



Publisher

African Journal of Social Work
 Afri. j. soc. work
 © National Association of Social Workers-Zimbabwe/Author(s)
 ISSN Print 1563-3934
 ISSN Online 2409-5605

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REFUGEE PROTECTION IN THE ERA OF COMPLEX MIGRATORY FLOWS: A REFLECTION ON UBUNTU AND SOCIAL WORK PRACTICE

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ABSTRACT

The refugee crisis is a scar on the conscience of humanity. It is complex. This complex problem is submerged in yet another enigma facing the international community today, that is, the mixed migratory flows. In the face of the complex mixed migratory flows in a globalised village, the international community seem to be gravitating towards exclusionary policies instead of solidarity and burden sharing. What a paradox? A cursory audit of the current situation reveal a sordid and sad reality. Refugee flows are looked at with security lenses rather than humanitarian lenses. This in itself is a call for scholars, politicians and humanitarian workers to go back to the drawing board and tap the values of Ubuntu in solving the crisis. This paper submit that the answer to the current challenges lies in entrenching the Ubuntu philosophy in working with refugees and products of mixed migratory flows. This dovetails with the call by the United Nations in September 2016 when Heads of Governments adopted the New York Declaration on Refugees and Migrants. The message is clear, let Ubuntu prevail in the face of the changing world where refugee and migration phenomenon have become the order of the day.

KEY TERMS: refugee, exclusionary, migratory flows, ubuntu, social work

KEY DATES

Received: 02 November 2019

Revised: 02 December 2019

Accepted: 10 December 2019

Published: 20 February 2020

Funding: None

Conflict of Interest: None

Permission: Not applicable

Ethics approval: Not applicable

This article appeared in a special issue of the African Journal of Social Work (AJSW) titled *Ubuntu Social Work*. The special issue focused on short articles that advanced the theory and practice of ubuntu in social work. In the special issue, these definitions were used:

- *Ubuntu refers to a collection of values and practices that black people of Africa or of African origin view as making people authentic human beings. While the nuances of these values and practices vary across different ethnic groups, they all point to one thing – an authentic individual human being is part of a larger and more significant relational, communal, societal, environmental and spiritual world.*
- *Ubuntu social work refers to social work that is theoretically, pedagogically and practically grounded in ubuntu.*
- *The term ubuntu is expressed differently in several African communities and languages but all referring to the same thing. In Angola, it is known as gimuntu, Botswana (muthu), Burkina Faso (maaya), Burundi (ubuntu), Cameroon (bato), Congo (bantu), Congo Democratic Republic (bomoto/bantu), Cote d'Ivoire (maaya), Equatorial Guinea (maaya), Guinea (maaya), Gambia (maaya), Ghana (biako ye), Kenya (utu/munto/mondo), Liberia (maaya), Malawi (umunthu), Mali (maaya/hadama de ya), Mozambique (vumuntu), Namibia (omundu), Nigeria (mutunchi/iwa/agwa), Rwanda (bantu), Sierra Leone (maaya), South Africa (ubuntu/botho), Tanzania (utu/obuntu/bumuntu), Uganda (obuntu), Zambia (umunthu/ubuntu) and Zimbabwe (hunhu/unhu/botho/ubuntu). It is also found in other Bantu countries not mentioned here.*

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INTRODUCTION

The United Nations High Commissioner for Refugees (UNHCR) Global Trends (2017) reveals that there are 68,5 million displaced persons across the globe. Out of this terrifying figure, 25,4 million are refugees (UNHCR Global Trends, 2017). One intriguing issue in this serious and complex humanitarian problem is the fact that the refugee crisis continues unabated. In the face of this crisis, there is yet another enigma, that is, the mixed migratory flows. State response to the migration of refugees have been at best ad hoc, disjointed and at worst exclusionary. For those receiving refugees and asylum seekers there is no uniformity in their approached and little is done to invest in refugee protection. Again the approach is at best ad hoc and at worst disjointed. Refugees and asylum seekers are seen as a humanitarian problem who according to their lenses are a burden to the national fiscus hence their situation is peripherised by host countries. To bring the aforementioned issues into perspective, this article is a textual analysis of literature and relies heavily on the author's experience in the field of refugee protection. It seeks to provide a more humane narrative on refugee protection in a world gravitating towards exclusionary policies that views refugees as a security problem. The idea is to bring out the nexus between refugee protection and the Ubuntu philosophy as well as the building blocks of social work that are meant to complement Ubuntu values. The article therefore locates Ubuntu values in refugee protection, brings out the nexus between social work and Ubuntu and then position the role of social work in refugee protection.

