Forced displacement and conflict in the Great Lakes Region

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INTRODUCTION

The term 'Great Lakes Region', although used liberally, does not have a common, shared interpretation. In the context of the International Conference on the Great Lakes Region (ICGLR)[1] the term denotes eleven African states, seven of whom, namely Burundi, the Democratic Republic of Congo (DRC), Kenya, Rwanda, Tanzania, Uganda and Zambia, are perched on the shores of Africa's largest lakes: Victoria, Tanganyika, Albert and Kivu. The remaining four ICGLR member states: Angola, the Central African Republic (CAR), the Republic of Congo – Brazzaville and Sudan, do not enjoy such proximity to the lakes. In this paper the term 'Great Lakes Region' has a restrictive interpretation and is confined to the 'core' Great Lakes states of Burundi, the DRC, Kenya, Rwanda, Tanzania, and Uganda.[2]

HUMAN MOBILITY

While refugees continue to dominate the discourse on forced displacement, a number of other forms of human mobility demand attention. First and foremost of these are internally displaced persons (IDPs).[3] Table 1 highlights the IDP phenomenon in some countries in the Great Lakes Region.

Close on the heels of IDPs is a category at the centre of the highly topical issue of environmental change and global warming. Displacement has become a coping strategy in respect of yet another stimulus – marked disruption in the ecosystem which renders it temporarily or permanently unsuitable to support human life.[4] The likely impact of climate change on population movements has been described by one source as follows: 'Estimates have suggested that between 25 million to one billion people could be displaced by climate change over the next 40 years.'

Table 1 Number of internally displaced persons in the Great Lakes Region, 2010/11

Country	Number of IDPs
Burundi	100 000
Democratic Republic of Congo	1 700 000
Kenya	250 000
Uganda	74 000
Total	**2 124 000**

The third, final category is no less contentious. Often described as 'undocumented migrants', 'irregular migrants' or 'migrants in an irregular situation', these displaced persons represent another manifestation of contemporary human mobility.[5]

Given the range of sub-categories of forced displacement in the Great Lakes Region, the present study is confined to the two most lasting and visible manifestations – refugees and internally displaced persons. Statistics on refugees and IDPs in the region are presented both as a way of contextualising the ensuing discussion and providing a backdrop to the search for appropriate and sustainable responses. Besides revealing the trends of displacement in the region, the data enable us to determine the magnitude of the problem relative to other geographical locations on the continent and beyond.

Of all documented cases of forced displacements, 'protracted refugee situations' (PRS) are the most serious. Importantly, data show that the gravity of the situation in the Great Lakes Region is particularly acute on account of population size and duration, both

of which far outstrip the thresholds of a PRS. A key hypothesis of this paper is that there is an intimate link between forced displacement, on the one hand, and governance and armed conflict on the other. A second hypothesis is on the role (adequacy or otherwise) of policy, institutional and legal frameworks in the displacement–conflict nexus. It is concluded that there does exist a causal link (even if not direct and linear) between the high incidence of displacement in the region and governance challenges, as well as the seemingly endless armed conflicts raging in the region. Inadequacies at policy, institutional or legal level are an aggravating factor.

In view of this, the study recommends first and foremost that rather than approaching displacement as a transitional phenomenon, policymakers should begin formulating mid- and long-term strategies in appreciation of the lasting nature of the phenomenon. In broad terms, the 'migration and development' paradigm should be adapted. More specifically, mitigation and possible disruption of the displacement–conflict link seem to call for greater focus and resources in the following areas: entrenchment of an evidence-based culture in formulating policy interventions; fostering a culture of broad, purposeful consultations with stakeholders in policy formulation and implementation; and ensuring a more robust implementation and enforcement of treaty obligations pertinent to forced displacement.

NATURE, MAGNITUDE AND TRENDS OF DISPLACEMENT IN THE GREAT LAKES REGION

This section attempts to address three interconnected issues, namely the nature, scope, and trends of displacement. It will seek to capture the various objective manifestations of human mobility that are of particular relevance to the incidence of violent conflict. In summary, the manifestations of mobility can conveniently be grouped into 'forcible' and 'voluntary', or 'forced displacement' and 'migrants'.

