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# REPORT OF THE POLICY LAB ON THE IMPACT OF REFUGEE RETURNS ON PEACE AND SECURITY

LINKING THE AU'S 2019 AND 2020 THEME OF THE YEAR

The Policy Lab was held on 23 January 2020, in Addis Ababa, Ethiopia Co-hosted by the Institute for Peace and Security Studies (IPSS), Addis Ababa University and the international Refugee Rights Initiative (IRRI) with the kind support of Knowledge Management Fund (KMF)

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Summary report of the policy lab jointly organised on 23 January 2020 in Addis Ababa, Ethiopia, by the International Refugee Rights Initiative (IRRI) in collaboration with the Institute for Peace and Security Studies (IPSS), Addis Ababa University, and with the support of the Knowledge Management Fund, Knowledge Platform Security & Rule of Law.

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## Acronyms and Abbreviations

AfCFTA	African Continental Free Trade Area
AU	African Union
AUC	African Union Commission
AU PRC	African Union Permanent Representatives Committee
CAR	Central African Republic
CRG	Conflict Research Group, Ghent University, Belgium
DRC	Democratic Republic of Congo
EU	European Union
GCR	Global Compact on Refugees
GEC-SH	Groupe d'études sur les Conflits et la Sécurité humaine
GRF	Global Refugee Forum
ICGLR	International Conference of the Great Lakes Region
IDPs	Internally Displaced Persons
IPSS	Institute for Peace and Security Studies, Addis Ababa University, Ethiopia
IRRI	International Refugee Rights Initiative
JUPEDEC	Jeunesse Unie pour la Protection de l'Environnement et le Développement Communautaire
ReDSS	Regional Durable Solutions Secretariat
RPF	Rwandan Patriotic Front
SGBV	Sexual and Gender Based Violence
UN	United Nations
UNAMID	The African Union-United Nations Hybrid Operation in Darfur
UNSC	United Nations Security Council

## Opening Remarks

**Ms Michelle Ndiaye**, *Director of the African Peace and Security Programme, Institute for Peace and Security Studies (IPSS), Addis Ababa University*

**Ms. Achieng Akena**, *Executive Director, International Refugee Rights Initiative (IRRI)*

On behalf of the host institution, Ms Ndiaye appreciated IRRI for the partnership and for starting the conversation on the linkages between the 2019 AU Theme of the Year on Refugees, Returnees and IDPs, and the 2020 theme on Silencing the Guns. The discussion backed by the report on returning to stability, was necessary food for thought, to ensure that recovery of livelihoods happened after conflict, and in particular, to avoid a relapse into conflict as often occurs on the Continent. She emphasised that the theme of the meeting was of utmost importance to the de-escalation of conflict in Africa.

Following on Ms Ndiaye's remarks, Ms Achieng Akena indicated that this conversation was a follow up to research done on the impact of refugee returns on peace and security in the great lakes and horn of Africa. The conversation was even more relevant because cessation of conflict was at the heart of Agenda 2063 and the need for a peaceful and prosperous Africa. 2020 was supposed to be the year of silencing the guns, however peace was elusive on the Continent as were the conditions for the continent's development, which was the 2020 theme of the year. She further stated that we could not talk about peace in abstract because conflict affected people, it drove them from their homes, it denied them basic fundamental rights and freedoms, and it took away their loved ones and their sense of security.

Achieng further explained that some of the key outcomes of the 2019 Year of Refugees, Returnees and IDPs, where Africa searched for durable solutions for displacement, could be summarised in Agenda 2063's need for "a peaceful united and prosperous Africa": 'Peaceful' referring to the cessation of conflict, the presence of good governance and the allowing of stability so people may return to their homes, wherever they choose; 'Prosperity' referring to an enabling environment created for people who are in situations of displacement in a way that their agency is recognised with a shift from charity to rights; and 'United' where there is free movement of people and all Africans are able to find a home wherever they may be on the continent. "No African should be an alien in Africa" she paraphrased one of the key asks from the Ugandan Ambassador, head of the AU PRC subcommittee on Refugees in Displacement.

Achieng indicated that returns was seen as the main solution to displacement and that the policy lab would enable a closer examination of the gap between what was intended at the policy level and what actually took place on the ground. She ended by thanking IPSS for their partnership without which the policy lab would not have taken place.

