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# Refuge from Conflict: Citizenship and Forced Migration in East and Central Africa

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## Introduction

At this Chatham House event, Dr Lucy Hovil, Senior Researcher at the International Refugee Rights Initiative, and Dr Bronwen Manby, Visiting Fellow at LSE's Centre for the Study of Human Rights, discussed how refugees challenge the parameters of citizenship as they carve out spaces for inclusion, and how policy environments can overcome marginalization of victims of forced migration.

The meeting was held on the record. The following summary is intended to serve as an aide-memoire for those who took part, and to provide a general summary of discussions for those who did not.

For more information – including recordings, transcripts, summaries, and further resources on this and other related topics – visit [www.chathamhouse.org/research/africa](http://www.chathamhouse.org/research/africa).

## Dr Lucy Hovil

The publication of *Refugees, Conflict and the Search for Belonging* is the result of a comprehensive and data-driven research project looking at issues of citizenship and displacement in the Great Lakes region. Working with the International Refugee Rights Initiative and the Social Science Research Council, the book combines nine case studies, conducted over six years, beginning in 2008. The project's scope was cross-regional and included 1,115 interviews with displaced communities from across the Great Lakes region, such as Burundian refugees in Tanzania, Congolese internally displaced persons and Congolese refugees living in Rwanda, and those affected by the division of the Sudans. *Refugees, Conflict and the Search for Belonging* closely examines both the cyclical nature of conflict and forced migration in the Great Lakes region, and the crisis in citizenship and belonging that accompanies it. The project's findings present concrete evidence for the argument that exclusion at both the national and local level sustains cycles of violence and displacement. It also shows how increasing spaces for belonging and integration can foster conditions for sustainable peace. The book concludes that citizenship and belonging both seem to be part of the cause of tensions but also part of the solution. Refugees were a litmus test for this thesis, with their presence being tangible evidence of the failures of inclusion.

Two approaches to analysing this wealth of data informed these conclusions. A legal and policy-based lens was employed, which drew on the international legal and policy framework. This suggested that legal categorization is critical for legitimizing refugee status, particularly in a context of retreating sympathies for asylum arguments. An ethnographic viewpoint was also employed, a lens which deprioritises categorization arguments and showed the shortcomings of legal approaches. The legal lens can be overly reliant on definitions and does not possess the toolbox to cater for the multiple identities and motivations of refugees on the ground. Consequently, *Refugees, Conflict and the Search for Belonging* contains much comparison between conceptions of local and national belonging.

Research showed the importance placed on citizenship by displaced interviewees. There is striking evidence of people who, despite being let down by the government, take pride in an imagined citizenship as an alternative and genuine resolution to living on the margins as refugees. Facilitating social mobility in this regard seems to be a powerful antidote to marginalization, yet it has been resisted by government policy and narratives.

The stoking of xenophobia has also limited ease of movement, even where it is fully legal. Refugee policies and citizenship policies in the region continue to hinder this form of belonging, cutting off access to a crucial coping mechanism. Moreover, severe political marginalization persists as large encampments seem to remain the default solution, creating segregation from the local population.

These policy failures mean that too many of those that have fled protracted conflict have found themselves in a continued state of alienated exile, as tens of thousands are left with a fringe existence and little hope for resolution.

## Dr Bronwen Manby

*Refugees, Conflict and the Search for Belonging* delivers laudable and singular insights. Its shifts between local and national belonging underline that neither aspect can be ignored. Formal citizenship is crucial, but is perhaps empty without acceptance at a local level, especially in relation to integration and access to functioning community life. Conversely, community, access to the economy and improved prospects are all precarious without formal citizenship recognition.

The project makes clear the case that the deficiencies in both these levels of belonging have left many thousands with an ambiguous status. Robust research shows that, in unstable legal and political environments, in Burundi or the Sudans for example, instinctive loyalties matter much more. This has been seen to be true in developed countries recently, yet African nations suffer the problem of weaker institutions, making those tensions harder to manage. What this means for refugees is that marginalizing camps and the lack of integration is likely to continue if integration is not pushed at the grassroots level.

What the book does not seem to emphasize as much is the importance of the law. More emphasis should perhaps have been placed on the law at the national level - although the focus on the local is also vital - so this is not so much a disagreement as a call for a small shift in analysis. Legal frameworks provide a better entry point to managing the foundations of these difficulties than looking at how communities can get along together better.

The festival of biometricisation in the region is also very important in this context. The introduction of national identity cards, for example in Tanzania and Uganda, will make what the law is and how it is applied, which may not always be the same thing, much more relevant. There is a lot of technical assistance going to countries to help them roll out these new identification processes because the idea is that this will solve 'who belongs where' questions. However, these processes will make things more difficult, not less difficult, unless care is taken in relation to the underlying law.