It is within the 'forced displacement' cluster that we find refugees as well as internally displaced persons. However, existing definitions as to who is a 'refugee' should not be regarded as comprehensive and exhaustive. Admittedly, the OAU Refugee Convention of 1969 brought a welcome normative development when it defined a refugee in more liberal fashion than the UN Convention.[6] Having said that, it is equally important to stress that since the adoption of the OAU Convention, much water has passed under the bridge. The intervening years have witnessed a spectacular increase in the categories of persons in need of asylum and humanitarian assistance, a matter aggravated by, among other things, 'mixed migration flows', 'refugee warriors', and the emergence of the environment as a major determinant of displacement. Given these unprecedented developments, the adequacy of the OAU Convention as a regulatory framework becomes questionable. Not only are existing definitions increasingly lagging behind in capturing the unfolding reality around the notion of refugees, but new forms of human mobility are emerging well beyond the purview of present legal precepts.

On the one hand there are various sub-sets of persons, all of which are in some way or other associated with the notion of 'refugees'. Most notable among these are asylum seekers whose applications remain either undetermined, or have been unsuccessful, but yet they remain within the territorial jurisdiction of that particular state while no solution has been found. Then there are *de facto* refugees who are in conflict with the host country's (rigid) residence and documentation requirements, thus bringing into question their *de jure* status. Refugees infringing these conditions find themselves in the loosely defined category of 'irregular settlers', or undocumented migrants.

The refugee continuum also embraces those refugees who have opted for voluntary repatriation or resettlement (to a third country) and for whom the process has not been taken to its final, conclusive stage. Another and final sub-set are those refugees who have repatriated and for some reason or other continue to be in genuine need of both protection and assistance pending full reintegration. They are the so-called 'returning persons'.

I draw attention to these categories primarily to underscore the diverse nuances in terms of applicable law, procedures, as well as institutions (local or otherwise) with the greatest responsibility for (or institutional mandate over) the individual or group in question. This distinction is also relevant to the process of identifying protection needs along with the possible security implications for the concerned state(s). Needless to say, inordinate delay in determining the status of applications for asylum is a source of considerable stress, unrest, generalised violence, and fatalities for those in detention centres. Two other categories with a direct impact on stability and security are what are loosely referred to as 'environmental migrants' and the so-called 'warrior refugees', the latter associated with the much broader problem of militarisation of refugee camps.

One cannot ignore the phenomenon of internally displaced persons in the Great Lakes Region. There is largely consensus that IDPs should be recognised as one of the newly emerging challenges to scholars, practitioners and policymakers alike.[7] Within a short period of time – as captured by Table 1, and in contrast to Table 2 – IDPs have overtaken refugees as the largest

Table 2 Country statistics on refugees in the Great Lakes Region, 2010

Origin	Number of refugees from country of origin	Number of refugees hosted by 'country of origin'	Number of refugees who returned to country of origin	Number of refugees per 1 000 of population
Burundi	84 004	29 365	4 766	3,50
Democratic Republic of Congo	476 693	166 336	16 631	2,52
Kenya	8 602	402 905	325	9,95
Rwanda	114 836	55 398	10 906	5,21
Tanzania	1 144	109 286	0	2,44
Uganda	6 441	135 801	59	4,06
Total	**691 780**	**899 091**	**32 687**	

Source Extracted from http://www.guardian.co.uk/news/datablog/2010/jun/15/refugee-statistics-unhcr# (accessed 30 August 2011).

and fastest growing constituency among the forcibly displaced. Indeed, a perusal of global databases and analysis of trends in forced displacement, confirms a decline in refugee populations against dramatic leaps in the numbers of IDPs.[8] In addition, and what is particularly pertinent to this paper, internal displacement has invariably been linked with particularly grave conflicts, be it in the Great Lakes Region, Asia or Latin America.[9]

Policymakers engaged with the issue of mobility and security need also bear in mind two other phenomena that are gaining prominence in the region, namely human smuggling and trafficking.

While it cannot be claimed that the above constitutes an exhaustive list of the manifestations of human mobility of consequence to security, it is fair to say that the list does capture the most significant and highly visible groups.

Leaving behind the dual issues of nature and magnitude of displacement in the sub-region, we now turn to those trends in displacement with the greatest relevance to the displacement–security nexus. That forced displacement and migration have deep, pervasive roots is not readily acknowledged – neither is the implication for human mobility of regional economic systems, a key component of which is the free movement of production factors. In other words, human mobility is not only inseparable from the history of the region but is a defining characteristic of the present and foreseeable future.[10] Second, and as has been captured in Tables 1 and 2, there is the conflicting trajectory between refugees on the one hand and the remaining categories of forcibly displaced persons and migrants on the other.