**Panel Discussion: The Impact of Refugee Returns on Peace and Security in the Great Lakes**

Moderator: **Thijs Van Laer**, *IRRI*

Speakers: **Dr Theodore Mbazamutima**, *Rema Burundi*, on *Returnees from Tanzania to Burundi*

**Jolien Tegenbos**, *CRG*, on *Returnees from South Sudan to DRC*

**Dr Godefroid Muzalia**, *GEC-SH*, on *Returnees from Rwanda to DRC*

**Thijs Van Laer** introduced the next section focussing on returns in the Great Lakes, a region that has been marked by conflict and displacement for a number of decades, explaining that most of the countries had been both sources and hosts of refugees. He explained that return was often seen by the international community as the preferred solution for displacement, once there was some improvement in a particular country. The the study done by the team undertook a critical reflection on the impact of returns on conflict situations, examining how returnees interacted with local authorities and communities that remained behind. The panel examined the situation of returns from the different perspectives of Burundi where there was a framework for the returns; DRC and South Sudan where there was repeat displacement of communities due to violence in both DRC and South Sudan; and the situation between DRC and Rwanda where refugee return was not a simple concept but needed to be analysed based on the historical context and inter-relations between the returnee and host communities.

**Dr Theodore Mbazamutima's** presentation focussed on returnees to Burundi primarily from Tanzania, describing the push factors and the framework in which the returns were taking place. Theo explained that about 100,000 refugees who fled the 2015 crisis in the country were either returned through voluntary return processes or spontaneously and that they had been receiving 2000 returnees a day, although those numbers had been decreasing due to a myriad of reasons. He further explained that the push factors included difficult camp conditions, the reduction in assistance, and the restriction of free movement and opportunities for income generation. In addition, in December, there had been fears of forced and mass repatriation of refugees on the basis of a bilateral agreement between Burundian and Tanzanian governments, however, there was seemingly a shift in policy with both governments reverting to the "voluntary repatriation" rhetoric. He elaborated that a major pull factor was some improvement to the security situation creating an environment of negative peace in Burundi, where the guns were silent, but there continued to be a number of unresolved issues ongoing.

Theo elucidated that the returnees were returning to the same political context that they left in 2015 dominated by the ruling political party, albeit with an emergence of opposition candidates and hopefulness towards the May election. Returnees were also returning to the same areas that they left, but had challenges with reintegration and their livelihoods. For instance, the assistance they received intended to last for three months, only really lasted for one month. Supplemental assistance by some NGOs is inconsistent and uncoordinated and tends to exacerbate tensions between returnees and frustrated host communities who were also experiencing poverty and the economic hardship occasioned by the crisis and related sanctions. Allegations of corruption were rampant in relation to

availability of assistance, compounded by confusion as to the process and focal persons for accessing such assistance. For these reasons, returnees tended to migrate to other areas in the hope of finding better assistance, and to areas from which they would more easily escape in case there was a re-escalation of violence.

**Jolien Tegenbos** provided a case study related to the North of the border between South Sudan and DRC. Jolien explained that the situation in Faradje was different to that in Burundi. The Lord's Resistance Army (LRA), a rebel group originating in Uganda, entered the region in 2005, and from the end of 2008, committed several atrocities which caused mass displacement of many people to other regions and to South Sudan. There were about 12,000 people just across the border who then suddenly returned in 2016 due to an upsurge of violence in South Sudan, along with about 34,000 South Sudanese who were also fleeing the violence. The authorities were not prepared for the spontaneous return and there were several difficulties with registration and a lack of assistance for returnees, in stark contrast to the assistance provided to the South Sudanese refugees, despite them having fled for similar reasons.

There were some similarities with Burundi in that host families took in returnees particularly as there were not many structures in the area, and there were also some NGOs which extended some minimal support and advocacy. The overall support was quite limited compounded by the new localities created by Internally Displaced Persons' (IDP) camps. Although there were some discussions on return in 2016, they were halted due to the rising insecurity in South Sudan. However, there were ambiguous visits and other actions towards return that impacted on the political dynamics within the camps and left the situation suspect.

**Dr Godefroid Muzalia** elaborated on the situation of returnees from Rwanda to the South Kivu in the Democratic Republic of Congo (DRC). His presentation focussed on Rwandan Tutsi refugees who fled the conflict in 1994 and re-occupied the country during the rebellion of the Rwandan Patriotic Front (RPF). Historically, the region a dynamic heritage with fluid mixing of Rwandese and Congolese due to lax borders and ethnic similarities; conflict and related vengeance; access to land ownership and potential mineral exploration. Today coffee has grown on the land and attempts to return are viewed as acts of aggression.