LOCATING UBUNTU IN THE BASIC TENETS OF THE REFUGEE PROTECTION

It is the argument of this paper that refugee protection across the globe is a moral responsibility. It is a duty and an obligation. In the African context it is predicated on the African philosophy, a philosophy to stand in solidarity with those in need. In the Christian context, it derives from the Biblical teachings by Jesus Christ, that, "Love your neighbour as you love yourself" Mark 12 verse 31. It is grounded in Ubuntu philosophy which according to Sibanda (2014: 26), "thrives on the vision of a perfect and virtuous individual....It is conceptualised as a symbol of African identity." According to Samkange (1980) Ubuntu carries the following attributes: kindness, courtesy, consideration and friendliness in the relationship between people, a code of behaviour, an attitude to others and to life. Drawing from the same well, Nziramasanga (1999) cited by Sibanda (2014: 26) argues, "a person with hunhu/ ubuntu is one who upholds the African cultural standards, expectations, values and norms and keeps the African identity."

In view of the above it can be argued that the foundational values of Ubuntu are inextricably linked to the cardinal principles of refugee protection as expounded in the 1951 United Nations Convention Relating to the Status of refugees, popularly known as the UN Convention. For avoidance of doubt, the Convention is anchored on three fundamental principles that feeds into each other and are inherent in refugee protection. The principles are: non-discrimination, non-penalisation and non-refoulement (non-return policy) (UN Convention, 1951). According to the UN Convention (1951: 3), "the principle of non-refoulement is fundamental that no reservations or derogations may be made to it. It provides that no one shall expel or return ("refouler") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom." As can be seen from the foregoing, the Ubuntu philosophy is embedded in the legal instrument on refugee protection. However, its implementation is at times breached thereby compromising the sanctity of life.

NEXUS BETWEEN SOCIAL WORK AND UBUNTU

Social work as a profession is a value laden profession. A profession underpinned by cardinal principles as propounded by Biestek, 1957. Biestek is credited for coining the western principles of social work practice. Such principles are: individualisation, purposeful expression of feelings, controlled emotional involvement, acceptance, the non-judgmental attitude, client self-determination and confidentiality. Drawing from the given principles and the definition below, it is apt to argue that social work principles and values are closely connected to Ubuntu philosophy although there are differences in terms of the role of the family and the limits of confidentiality and self-determination. The principles are humanist, community based and socialist in nature. They all emphasise the need for respect for human beings, treating them as unique and respecting their worth and dignity.

As a profession, Social Work continues to evolve in line with the changing world. It is therefore prudent to include the international definition of social work according to the International Association of Schools of Social Work & International Federation of Social Workers, (2014, paragraph 1),

Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work.

Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address social challenges and enhance well-being."

Day in day out, there are calls for the international community to welcome, protect, promote and integrate refugees, asylum seekers and migrants. One may argue that such calls emanate from the realisation that Ubuntu values are being negated yet they should guide humanity. There is sustained resistance and it is evident that nation states are worried by mixed migratory flows. From a Christian context, one may argue that refugees, asylum seekers and migrants are God's people on the move. It therefore follows that people of God should offer hospitality to strangers, that is, God's people on the move. This argument is not blind to the reality of the day where many countries are so much seized with the need to protect national security, either in light of real or perceived danger. In light of the refugee problem across the globe, it is not a secret that the phenomenon is on the rise. However, durable solutions are evasive. Opportunities are limited. Crisp (2002) argues that there is no solution in sight. Refugees are in limbo. The question is what can be done to deal with the refugee crisis across the globe? The answer lies in Ubuntu and social work roles.