The speaker agrees strongly with the emphasis *Refugees, Conflict and the Search for Belonging* places on the importance of bringing questions of how to manage local integration into national legal frameworks. Currently, in many African countries, processes of naturalisation are very top-down, centralised and few people see their cases being resolved. Bringing questions of people's integration into local communities into considerations of integrating people into the national community is important. There is a role for people engaging with these issues, not only in this region but globally, to creatively and constructively meld these two levels in support of policy interventions that further integration, peace and development.

## Dr Lucy Hovil

In terms of the aforementioned importance of the law, it seems that it will indeed play a crucial role in shaping the foundations of any broader culture of acceptance and integration of refugees at a popular level. So much policy-making is top down, and this book argues that if we listened more intently to the grassroots and worked upwards, we might reach a very different policy structure. The two – bottom-up and top-down policy – should be linked, and usually where people do reach a point of security and safety, this has happened where local and national policy-making matches up.

## Summary of question and answer session

### Questions

There has been a lot of debate on refugee encampments in recent years. Did the research for this book suggest that the thinking on encampment is changing?

Will *Refugees, Conflict and the Search for Belonging*, and its associated research, be published in Africa?

How can crises be prevented from unfolding before they take on such magnitudes?

### Dr Lucy Hovil

On the encampment question, two years ago, the UNHCR finally implemented its alternative to camps policy. This marked a paradigm shift on the issue. So it seems that the change has begun, and while a policy is only as good as its implementation, it is encouraging that there has been this recognition. The challenge now is to encourage implementation. Governments are likely to see the policy as a Trojan horse, fearing that freely-moving refugees will be harder to control. The argument must be made to these governments that free movement is actually a more robust solution, and that local integration needs to be pushed.

Certainly, *Refugees, Conflict and the Search for Belonging* does need to be available in the region it focuses on. The studies that comprise it have been published as individual working papers, which can be accessed free of charge via a website. Unfortunately, pulling these together into one published work has resulted in a prohibitively expensive book. However, more affordable avenues of provision are being explored, especially a paperback release.

Prevention is always better. Human rights activists talk and shout about early warning, but very little is usually done prior to the outbreak of conflict. There is an incredible optimism that somehow, the better option will come to fruition, so there is a real naivety there.

### Questions

Could you elaborate on the kind of rights claims made by refugees at a personal and local level, and how they envision citizenship beyond the national belonging narrative?

The postcolonial errors of several states seem to be addressed in this research, and the responsibility to ameliorate matters seems clear. But what of the responsibilities of former colonial powers, as well as the role of the international community more broadly?

To what extent do the existing and new top-level mechanisms to manage forced migration – such as the EU Compact and the developing Global Compact – reflect any or a range of the findings in this book?

### Dr Bronwen Manby

In terms of the understandings of citizenship, one of the complications is that citizenship has different meanings, including legal definitions and in a broader sense of participation in society. The national level definition does have a real meaning, and the more important that becomes practically i.e. needing documentation to be able to do all sorts of things, the more important that will also become

emotionally and in relation to personal identity. For example, in Tanzania, they only introduced a national identity card in the last year. Previously, you needed a form of ID, such as a letter from an employer, to open a bank account. However, now your exclusion will become more apparent: you could get a letter vouching for your identity but you might not be able to get a Tanzanian ID card.

The role of the former colonial states is fundamental to this discussion. Questions of citizenship status still affect minorities in the Democratic Republic of the Congo, for example. This was largely caused by the colonial power, Belgium, exiting the country without negotiating citizenship or status for the Banyarwanda people, who were brought to the colony as forced labour to work on plantations. In the French and British colonies, attempts were made to negotiate status before the colonial powers withdrew. The Belgians, the colonial power in the DRC, just left. The fact that this segment of the population subsequently received differently coloured national identity cards has only exacerbated the issue, and this continues to haunt the country.

### **Dr Lucy Hovil**

When it comes to citizenship, a basic litmus test is whether one can send one's child to school. People's sense of belonging is often rooted in these nitty-gritty realities of life. Most people are just trying to look after their family and give them a future. If people have an uncertain status at the national level, a strategy is often to integrate 'invisibly' at the local level, but this is also a point of instability: when the national political environment changes or xenophobia increases, you are the first to go. Your integration locally does not help you and you are suddenly exposed and vulnerable. This Arendt's conception of citizenship as the right to have rights has a lot of salience here.

The legacies of the colonial states are stark and very problematic. One of the people quoted in the book is Makau Mutua, who goes so far as to say that, having inherited this completely dysfunctional system, it would be best to withdraw the boundaries of Africa. Very few people have suggested this. It is a big problem and whether or not that will have to happen in the end is not clear, but it will not take place in the near future. There are many aspects where reform of the colonial state has not taken place, and one example is many groups in Sudan, who still feel profoundly marginalised by their government, whether from Darfur, Blue Nile or South Kordofan; they feel exiled from their own state. There are many problems with the international community, but equally the government of Sudan has also removed many humanitarian organisations.