Godefroid explained that the dynamic in DRC was quite different, there being a convergence between the issue of nationality, access to land, and the concepts of war. For one to better understand how return can create tensions and increase conflict, one needs to understand the context in the area. Currently, he warned, there was a problem of occupation and people were organising themselves to resist.

**Thijs** then posed a question to the Theo on how land had been an issue or not during the return processes and what could be done.

**Theo** explained that land has been an important aspect in most return processes but was less of an issue in the current return, simply because issues that are land related were as a result of earlier land conflicts not being properly resolved, but not the biggest issue for those displaced by the 2015 conflict.

The resultant land issues were connected to land governance, and to historical and political factors, further complicating them. Also, assistance to returnees was centred around agriculture yet over 30% of those coming back were landless in the first place. Solutions based on land were therefore causing more conflictual relations between returnees and those who remained. He recommended that responses for returnees should diversity ways of providing assistance with less land intensive activities.

**Thijs** asked Jolien whether there were lessons that she could draw from her research that could have policy implications.

**Jolien** made reference to the lack of consistency with assistance for refugees and returnees and the need for the various humanitarian actors, local authorities and representatives of displaced communities, to have better co-ordinated relationships and communication, in order to reduce competition and the resultant conflict over scarce resources. There should be a recognition of the difficulties of the return processes and appropriate support and assistance provided to those returning.

**Thijs** posed a question to Godefroid relating to how continued insecurity could have an impact on possible return of the refugees, and what could the African Union (AU) bring to the table.

**Godefroid** responded that insecurity was not favourable for returnees driving further irregular migration. He thought that the AU should take into account the geographical dynamic of this region in North East DRC, and create a buffer zone for the neighbours and a rehabilitation area for armed groups. Godefroid then posited that we needed to build regional integration from bottom up with the involvement of countries. To silence the guns in this region we needed AU to play a strategic and geopolitical role in order to bring about a joint and inclusive dialogue drawing in Rwanda and DRC. He further advised that before returns happen, it is important to ensure that refugees know about the processes of return before return, that they understand the situation of local or host communities and vice versa. Returning without adequate information and preparedness exacerbates anxieties about the process and leaves returnees in limbo, and is worse when they have no social networks or resources.

Before the end of the session, a member of audience made a comment on the differentiation of returnees with specific reference to South Sudan, e.g. those who had the opportunity to become highly educated versus those who did not, and the need for a diversified approach to the different needs of the different categories of returnees in order to ensure sustainable returns.



## **Fishbowl Discussion:            Implications for Policy on Peace and Security**

- Moderator:            **Ms. Michelle Ndiaye**, *Director, African Peace and Security Program, Institute for Peace and Security Studies, Head of Tana Forum Secretariat*
- Speaker 1:            **Geoffrey Mugumya**, *Displacement Specialist at the International Conference of the Great Lakes Region (ICGLR)*
- Speakers:            Invitations to speak by the Moderator

**Ms Ndiaye** posed this question to Geoffrey Mugumya: What is the missing link? The AU has a lot of protocols and agreements at the highest level. What is lacking or not working?

**Mr Mugumya** responded to indicate that there were indeed policies and protocols at the AU but there was something still missing. Even in his current work with the ICGLR, where there was a closer nexus with refugees and returnees, there remained an implementation gap that needed to be addressed. Implementation could bring about a semblance of peace and security on the region.

He explained that the ICGLR pact addressed issues of displacement, return and durable solutions and that the protocol on property rights of returnees was set up to protect their property rights while urging Member States to provide legal frameworks for handling property disputes. He explained that in the preceding year, the ICGLR had held a conference of the ministers in charge of refugees in the Great Lakes Region, and one of the commitments made was to respect the voluntary nature of refugee returns and to invest in long term efforts and in sustainable dignified reintegration of returnees, taking into account needs of both returnees and of the local community. He further explained that the World Bank is introducing the concept of development responses to refugee protection, rather than countries sustaining refugees for even up to 30 years on humanitarian assistance.

**Ms Ndiaye** surmised that for sustainability, returns and reintegration should be development-oriented, voluntary and well planned. Reintegration should be included in the National Planning Agenda so that returnees are not considered as a different population and are planned for accordingly.