A third notable development is the incidence of 'mixed migration flows' whose perplexing humanitarian and security challenges are associated with the fact that a huge and, typically, spontaneous cross-border influx combines persons governed by different and sometimes conflicting policies, laws and institutions. A classical illustration was the phenomenal influx from Rwanda in the wake of the 1994 civil war and genocide. At one point, nearly 250 000 persons were reportedly crossing the border with Tanzania every 24 hours, putting unprecedented pressure on border management, disease control, provision of relief assistance, water and land.[11] It soon emerged that along with genuine asylum seekers were heavily armed ex-FAR (*Forces Armées Rwandaise*)

Table 3 Global refugee statistics by geographical region

	Number of refugees originating from the region	Number of refugees migrating to other regions	Number of refugees who returned to region of origin
Asia	6 393 200	97 584	5 620 502
Africa	2 805 165	149 480	2 300 062
Europe	528 245	4 319	1 628 086
Latin America and Caribbean	462 808	70	367 437
Various	202 550	25	0
North America	2 467	0	444 895
Oceania	2 105	0	35 558

Source Data extrapolated from UNHCR and US Committee for Refugees and Migrants websites.

Interahamwe and militia, some of whom were responsible for such serious crimes against international law as genocide and crimes against humanity.[12]

Each of the six countries of the Great Lakes Region under discussion is a significant country of asylum and save for Tanzania, a notable country of origin as well (see Table 2). In this, the region is not exceptional, since a similar scenario exists in other regions of the continent such as the Greater Horn. What sets the Great Lakes Region apart, however, is the gravity of the situation (over 25 000 persons exiled for an uninterrupted period of more than 12 years) prompting scholars and practitioners to label it a 'protracted refugee situation' (PRS).[13] Relevant to this paper is the high linkage between PRS and the incidence of violent conflict.

Two other facts are worth mentioning: the location of refugee camps (in terms of distance from international frontiers) and the policy responses to the incidence of displacement and migration. Often, and understandably, refugee camps are pitched in close proximity to the common border with the refugee's country of origin despite the (ambivalent) prescription of the OAU Refugee Convention that camps be located 'at a reasonable distance from the frontier of [the refugees'] country of origin'. In reality refugees are often settled in a remote, resource challenged area characterised by a weak or nominal presence of central government but inhabited by communities straddling a highly porous international frontier. Such a camp profile is a recipe for tension and suspicion in relations between host and origin countries. The presence of warrior refugees and militarisation of the camps add to the strained relationship between the refugees and local communities.

As for an overall assessment of host country responses, it is fair to say that apart from a handful of 'maverick' approaches, most policy interventions lean towards the predominant global trend, which is towards restrictionism and away from what Rutinwa and others have termed the 'golden age of asylum', as exemplified in Tanzania's erstwhile egalitarian 'open door policy'.[14]

REGULATORY FRAMEWORK GOVERNING DISPLACEMENT

This study is premised on the existence of a causal link between displacement and conflict, but also on the presumption that the adequacy, or otherwise, of the regulatory framework governing displacement is a key variable in the equation. There is one further hypothesis. A sound regulatory framework is likely to prove important in checking excesses associated with displacement and in so doing, preclude, or mitigate, the incidence of conflict where it erupts. Conversely, an effective and efficacious conflict transformation and post-conflict reconstruction system is highly dependent upon the relevant regulatory framework. It is against this background that in the section attention is given to policy directives, laws, and institutions at the core of the regulatory framework pertinent to displacement.

Of particular concern is the extent to which the framework conforms to existing international normative standards and practices, most notably the adequacy with which effect is given to voluntarily assumed treaty obligations and, in particular, ratification, domestication and the adoption of other treaty implementation measures. Another area of concern is the level of coherence between the various components of the framework, that is, law, policy and practice. A fairly high number of treaties have been signed by member states in the region. An entirely different matter is ratification status, domestication, and other follow-up implementation measures.

If tardiness in treaty compliance was confined to generally applicable global treaties such as the UN Convention on the Status of Refugees, 1951, there would have been no reason to raise alarm. Ratification status, domestication and follow-up administrative and judicial measures are a cause for concern, however, even in respect of homegrown sub-regional treaties such as the Nairobi Pact of 2006 and two of its most relevant protocols.[15]