UNDERSTANDING THE ROLE OF SOCIAL WORKERS WITHIN THE REALM OF REFUGEE PROTECTION

Guided by the principles of social work and its foundational values, its definitional value and the ethos of Ubuntu, Social Workers should take the lead in calling for member states across the globe to welcome, protect, promote and integrate refugees, asylum seekers and migrants. Drawing from its rich history, this paper proposes the following key recommendations:

1. Advocating for the realisation and implementation of the provisions of international, regional and national refugee and migration laws with a human face. It is important for members states to appreciate that people on the move are human beings who in most cases are forced by circumstances beyond their control to move. It is therefore prudent to accept them as fellow human beings.
2. According to Castles, (2000), trends in the global migration and current patterns of settlement tend to be complicated, dynamic, and reflect different characteristics related to the histories of the countries as well as more recent geopolitical and economic pressures. In view of this, social workers should support, counsel and advocate to connect migrants to valuable resources. This include managing the referral pathways to ensure that migrants, refugees and asylum seekers receive appropriate services to enhance their social functioning.
3. In the face of exclusionary policies, social workers should lobby Governments and the United Nations to implement the principles of shared responsibility and burden sharing in its letter and spirit. Member states should understand that they have a hand in the refugee tsunami. Their silence and adherence to the treacherous principle of non-interference is partly to blame for the current complex migratory flows. Humanity is betraying humanity. The world is suffering through a bystander effect. This is a negation of the cardinal principles of Ubuntu such as solidarity.
4. Social workers have a critical role to play in calling for social justice to prevail. As such, they should call for an end to the politicisation of the refugee matters. They should also advocate for an end to the protracted struggles that are at the epicentre of creating protracted refugee situations.
5. Social workers should call for an end to any form of persecution and discrimination perpetrated against migrants, refugees and asylum seekers such as xenophobic attacks as was witnessed in South Africa in 2008, 2015 and recently, 2019. Such hatred flies in the face of Ubuntu/ Hunhu and the principles of social work especially the principle of acceptance. It's a threat to the existence of humanity.
6. Social workers should be proactive rather than being reactive. The reason why there are millions of refugees and asylum seekers across the globe is because humanity has failed humanity. There are wars, conflicts and hatred. These are the root causes of violence propelling millions to seek international protection. It therefore follows that social workers should take a proactive stance in denouncing violence and call for unity of nations for posterity.

The table below shows durable solutions from an Ubuntu perspective.

Table 1: Durable solutions for refugee protection from an Ubuntu perspective

Durable solutions	What social workers can do according to Ubuntu values
Advocate for peaceful resolution of conflicts	Africa's greatest predicament is that violence is used as a potent tool to address disagreements. There is a tendency to negate wise counsel that, 'violence begets violence.' Refugees and asylum seekers are evidence of failure by humanity to address disagreements in a civilised and peaceful manner. It is therefore prudent for Social Workers to advance the concept of peaceful resolution of conflicts. Dialogue and peaceful resistance should be used to address disagreements rather than resorting to the use of violence. The world is paying the prize for use of violence as a means of arbitrating conflicts.
Promoting local integration of refugees in the host countries	In cases where a civilised way of addressing disagreements fail, it is prudent for Social Workers to champion the cause for local integration of refugees. This will ensure that refugees are naturalised and become citizens of countries hosting them. In cases where host countries prefers the use of refugee camps, Social Workers should advocate for flexible movement of refugees to allow them to interact with the host communities. This resonates well with attributes of the Ubuntu philosophy which calls for solidarity.
Advocating for interventionist policy	Drawing from the cardinal values of the Ubuntu philosophy, it is critical for Social Workers to advocate for an interventionist approach to end conflicts. The reason why the world continues to grapple with conflicts leading to the refugee tsunami is because there is a bystander effect on these conflicts. Some conflicts have become so protracted because member states are failing to take responsibility. It therefore follows that the world is paying the prize because they subscribe to the controversial principle of non-interference. This dovetails with the values of Ubuntu especially emphasis on solidarity.

CONCLUSION

It's apt to end by pointing out that Africa and the world will be fit for humanity if Ubuntu/ Hunhu values are adopted and practiced. Humanity should serve humanity. That is the only durable solution to the crisis bedevilling the continent and the world beyond. It is however important for social workers to have grounded knowledge of the refugee crisis that has become unprecedented. Since refugee issues have become topical across the globe, social work education should join the crusade in unpacking the refugee issues and position social workers right at the foundation to not only provide first line of support to refugees but also to take a leading role in advocating for the rights of refugees. It is also critical that social workers be proactive in unpacking the root causes of displacements associated with the refugee crisis in order to proffer solutions. In short, social workers should not just wait to offer relief support but should be at the forefront of denouncing violence and solutions to the refugee crisis across the globe. It should not be business as usual for social workers. Social workers should come out of the cocoon to serve and save humanity.

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