**Mr Mugumya** added that if reintegration processes were not well planned, it could lead to further insecurity. He gave the example of Eritrean who fled from highlands and went to Sudan. There they developed new skills and farmers became cattle keepers. During preparations for their return, they declined to go back to their highland region and demanded to return to a flat region and we were able to negotiate with new host communities for them. If reintegration and return were not well planned, it could create a myriad of problems. He further explained that camps or settlements were also places for the manufacturing of new ideas and empowerment on rights and gender issues, and therefore It would be difficult if they returned to the exact conditions that were prevailing before they fled. Therefore countries must address the underlying issues that force their people to flee.

## Fishbowl contributions from invited speakers

1. On the issue of integrating development with return issues, based on experience in Darfur where farmers returned to find nomads occupying their land, it is good practice to have government-funded agricultural development set up to accommodate both farmers and nomads, allowing them to co-exist funded by the government.
2. If we believe and accept that everyone is a citizen of the world, then everybody is entitled to live anywhere in the world and own property, it would will not be an issue if people left and returned if the encountered challenges. We could establish local structures owned and run by the refugee returnees, so that they own the agenda and they can be part of the consultative process and implement policies/ decisions and even contribute to the formation of policies.

**Ms Ndiaye** posed a further question to the roving panel: Seeing as the theme for last year was on refugees returnees and IDPs, tell us a little bit about how the concept is linked to development and how do we make sure policies are implemented since when we talk about the AU it concerns implementation which has been a setback.

3. In terms of policy, there is often a gap between policy by policy makers and policy by the beneficiaries of those policies. Policies at AU are known, but only to the presidents who signed them, the ministers, permanent secretaries and the people at the grass root do not know them. Last year as I travelled the continent, we realised that young people were more aware of UN resolutions as opposed to AU ones which are similar and closer to them, hence why there is a gap and we should consider how can it be breached. What was discovered was that the AU has been state-centric as opposed to thinking about how to make the organisation for the people. As organisations we need to figure out programmes within our institutions and figure out how we can interface in order to deliver a development objective as opposed to development or policy organ which we is what we seem to be doing. Since there are a number of actors serving the same people with the same objective, as organisations we need to figure out where we have synergies and comparative advantage. Femwise, and youth for peace, are programmes that are being used to bridge that gap between policy organs and citizens.

**Ms Ndiaye** then posited: how do we translate policies to address the majority of Africans, in particular, young people? Another interesting point was that should we bank on the young people on the continent and provide development for those young people, there is an interesting link.

4. There is a gap between what policy makers say and what happens on the ground. In the development responses project, the World Bank advised that they should not deal with traditional ministries that handle humanitarian issues since humanitarian organisations are resistant to bringing in issues of development into their work. At all levels (central, regional and local) government and institutional arrangements should be involved.

5. Return is not sustainable, it is sustainable integration that matters, in the long term. How do we translate policies into practice? Is there willingness from Heads of State to craft solutions, taking from experiences like the global compact?
6. UN & AU peacekeeping mission in Darfur (UNAMID), when situation improved, jointly conducted a noteworthy project where they created a platform for recovery towards development with a “state liaison function”. They implementing interesting projects towards improving livelihoods of returnees and refugees. Joint venture, community-oriented process towards implementation.
7. When we talk about refugees and returnees in the context of peace and security, I look at it through two lenses; human security and economic security. Economic has been discussed regarding development and sustainable livelihoods to give returnees dignity when they return. Which brings in a different dimension as the continent is heavy reliant on an agro-based economy. So how do we create more sustainable livelihoods without it being donor dependent? Managing sustainability and taking into account the various challenges of return requires a re-thinking of livelihoods towards economic security.
8. Why is the development imperative so important for returns and reintegration context? An important example is the Somali returns from Kenya which demonstrates why the development imperative is important for when returnees go back to their areas of origin or choice. Their needs are beyond what the humanitarians can do. In 2016, when the Kenyan government gave a directive for Somalis to return, though most went to urban areas forcing the local administrative to stop them from coming back due to a lack of absorption capacity for schools and hospitals. The World Bank had to be brought in especially when returnees go back, they are there for the long term which goes beyond what humanitarians can be able to do. It is important to plan this from initial conversation on repatriation, and craft early solutions and planning, linked with absorption capacities.
9. What is good is that there is a lot of fast pace political willingness, though policies are moving faster than what is on the ground. As well as an incorporating of voices of refugees, are they being engaged them from the grassroots level? How do we ensure that the voices of the displaced are heard, and involved in coordination (for example the Global Refugee Forum (GRF)), and not just tokenism. How do we engage them from the grassroots level? How do we connect between regional process and local development e.g. commitments on freedom of movement versus the situation in Kenya (firm encampment policies).
10. How can we transform and translate concerns into integrated action plans? First, there is a need for national policies to take into consideration the refugees and returnees and perceive them as actors since they have a role to play. Second, the importance of cross border dimension for what is being done.
11. There are many AU related buzzwords that come up. The theme of the year of 2019 and 2020, the African Continental Free Trade Area (AfCFTA), climate security, and rethinking livelihoods. From a human security lens, we have incredible frameworks, but to what extent can they really address human security? What are the gaps? Silencing the guns is a very broad theme, addressing conflict, with migration as cause and effect? What’s the nexus, and how do we bring it out in the final summit?

