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- **Priyanca Mathur Velath**

As we were drawing away from the Entebbe Airport towards our venue for the 13th IASFM, I found myself toying with many questions. Ironically many of them also emerged to be argued during the course of this conference – What is just? What is humane? Why do some people make all the decisions for others? Is "forced migration studies" people versus people? At the end of 3 days packed with 89 panels, that included 3 plenaries, 4 roundtables on 6 themes, 11 films/documentaries and 13 exhibitions/multimedia exhibitions, I was definitely reassured that we are thinking anew.

If all of us sitting in this room claim to speak on behalf of forced migrants all over the world, we know that there are almost 300 representatives from various geographical regions and innumerable countries being represented amongst us. Well if IASFM is an 'ethnic group'; we definitely are one that is spread across the seven seas.

The roundtables of this conference deliberated on the Kampala Convention and the Refugee Convention; the situation of refugees and human rights defenders; on the new Sudan and the return of refugees and IDPs; and fundamental issues like the debate between academics and policymakers – and whose research counts in policymaking.

The overarching theme of 'Governing Migration' marked out for this conference sought to address through various sub-themes, issues linked to 'Patterns of Forced Migration', 'Protection of Forced Migrants', 'Global Governance', 'Sexuality and Gender' , 'Conflict', 'Transitional Justice' and 'Research Methods'.

Sexuality and Gender was not just a theme that ran through academic panels but was also stunningly debated in the movies/documentaries shown. To cite some examples, the RLP documentary, 'Gender Against Men' powerfully challenged many existing assumptions concerning victims of sexual and gender-based violence (SGBV) relating to ongoing conflicts in the Great Lakes region of Africa. It challenged the belief that only women and children can be victims of SGBV and its socio-cultural impacts. Panels on Gender and Sexuality further challenged these stereotypes by asking 'Are Men Any Good?' There was debate on the limits of local justice for sexual violence as survivors, particularly male witnesses, often live in isolation with nobody listening to them, highlighting the need for psycho-social work and networking. The challenge of protecting women during and after conflict was also addressed and participants research showed the disconnect that existed between formal programmes and local contexts or understandings of rape. It showed that lack of results is linked to poor understanding of the victim's social context and of the interactions between social contexts and programmes.

It was reiterated that the banishment of women from their communities as a result of being victims of gender-based violence should be viewed as forced displacement. It brought into focus the fact that LGBT refugee community is generally 'invisible' as they do not identify the reasons for seeking asylum to local institutions due to the homophobic environment of host countries. The criminalisation of sex work (especially in countries like South Africa) has compounded human rights violations and xenophobic beliefs have led to increased violence against sex-workers, as many of them are foreigners.

The theme of '**Patterns of Forced Migration**' re-investigated older issues such as problems of governability and the impact of the state on forced migration. The despair at the ad hoc and discriminatory functioning of state governments was highlighted particularly in South Asia. The changing scales of controlled mobility were interrogated to bring out the dilemmas confounding 'The Governance of Migration and the Migration of Governance'. New research showed, for

example, in Somalia, how patterns of displacement have evolved throughout the conflict worsening the situation as former coping strategies get stretched over prolonged conflict. A new and alarming aspect of present day displacement is involuntary immobility which seeks to hold populations captive by persecuting those who seek to leave. It highlighted the significant role played by diasporas, for example the role played by the Somali Diaspora, despite its inability to vote. The nature of the relationship between agencies assisting refugees in the U.K. and U.S. found that while most agencies described themselves as cooperating with their government, they were also striving for policy reform.

An essential question, '**When is a Durable Solution Durable?'** was examined through the viability of logical integration through 3 specific contexts, namely that of Liberians residing in a refugee camp in Ghana, Rwandans in Uganda, and Sudanese in Uganda. Interconnections between the broader issues of forced migration, good governance and citizenship showed how nationality and citizenship are manipulated to fuel ethnic strife.

Patterns also brought to the fore the neglected group of **Internally Displaced Persons** or IDPs through two excellent sessions that highlighted committed research to those displaced within the borders of their countries and dependent on their state for their rights. Specific case studies from Georgia, Sri Lanka and India highlighted their plight and so did discussion on the UN Guiding Principles, urban IDPs and the concept of national responsibility. Within this group the lost category of the 'Development Induced Displaced (DIDs)' was also remembered.

The sub theme on '**Protection of forced migrants'** saw some excellent discussion on refugees and education, rethinking the premise that providing higher education to refugees opens up a gateway of opportunities – urging us to think beyond welfare, efficiency, poverty, our emergency approach, and to move into power and social injustice. It stressed that geography matters, cautioned about the geopolitics of refugee education and questioned what content is used and to what end?