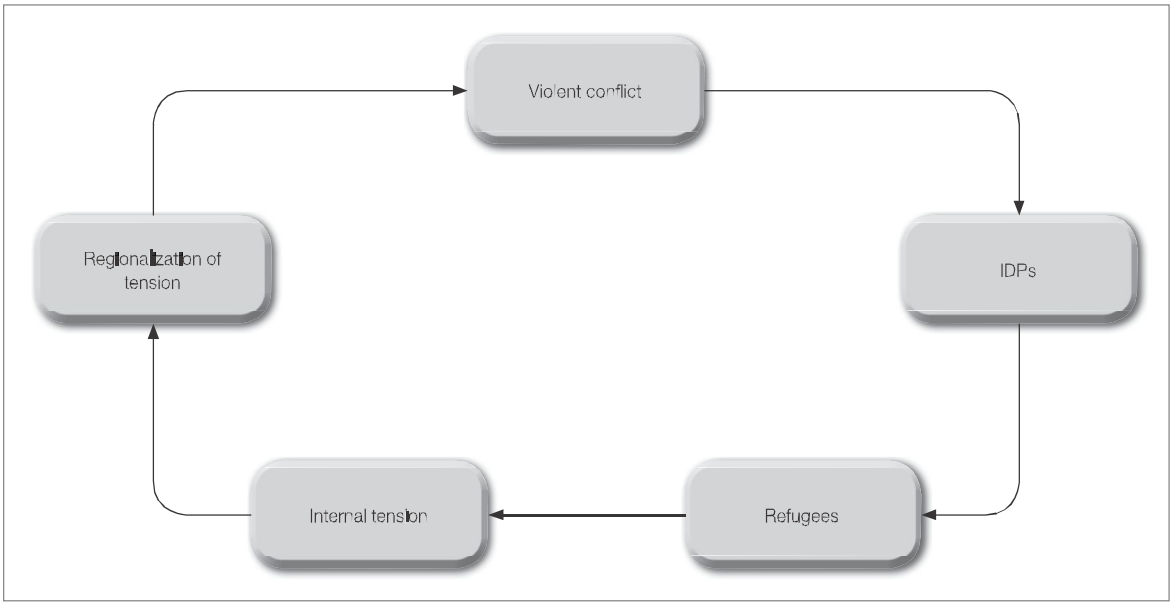
It needs to be stressed that the 'Great Lakes Process' holds the greatest potential in meaningfully addressing the seemingly ceaseless conundrum of displacement and conflict in the region.[16] Although the process traces its legislative origins to the UN Security Council and the African Union, it is a homegrown initiative and is distinct for its holistic, integrated approach in confronting the governance, stability and development challenges in the region.

DYNAMICS OF THE DISPLACEMENT–CONFLICT NEXUS IN THE GREAT LAKES REGION

This section, with the aid of Chart 1, attempts to capture the dual phenomenon of displacement and conflict. The initial discussion will be followed by an examination of events of the mid-1990s in Rwanda.

At the very top of the chart is a block representing an existing situation of 'violent conflict' (the most extreme case of which is either 'intrastate' or 'interstate war'). The term 'conflict' adopts the definition articulated in the Geneva Conventions of 1949 and, more specifically, by the Additional Protocols of 1977 and case law of the UN ad hoc Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR). A distinction is made between

Chart 1 Displacement–conflict nexus



international and non-international armed conflicts. For their part, the Geneva Conventions of 1949 define the former as 'all cases of declared war or of any armed conflict' or, 'occupation … even if the said occupation meets with no resistance'.[17] Article 1 of Additional Protocol II, on its part, defines a non-international conflict (in popular parlance, civil wars) as an armed confrontation taking place within the territorial confines of a state and pitting government forces against 'dissident armed forces or other organized armed groups'. It needs to be stressed that the Great Lakes Region has the dubious record of experiencing both categories of armed conflict. In the Jean Paul Akayesu case, for example, the court characterised the confrontation in Rwanda at the time of the genocide as amounting to a 'non-international armed conflict'.[18] International armed conflicts are equally not unfamiliar to the Great Lakes Region and have even given rise to international litigation.[19]

The threat of violent conflict to human security leaves no other option than flight, which in turn takes two major forms – internal displacement for IDPs, and cross-border influx resulting in asylum seekers and refugees, as depicted by the two blocks to the right. The next block, 'Internal tension', underscores the deterioration in stability and tranquility generated by the presence of IDPs and refugees.

Where no effort is made to contain and localise these tensions, or such efforts prove fruitless, an escalation of tension occurs with a spill-over into a neighbouring state or into several contiguous states, thus 'regionalising' what originally was a local, intrastate conflict. Once this happens, there is a high possibility of a fresh wave of displacement (IDPs and refugees alike) in the newly affected countries, a development likely to exacerbate the original conflict and in that way, complete the vicious cycle of displacement and violence.