In terms of the existing mechanisms and the new Global Compact, until about two years ago, the refugee rights advocates were usually ignored and side-lined. It was hard to get refugee issues on the agenda. Now these issues are everywhere and there has been a lot of activity, which comes with its own problems. At one level, everything that was already out there was re-invented by policymakers. However, what they have not managed to do is include implementation mechanisms or accountability measures. Europe has shown itself to be thoroughly hypocritical in this respect over the past year. Under the guise of addressing root causes, the aim is actually to prevent people from leaving their home, even though they might have a very good reason for needing to leave. This is deeply problematic and is an issue that will need to be addressed.

### **Questions**

Corrupt heads of state in some countries have subverted the application of the law, distorted history and put repatriated individuals in danger. Where repatriation projects go well, this is good for the developed countries repatriating people, and the receiving countries get kudos. However, those

repatriated are often killed, imprisoned or arrive in a country where they have no possessions. How can you combat this in the long term?

Does the book cover the role of the media in drawing the attention of the international community to conflict zones, particular lengthy and forgotten conflicts?

### **Dr Lucy Hovil**

Corrupt heads of state are a difficult issue; individuals can hold entire countries to ransom, as in the cases of Burundi and South Sudan at the moment. The international community is often guilty of supporting this by arranging peace deals that keep those who created the problems in power. Not enough emphasis is placed on accountability.

Poor leadership is a global problem, which is worsened by the lack of checks and balances, and frustration with these people at the grassroots level is very tangible. The book does briefly touch on how refugees remain marginalised within peace processes, but making refugees voices heard in peace processes would be a very important step.

Until there is an honest discussion about the governance that creates displacement in the first place, sustainable improvement will not be forthcoming. The international community has a crucial responsibility to discuss and deal with these issues, and should not prop up regional powers for the sake of an easy peace.

The role of the media is not addressed directly in the book. The media does have a very important role to play, and there is a real hypocrisy in regard to what is and what is not covered. In 2008, for example, refugees did not get a lot of coverage, not because there was no crisis, but because it was not on Europe's doorstep. What is mentioned in the book is the damaging role the media can play, particularly journalists who have a one-dimensional understanding of a conflict, especially in cases where they describe a conflict as an 'ethnic conflict' or as a 'sectarian conflict', which then leads to a one-dimensional response. This has been seen in Rwanda, Burundi and South Sudan. The media can be both very helpful and very unhelpful.

### **Questions**

Some refugees are not trying to integrate but are waiting for the UNHCR process to allow them to resettle. Some wait for a very long time – how problematic is this?

Is the traditional binary categorisation of 'refugee' versus 'economic migrant' now outdated in regard to this region? What does the speaker's research have to say about these categorizations?

### **Dr Lucy Hovil**

Not much is said in the book about resettlement because it is a very badly handled process. There are many people waiting in particular, designated places because they believe this will enable them to be ultimately resettled from there, and resettlement is an important, durable solution. Unfortunately it is one that very few people do obtain. It can effectively put people's lives on hold and lead them to make damaging decisions. On the hand, resettlement is a vital form of protection. On the other hand, it has to be handled very careful but mostly it is not.

On the refugee versus economic migrant categorisation, the speaker feels very conflicted. Her conclusion is that both are needed at the same time. These legal categories need to be retained to

enable people to claim asylum, but many people move and leave their home for a number of reasons that conflate together and are hard to unpick. One might flee because of a lack of economic opportunities but this might be the result of mismanagement by the government under which they were living, so the categories become blurred. The idea of 'mixed migration' is a good intermediate term but this needs to be thrashed out. The speaker has not yet worked out what this looks like in practice because her practitioner and academic viewpoints lead her to see both the benefits of protecting the asylum regime, but on the ground this term does not always make sense to describe individual cases.

### **Dr Bronwen Manby**

The question of definitions is interesting. The existing definitions are problematic and restrictive, but if they were to be re-drafted today, they would probably be worse given that they must be adopted by states. It should be noted that the African definition of the term refugee is significantly broader because it includes those fleeing conflict. This is not included in the 1951 UN Refugee Convention, even though in practice people fleeing war are usually given some form of exceptional leave to remain. One more definition to add here is the definition of 'stateless', and one reason people do flee is because they are not recognised as a citizen in the country they are in, Congo being the obvious case. This is, as the book points out, is a case of both local integration and legal integration status. The prize is often a formal status, and this is one of the drivers of migration across the Mediterranean: the inability of African migrants from one country to get a formal document in another African country they have migrated to, that gives them some kind of security. It is the hope that at least in Europe they will be able to register and receive some kind of decision and status that drives many individuals. Resolving these questions of legal status would assist in providing people with a sense of belonging and a livelihood in the places where they have arrived, rather than driving them onwards.