The **politics of protection, asylum-seeking and non-refoulement** in Africa and Asia was also much deliberated on. Sessions on **domesticating International Refugee Law and the challenge of treaty interpretation** looked at questions like a new refugee regime in Kenya and at reinterpreting old assumptions like 'Who is a refugee?' and 'The OAU Refugee Convention'. There were discussions that argued, for example, that Kenya's Refugee Act does not implement all of the 1951 UN Convention, but its Constitution is liberal and has the potential to better implement the Convention. In Kenya, freedom of movement is complex; camps like Dadaab and Kakuma haven't actually been designated as refugee camps; refugees can get movement passes and UNHCR permissions, but even NGOs (as well as police and the refugees) are confused about what the different documents mean. Kenya has in the past been a dualist state (international treaties required domestic legislation to enact), but with Article 2(5) of new constitution, Kenya became a monist state. Nonetheless there still remains inconsistency in the courts on the implementation of international treaties. International law has only been used to clarify ambiguities in domestic legislation. So, where the Refugee Act is silent, courts apply the 1951 Convention. Associations that provide legal aid in Kenya are going to present test cases to see what degree constitutional provisions apply to refugees (eg, work permits and access to health care). It is necessary to create more awareness among refugees about the Refugee Act; there is urgent need for the creation of additional legislation; there are national human rights associations in Kenya, whose reports will be issued to government.

The essential question of '**Who is a refugee?'** needs an understanding of how international norms adapt at implementation. To address these concerns there were presentations that provided an international relations' perspective on international law and dwelt on the need to examine how domestication of international law actually works on the ground. It was suggested that while refugees can be viewed from either a positivist or a normative perspective, it would be better to

consider the former because international norms are not simply an abstraction, but something that changes as you move from the international to domestic to local levels. Illustrations were made through case studies of Zimbabwe, Somalia and DRC, which are fragile and failed states that have been unable to establish a basic threshold of rights provision, thus generating refugees. There are three sources of international law available to people fleeing fragile and failed states, namely the 1951 Convention, 1969 Protocol and international human rights law. However, these sources of law are contested. They lead to fundamental questions such as why is there radically different implementation of non-refoulement in different countries. The answers lie in on-the-ground realities wherein international law interacts with politics and drives the need to look at translation and feedback between the international, domestic and local. There is contestation of rights at different levels, particularly when there is the political economy of elite interests in domestic setting.

What emerged from these sessions is the need to understand abstract international legal framework as a baseline for protection standards to best judge the practices in a given country; the need to look at different levels of engagement with these legal norms and understand that they interact with each other; and to recognise that in practise, many other sociological or economic factors can affect the way international protection standards actually play out on the ground. Keeping in mind that regimes are distinct from legitimate governments, one should question who the elites in question are.

There was also discussion on how **inclusive the discourse on reparations** is and how the harms of displacements can be repaired. Reparations must be seen within the context of protection; they must accord with the law; they need to work in tandem with durable solutions. It is crucial to look at the harm caused by *displacement* (as opposed to harms caused otherwise, perhaps as a result of general lack of development in an area). Reparations should take into account loss of employment, property rights, freedom of movement, reunification, access to justice, and other similar rights. They should be examined through a broad international legal framework, looking at the basic principles on the right to remedy (including restitution, compensation, medical and legal aid, and public apologies). These apply to all victims, including IDPs.

A practice-based regional panel **on the domestic legal framework for refugee protection in Sub-Saharan Africa** centred on governance and protection particularly within the realm of refugee rights and policies in four separate African countries: Kenya, Uganda, Zambia and South Africa. Most of the debate centred on refugee status determination processes in each country and the gaps between protections vis-a-vis the policies and realities of protections in each country, particularly the disparities between rights rhetoric and rights practise. In Kenya, there was violation of the right to enter and seek asylum and the right to non-refoulement with the closure of the Somali border in 2007, the closure of Kenya's only Refugee Transit Centre and with police detaining and charging asylum seekers with illegal immigration. The right to have one's application heard and considered for refugee status in Kenya faces challenges of appropriate legal aid and representation. The encampment policy violates the right to freedom of movement; the existence of stateless generations goes against the right to a nationality. Despite the right to documentation, refugees face police harassment and unlawful detention; despite the right to physical security, there is human trafficking. There is disparity in the right to food, clean water, adequate housing, and access to medical services when/if access in camps is compared with that in urban areas. The high costs of enrolment in secondary schools and the recognition of country of origin educational documents deprives refugee children of the right to education. The right to work gets limited with the informal encampment policy and the limited distribution of Class M permits.