12. UNAMID is implementing post-construction programmes. There was an argument from the start that peacekeeping operations should have a strong component of post-conflict reconstruction and development, but the UN Security Council (UNSC) determined that the core mandate was not about development, but about bringing peace. Compartmentalisation and also duplication, are concerns. We should consider when did the AU start on peace and security? Actually pretty new, after Somalia debacle, that international community started opening up to the AU, but peace and security remains a core function of UN. The AU is still fighting for the opening up chapter 8 with a push for fully funded regional organisation responses, particularly with the proliferation of regional communities.
13. It is true that as African institutions we lack visibility compared to the European Union (EU) and the UN. The questions we must though are what is our impact, and can we deliver? We need to think about sustainable integration, and how to translate it into pragmatic action plans. While it is true that there is a need to take into consideration national policies, there is a prerequisite need to perceive refugees and returnees as actors and not just as assisted communities, and enable them to play their role in a coherent way.
14. The importance of cross-border dimensions of all the different challenges and phenomena cannot be over emphasised, particularly those related to climate change and migration. It is also important to consider the regional and transnational dimensions of development and stability, not only for actions and responses for displaced people, but also in order to deal with the causes of displacement which do not know borders.
15. Peace is not a short term agenda hence the long-term presence of peacekeeping missions. In DRC returnees not only dream of going to their places of origin but also other being able to move to other places which they often do in search of stability. Host or local communities defend their land even through armed action making it difficult for returnees to stay. Even interventions of NGOs are threatened. DRC has many regions at different levels of progress, with generally the West having developments but the East continuing to face continuous violence. Responses are needed at multiple levels, but primarily working with local projects and formations (e.g. women vendors) rather than large projects or organisations, to stabilise the region; avoid duplication; put into place an infrastructure for peace; address cross-border dimensions and the growing insecurity; and, bring the development paradigm earlier into the peace and security conversation.
16. It is important to intervene earlier in conflict situations and incorporate the development aspects rather than waiting for the conflict to come to an end. There is some scepticism about intervening when fighting is still ongoing like the AU did in Somalia.

## Panel Discussion: The Impact of Refugee Returns in Somalia, CAR and Sudan

Speakers: **Rufus Kinyua Karanja**, *ReDSS*, on *Returnees from Kenya to Somalia*  
**Mossoua Mesmin-Rufin**, *JUPEDEC*, on *Returnees from DRC to CAR*  
**Taj El-Bisary** on *Returnees from Chad to Sudan*

**Rufus Karanja** explained how the returns from Kenya to Somalia were framed by a tripartite agreement between Kenya, Somalia and the UNHCR. There was some doubt as to the voluntary nature of this repatriation particularly as it stemmed from a political position taken by the Kenyan government following terror attacks in the Country. Reach study done at Dadaab indicated that 46% were not willing to return. Some of the 84,000 that supported return ended up returning to Dadaab for various reasons including a lack of absorption capacity in Somalia, creating legal complexities with their statuses and protection risks.

He further explained that there was a strict directive from the Government of Kenya to close the Dadaab Camp but there remained the rhetoric of a voluntary process. He questioned whether UNHCR and NGOs involved in the process were complicit in the compulsion but also recognised the dilemma of whether they should have supported the process to help the refugees better navigate an inevitable process or pull back. Some of the refugees voted with their feet opting to go back with a few dollars rather than nothing at all. The premature returns did lead to exposure to the risk of Al-Shabaab militants mingling with the refugees.

