will analyse the legal position of ‘boat people’ in Africa, with a focus on refugee protection, migrant smuggling, and non-refoulement. The fourth section will then focus on select regional initiatives in the GoG and Western Indian Ocean attempting to address the phenomenon, while the fifth section will provide examples of ‘incidents’ involving ‘boat people’ in Africa, to illustrate the failings of the predominantly ad hoc and piecemeal approaches adopted so far. Finally, in the last section, key findings will be summarised to highlight elements of ‘good practice’ that could be useful for the development of the ‘comprehensive approach’ that is at the heart of this volume.

2 'Boat People’ in the Gulf of Guinea and Indian Ocean

The GoG includes the region from Guinea to Angola – the centre of sea-based trading between Africa, Europe and the Americas and an increasingly

---

6 There is no single definition of what constitutes the GoG. In some cases the definition includes the nine States that comprise the Gulf of Guinea Commission: Angola, Cameroon, Congo-Brazzaville, Gabon, Equatorial Guinea, Nigeria, the Democratic Republic of Congo