In Uganda, until 2008, there was no discussion of rights and actual numbers of refugees exceeded official estimates. There has been a policy of encampment due to assistance being concentrated in the camps and so that is where the majority of refugees live. Refugees have a choice between urban settings and camps but for urban placements people have to waive their rights to ask for assistance. The refugee situation is not temporary – and therefore there is a violation of rights. The Refugee Status Determination (RSD) is done by the government of Uganda and UNHCR sits on the committee as observer (although in practice they influence the process significantly). The 2006 Act, which went into force in 2008, deals with issues regarding regulations in place as far as how items in the act should be done. It has repealed the previous Aliens Act entirely and is seen as having a more rights based approach but there is a struggle for the implementation of the Act. The provisions in the Act are progressive but not actualized in practice. In reality over ninety per cent of rejection of Rwandan asylum seekers happens on first application and operations are carried out by untrained police officers. There are unresolved issues with minors and when it comes to durable solutions, there are different opinions from different governmental departments.

In Zambia, the Refugee Control Act grants the minister of home affairs broad powers over refugees. This has resulted in the killing of their animals, the taking away of their vehicles and restriction on movements. The encampment policy continues, which does not augur well for the rights for refugees. The RSD process is based on the individuals' location and type of claim made; it is not a written policy and the country of origin language is not taken into consideration. In South Africa, despite the 1996 constitution, the 2008/2010 amendments have not been affected. In the RSD process the quality of decisions are poor and most asylum seekers and refugees live in large cities. The South African government announced the moratorium on deportations of Zimbabweans but the government decided to extend the deadline to July 31, 2011. On this date the moratorium is due to be lifted and people will be deported back to Zimbabwe. The refugees in South Africa have to confront acute xenophobia and it is essential that the Zimbabwean process be extended past the July deadline.

It's important also to relook at what happened to '**Law in Refugee Camps'**; to look at domestic legal frameworks for refugee protection; at intervention methods and systemic gaps; and also at the politics of protection of urban refugees and 'environmental refugees'. There was new light shed on the burden-sharing approach and comprehensive approaches with an insightful discussion and critique of UNHCR policies and 'tools' and on inching towards a tight asylum regime in Europe and Latin America.

While addressing the broader theme of '**Global and forced migration'** at this conference a re-exploration of how inclusive the discourse on reparations is took place. The issue that emerged is that reparations must be seen in the context of protection and that compliance with legislation is a significant problem. Many African states have well drafted legislation but lack the political will for enforcing compliance. Global governance also looked at multiple identities in multiple spaces, by seeing the relationship between identity formation and home and spaces of citizenship in forced migration (In particular with reference to Burundian refugees in Tanzania who have been repatriated to Burundi). New questions were deliberated on such as what happens when forced migrants are first settled. When and how they are repatriated is an issue for local governance for the states (as for the entire Great Lakes Region). We need to rethink the citizenship rights framework. We need to ask how do rights of the individual interact with collective rights of the citizenry; how rights are accumulated and how freedom to make a 'good life' should be distributed.

Another important question asked was if the **return of IDPs** and refugees undermines peace building efforts. In answering this question it emerged that one qualitative case study demonstrating that the claim that the return of DPs is necessary for the establishment of peace in armed conflict does not

hold true across cases. Besides, there is need to consider whether refugees are an independent or causal variable in peace building efforts. When discussing if **local integration was an impossible durable solution**, it emerged that it's important to recognise that the specific needs of refugees and IDP populations shift over time and differ from the needs of assistance in the immediate post-conflict displacement phase and as things protract over time. One of the challenges of local integration from encampment is the reality that in some circumstances it involves further displacement to active integration. There were panels that dwelt on the **reluctance to return and particularly on the primacy of social networks on the repatriation of Rwandan refugees in Uganda.** Discussing social networks amongst Rwandan refugees focused on deliberating if repatriation was the best option for them and the role and influence of social networks in this reluctance. By 1995, Rwandans were recognized as indigenous to Uganda and therefore Rwandan refugees already had a social network. Repatriation decisions have to compare conditions at home to conditions in country of asylum and social networks play an essential role in decisions in repatriation. People are often reluctant to return home if their social network is weak. There is forceful repatriation and most Rwandan refugees are secondary movers who were forcibly repatriated from Tanzania/DRC. There is need to reconsider if repatriation is the best option for Rwandan refugees.

Reconstruction is a continuous process and to understand that there were presentations, for example, on women negotiating land rights in post-conflict Luweero Triangle in Uganda. The economic impact of conflict is invariably the hardest felt by women. There are belonging shifts and identity shifts for women in conflict especially in terms of land, eon how to renegotiate their identity in terms of land (when their husbands and fathers have died). They are faced with the need to remarry in order to remark their identity no matter how old they are; they confront the issue of forced marriage (on the land she has no right); in the absence of clear cut definitions on their identity on the land they are given short term ownership of crops. Thus in times of conflict women are more vulnerable particularly in situations where land is a key source for survival. Gender framework for reconstruction has not taken consideration for belonging and land and other resources. Questions need to be asked - is marriage or remarriage the only solution to these situations? What happens to the woman who doesn't marry? How is a widow different from an orphaned girl? If a mother has sons does it necessarily imply that she may have better access to land?