Rufus questioned the role of regional frameworks in this regard since the tripartite agreement only outlined the respective responsibilities, but it was timebound and lapsed in 2016, despite continuous returns. The process also only includes those with legal status as refugees, but there is no mechanism to cater to spontaneous returnees or provide them with support and protection. There was also no voice of refugees in the tripartite agreement. Within the context of the GRF and Global Compact on Refugees (GCR), there is a need to review these agreements. He outlined some of the challenges in implementation included the dearth of cross-border approaches as coordination meetings lapsed and were not held frequently, and a mismatch in skills preparedness. Agencies should do proper market assessments to better understand the skilling needs.

Rufus recommended the need to embrace a longer-term perspective on sustainable reintegration for which there is a lack of data on. How do we monitor progress and make linkages, follow-up on development? How do you support local authorities in their development agenda so returnees do not end up as IDPs or urban poor. He further recommends investing in sustainable reintegration instead of returns; involving multiple actors in the reintegration and development planning including urban planners and the private sector; empowering returnees socially and economically and prioritising urban and community plans.

**Mossoua Mesmin-Rufin's** presentation focussed on returns from the Democratic Republic of Congo (DRC) to the Central African Republic (CAR). He explained that many people fled the crisis in CAR to neighbouring countries like DRC, Sudan and Chad. People returned after improvement of the security situation, community dialogues, the Khartoum agreement in 2019, reinforcement of the

mandate of MINUSCA, improvement in the economic situation, and peace agreements between religious platforms and communities, for example in Bangassou.

Mossoua explained that about 177,512 people returned to the South-East and that there were serious challenges following the returns. These included:

- Insecurity as armed groups made reintegration difficult;
- Difficulties of cohabitation between returnee and host or local communities;
- Loss of property;
- Problems with humanitarian and reintegration support and reintegration itself.

As a consequence, there were related protection problems like Sexual and Gender Based Violence (SGBV) and extortion. Many returnees ended up moving to internal displacement sites to access assistance and protection, and seek security.

Mossoua made a number of recommendations which included:

- Reinforcement of state authority across the country;
- Establishing a national policy for returnees;
- Establishing transitional justice mechanisms including a truth and reconciliation committee;
- Implementation of development plans and the Khartoum agreement.

In the long term, he recommended:

- Support for rehabilitating housing;
- Support for socio-economic reintegration;
- Provision of social services;
- Mobilisation and sensitisation on social cohesion; and
- Monitoring and following-up on actors.

He concluded by emphasising that return did not automatically improve the security situation, and so there was need for socio-economic reintegration of returnees.

**Taj El-Bisary** outlined the situation of returns from Chad to Sudan. He explained that there was a civil war in Sudan from 2003 to 2017, before the migration from Chad to Sudan for economic reasons. With war in Darfur, people fled from Darfur to Chad. Chad was not really a choice for returnees, but they ran towards the safest border.

Taj further elaborated on the situation for the returnees from Chad. The owners of the land returned and found that their land was taken by others. When they tried to claim back the land, conflict arose. The local mechanisms for resolving these feuds were already broken by the State action, even though not intentionally, but through the decayed set up of local government, which had resulted in the diminishing of authority for local land conflict resolution. This was particularly challenging because the laws that govern land management in that region were customary and unwritten. The returnees come back but lacked proof or documentation to show that the land they claimed was theirs. Sudan's new prime minister spent a week in that region trying to resolve disputes that occurred between the occupying nomads and the returnees. The young people who were mostly born in Chad returned with a new culture and lifestyle. They were not educated and so could not compete in the labour market. They missed too many years of education. Some of the schools were, after some time inhabited by returnees, who caused chaos inside the school rooms.

Taj went on to make some policy recommendations as follows:

- Activation and strengthening of the land dispute mechanism including the arbitration system;
- Reactivation of local community mechanisms to support resolution of land disputes;
- The Judiciary and legal systems take a long time to provide remedies, and are not free from political influence. In the region there are privileges for some groups to have the law on their sides;
- The process of getting land in Sudan takes long time and is very costly. There should be a review of government policy to ensure a reduction in cost and processing times for getting a lease and land registered;
- Creation of environmentally friendly settlements and green zones in order to stop environmental degradation;
- Formulate agricultural development projects oriented towards accommodating the issues of nomadic groups;
- Urgently address the lack of essential services such as health, shelter, education, etc especially for children;
- Include in the annual budget, funds to accommodate returns, including restitution.