Finally, there was the theme of '**Transitional Justice and Conflict and Forced** Migration' that was examined through many sessions and panels. Papers and research presented recognised that displacement and human rights issues are increasingly inter-connected and that transitional justice is applied in conflict settings where displacement is also an issue. It was acknowledged that UNHCR needs to do more to address the linkages between truth-telling and durable solutions. Also that one should not forget the highly politicised nature of TRCs (Truth and Reconciliation Committees) rather than just treat them as purely technocratic processes. It was asserted that a gendered perspective on forced displacement and transitional justice is essential; that women are marginalised in the peace process and are vulnerable on return as well. Thus it is imperative to find links between transitional justice and forced displacement to create durable solutions. The social element of re-integration is important, reconciliation requires public trust, and transitional justice needs not only to look forward but also to address past wrong doings.

There were some excellent discussions on the issues of **urban refugees** in Egypt and Jordan. Urban refugees are not a new phenomenon, yet they generally received little attention from UNHCR and other agencies. Over the last 5 years, the phenomenon has grown so that it can no longer be ignored. UNHCR policy on urban refugees (changed in 2009) shows an increased interest in the issue. The challenges confronting urban refugees comprises finding them, identifying who is a refugee when they are self-settled and determining the appropriate standards for thinking about humanitarian assistance and protection of urban refugees. Problems consist in finding comparable

minimum standards of response for urban refugees as questions arise if it would be appropriate to compare them with those living in the host country. The research presented on urban refugees looked at the difficulties of these decision-making processes. Principle focus was on Iraqi refugees but comparative studies with other refugee groups like Sudanese, Somali, and Palestinians in the same settings were also deliberated on. The studies also included extensive interviews that had been conducted with the host population to provide a comparative context.

A roundtable, hosted by **PADEAP** (Pan-African Development, Education and Advocacy Program that promotes a Pan-African brotherhood of peoples and states) initiated a dialogue on the issue of citizenship in the East African Community (EAC) comprising of Kenya, Tanzania, Uganda, Burundi, and Rwanda. The EAC with its own rules and requirements at times restricts citizenship on grounds of ethnicity and gender (in some cases, woman are unable to confer citizenship upon their children; this passes through the male parent). Tanzania expelled "Ugandan" refugees, who had lived in the country for over 50 years; Uganda was recently criticized for forcibly returning Rwandese refugees to their country of origin with little due process followed. These countries are supposed to be moving towards the establishment of a unitary regional bloc with citizenship that transcends existing national boundaries and yet they already lack a human rights centred approach to the regulation of movement in and out of their territories. This roundtable stressed that before the question of regional citizenship is entertained, there is need to examine existing attitudes of EAC states to non-citizens. It questions why a Rwandese person should be deemed a refugee in Uganda when the top echelons of their government own property and have interests in Uganda? Why should an African be a refugee in Africa? How do we deny citizenship to people whose social affiliation with one country is stronger than another? What will the status of refugees be in the EAC member states? Will they be shifted for resettlement or be displaced yet again? What are the implications of citizenship for refugees who also have rights against the state? Donors are compelled to support state initiatives, which has proven to be an ineffective way of addressing grassroots concerns.

The East African Community is attempting to overcome illogical distinctions between peoples, to enable free economic trade across national boundaries and, hopefully, consolidate an East African political body. However, if the question of identity and nationality is not addressed then this project will not succeed. It was proposed that the EAC should make provision for nationality on condition a person or her/his parents are born there or reside in the country undisrupted for a considerable period of time. Members of the EAC should also drop the reservation to Article 7 on the Rights of the Child. EAC states should bring nationality laws in line with norms embodied in International Instruments, and they should adopt the Convention relating to stateless persons. States should ultimately harmonize national laws to enable regional integration. EAC would be more realistic if the borders were to be re-examined as countries like Kenya, Uganda and Sudan continuously witness the plight of pastoralists whose lifestyle does not respect borders. There is need to re-examine resources that are commonly shared by border people and the needs of people split across borders. There is very little that has been done to prepare peoples for integration across borders. The regional frameworks, if they come into play, will help mitigate the problems of forced migration but boundaries, although clearly demarcated, are very porous borders. There is thus need for clearly articulated citizenship criteria and trained immigration personnel.