### Questions, Comments and Discussions

1. What do you think about the possibilities of advocating for multiple identities? Why can people not just continue to move between two countries depending on what makes them comfortable as in the Somali-Kenya, for example?
2. There are changes in land use during different seasons. In the dry season there is a change between three activities therefore resulting in migration routes. How is that affecting or possibly causing conflict?
3. With regard to nationality and citizenship – we live on the continent where we have protracted situations of displacement. Children born in countries of refugee and may have no cultural or other attachment to their origin country, struggle with legal identification. What about the basic rights to belong to a place. In talking about free movement and right of establishment in Africa, why should we be forcing people to go back? What is it about refugees that makes it about exceptionalism rather than inclusion. Refugees responses should shift from the paradigm of charity to that of rights. How do we shift to ensure refugees and returnees have a say and agency in their affairs?
4. What would be the impact or what is the positive outcome, or opportunities, especially for the horn of Africa, that the free movement protocol brings?
5. A number of refugees are in the camps. The Convention is already 50years old, the 2009 Kampala convention is 10 years old. Refugees are still being uprooted from their homes. Discourage encumberment encourage inclusion. Each one of us is a potential refugee. We

cannot be sending people back to face human rights violation, just because it is their country of origin. We need to raise this platform to flag AU leadership to ensure that in the summit on Silencing the Guns, key stakeholders should be refugees themselves. If they are not involved, we remain far from the solutions. Tripartite agreements are between governments and high level actors, but the people impacted by them are not involved. People are asked to return because governments signed usually for them to go home and vote. In order to achieve the AU Agenda 2063, we need to comply with ratified instruments and encourage others to domesticate them. We need to engage beyond this space. The UN can enhance at the international but this is a regional issue.

## **Responses from Panel**

Rufus indicated that the closing of Dadaab camp was not a bad thing in and of itself, but those who did not want to go back, should have been allowed a slow and phased integration in the local economy to transform from refugees, and not burdens but contributors. He queried whether the option of easing things with the freedom of movement regime would enable refugee livelihoods, e.g. would banks be able to bank refugees. While economic integration is palatable for governments, politically, there is a fear of change in dynamics at election time. He further remarked that refugees had agency, were actors and contributors and not just a burden, and gave the example of Kenya where, especially refugees who had stayed for long, had integrated and were now able to bank and pay taxes despite the encampment policy. He concluded by indicating that there were hooks that we could innovatively think about and challenged the meeting to imagine how private sector could be leveraged in refugee situations.

Taj concluded by reiterating that return and reintegration must be voluntary and the responsibility of the receiving country to ensure reintegration support and protection. Currently, IOM was the only support. The challenge was that when the refugees were in the countries of refuge, UNHCR had the mandate to support them, but the moment they become returnees, and the countries of origin were never ready, and could not run to international community structures. The returnees belong to nobody and the problems persistent.



## Recommendations

- There should be engagement with refugees to understand where they would like to be integrated into
- Pre visits to their country of origin to include the communities that stayed
- Ask for a commitment from our leaders in terms of applying the policies that we discuss into practical low level structures. We speak about guidelines but if there is no good governance those stay here
- Multi-sectoral approach to dealing with issues related to integration or repatriation e.g. the forced returns in Kenya. There should be involvement of security actors in refugee returnees solutions so that it is in countries they return
- Engage in issues that push them out of their countries in the first place, with the refugees. Even if they return, they do to the same factors.
- Unique situation e.g. Somalis of Kenya. Education emergency collaborate with these people before they return
- Urgent need to strengthen systems and structures for returnees
- Context of involving refugees and returnees in the process.
- Encourage ratification and domestication of the AU and other policies
- Arbitrary displacement, encampment policy not recommendable. Allow refugees to be involved in economic activities
- Triggers of displacement
- Development approaches – absorption capacities require long term.
- An expanded definition of refugee returnee. It only caters for those legally documented. What about those that need to visit, assess the situation before they make the decision to return
- Embed in sustainable reintegration – how do you monitor. No evidence how this has been supported over the years. Standards and tools are necessary.
- Feature them in the government
- Inclusion of communities beyond the refugees and the returnees.

## Closing Session

Concluding remarks by **Dr. Khabele Matlosa**, *Director of the AUC, Department of Political Affairs*

- Normative commitment to addressing the issues of forced displacement in Africa
- The year 2019 was declared towards durable solutions to forced displacement. This was in recognition to the stark reality of the 2063 agenda of the Africa we want.
- The leaders recognizes without equivocation that there is no way we can achieve asdg17 and 2063 without tackling the issues of forced displacement in Africa.
- 22.2m displaced persons in Africa. 17.8 are internally displaced because of intrastate issues. 7.4m are refugees. IDPs are larger than refugees
- 2<sup>nd</sup> – Governance deficit: election related violence.
- Third deficit is development deficit – structural and difficult to see. Poverty, unemployment, inequality if not well managed trigger instability that generates displacement and humanitarian crisis. Not address corruption alone – merely a manifestation.
- 4<sup>th</sup> Environmental deficit – climate change. We addressing the issues of floods every season. That’s myopic. How do we address the big elephant
- If the 4 are tamed into dividends the policy has to be robust; we should not be misguided to focus on triggers. The things that you can see easily, but point to the source of the issue. We only scratch the surface.
- Human rights violations – are manifestations but the key thing is the governance challenge.
- Conflicts e.g. in the Sahel region (inter-community) – we focus on reconciling the communities but that’s not adequate, we should deal with the entire peace architecture of the country.
- Policy response – the challenge is bigger than addressing symptoms. Our countries have to devise wholistic frameworks that would turn the deficits into dividends.

## PROGRAMME

### Joint IPSS-IRRI AU Policy Lab

#### The Impact of Refugee Returns on Peace and Security: Follow-up on the AU's Theme of the Year 2019

January 23 2020- New Conference Hall/Institute for Peace and Security Studies/Addis Ababa

**08:30 – 09:15** Registration

**09:15 – 09:30** Welcome and Opening Remarks

Ms. Achieng Akena, Executive Director, International Refugee Rights Initiative

Michelle Ndiaye, Director, African Peace and Security Program, Institute for Peace and Security Studies, Addis Ababa University

**09:30 – 10:00** Session One: The impact of refugee returns in the Great Lakes on Peace and Security

**Format: - Panel Discussion**

Moderator Thijs Van Laer (IRRI)

Speakers

**Theo Mbazamutima** (REMA) on *Returnees from Tanzania to Burundi*

**Jolien Tegenbos** (CRG) on *Returnees from South Sudan to DRC*

**Godefroid Muzalia** (GEC-SH) on *Returnees from Rwanda to DRC*

**10:00-10:30** Plenary Discussions

**10:30-10:45** Group Picture

**10:45 – 11:15** Coffee Break

**11:15 – 12:00** Session Two: Implications for Policy on Peace and Security

**Format: - Fishbowl**

Moderator **Mrs. Michelle Ndiaye**, Director, African Peace and Security Program, Institute for Peace and Security Studies, Head of Tana Forum Secretariat (TBC)

Speaker 1 **Geofrey Mugumya**, displacement specialist of the International Conference on the Great Lakes Region (ICGLR)

Speakers 2,3, 4 & 5 Invitations by the Moderator

**12:00 – 12:30 Plenary Discussions**

**12:30- 13:30 Lunch**

**13:30 – 14:00 Session Three: *The Impact of Refugee Returns in Somalia, CAR and Sudan***

**Format:- Panel Discussion**

Moderator **Dr Khabele Matlosa** (TBC)

Director of Department of Political Affairs, African Union

Speakers Rufus Kinyua Karanja (ReDSS) on *Returnees from Kenya to Somalia*

Mossoua Mesmin-Rufin (JUPEDEC) on *Returnees from DRC to CAR*

Taj El-Bisary on *Returnees from Chad to Sudan*

**14:00 – 14:30 Plenary Discussions**

**14:30-15:00 Coffee Break**

**15:00 – 15:30 Session Four: The Implications for AU & RECs Policy**

**Format:- Fishbowl**

**Moderator Ms. Hafsa Maalim**, Conflict Prevention and Early Warning Division  
African Union Commission

**Speaker** Introduction by **Mr. Siraj Fegessa**, Director, Peace and Security, IGAD  
**Mr. Allehone Abebe**, Project 2019 Secretariat, UNHCR,

**Participants** As per fishbowl invitations by the Moderator

**15:30-16:00 Plenary discussions**

**16:00 – 16:15 Closing Remarks by AU representatives**

**H.E Amb. Fred Ngoga**, Head of Conflict Prevention, Early Warning, AU Peace and Security Department (tbc)

**Dr. Khabele Matlosa**, Director, Department of Political Affairs, Africa Union (tbc)

**16:15-17:00 Networking and end of AU Lab**