1994 DISPLACEMENT IN RWANDA AND REGIONALISATION OF CONFLICT

The Great Lakes Region confirms the widely held view that displacement and conflict are intimately connected in that conflict is often among the major 'triggers' of forced displacement, and PRS in particular, while the latter is, concurrently, a significant source of instability and war. A classical illustration of this toxic symbiotic relationship between displacement and conflict can be found in the situation in the Great Lakes Region following the exodus out of Rwanda in 1994. The genocide, coupled with the civil war, left many Rwandese with no other option but flight, internally and across borders. In addition to the internally displaced, nearly 2,5 million people sought refuge in the neighbouring countries of Burundi, the then Zaire, Tanzania and Uganda.

The regional security implications of the phenomenal scale of displacement became apparent in a relatively short time in the form of refugee warriors, militarisation of refugee camps, arms trafficking, expropriation of humanitarian resources by armed groups, breakdown of law and order, truncated capacity of governmental authorities (of the country of asylum) to assert authority in the refugee camps, and openly heightened vulnerability of host countries, particularly Tanzania. In this way what should have been an 'innocent' population

displacement rapidly turned toxic, threatening to destabilise the entire sub-region. For example, refugee camps in Zaire at the time were known to accommodate persons masterminding and overseeing the Rwandese genocide, that is, *genocidaires*. With contemptuous boldness Rwandese militia replicated the political structures of home country communes within refugee camps in Tanzania and Zaire.[20] To compound the problem, Interahamwe and ex-government armed forces (FAR) began to recruit, rearm and train. Milner asserts that the 'direct security concerns faced by Tanzania relate to allegations that Burundian armed elements were based in and around the [refugee] camps, and the belief that the presence of refugees facilitated the flow of small arms'.[21]

According to one analysis, the Hutu militias created such insecurity that, in 1996, the Rwandan Patriotic Front (RPF)-led government in Rwanda repeatedly demanded that the Congolese government dismantle the refugee camps or face an armed intervention by the Rwandan Patriotic Army (RPA), the armed wing of the RPF.[22] Indeed, part of the rationale for RPA support for the anti-Mobutu Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADLF) led by Laurent Desire Kabila was to eliminate the potential military threat posed by Hutu militia in the refugee camps, who were perceived as a serious security threat by Kigali.[23] Put simply, what initially was an intrastate issue not only led to multiple cross-border influxes from Rwanda into contiguous countries of the sub-region, but as Chart 1 attempts to show, the entire Great Lakes Region experienced instability and insecurity which could be directly traced to (intrastate) conflict and displacement within Rwanda.

Acknowledging the causal link between displacement and conflict should not be taken to suggest that all situations of displacement – including a protracted refugee situation – inevitably lead to violent conflict. Conversely, wherever there is violent conflict, massive population displacement is the inescapable outcome. Practitioners and scholars have identified a number of ingredients or the preconditions for the causal link to unfold, as did happen in the case of Rwandese displacement. It is however fair to stress that the singular most threatening prerequisite seems to be the existence of a PRS.

PROTRACTED REFUGEE SITUATIONS AND THE SEARCH FOR DURABLE SOLUTIONS

It has been shown that of all situations of human forcible displacement, protracted refugee situations would seem to be the more severe and with far-reaching consequences, including (intra- and interstate) conflict and instability. The International Conference of the Great Lakes Conference (ICGLR) makes it very clear that, often enough, conflict and instability impair economic development and entrench poverty. In other words, finding a sustainable solution to PRS is fundamental to securing lasting peace, stability and development. However, finding an acceptable and meaningful solution to displacement is easier said than done.

For example, considerable literature exists on the three traditional 'durable solutions' to the refugee problem: repatriation, resettlement and local integration. Experts have often shown the severe constraints characterising each of the three, despite unanimity about the comparative suitability of repatriation. Given the peculiarity of PRS, strategies in addressing the scourge requires one to 'think out of the box' and, as a minimum, bring strategic innovation to the understanding and application of the three traditional durable solutions. For this reason I find the approach taken by the 'Great Lakes Process', given its holistic, inclusive and proactive sweep, as being the most promising in combating the triggers along with drivers of instability and conflict.

As Milner and Loescher warn,[24] a distinction should be drawn between PRS and related emergency situations. Second, it is worth exploring the possible mutual reinforcement of the three durable solutions, coupled with other novel options. Indeed, there is near unanimity that relocation to a third country (in other words resettlement) is of limited use and efficacy. The total number of those able to enjoy this durable solution, as a proportion of those in need, is a mere drop in the ocean[25] and can therefore not be regarded as contributing significantly in alleviating the PRS-related burdens of the respective country of asylum. This should not come as a surprise given the fact that resettlement is an entirely discretionary matter for the state wishing to have refugees relocate to its territory on permanent terms of residence. Local integration (entailing naturalisation), like resettlement, is a solution that is among the least popular for policymakers and as a result offers of local integration are so rare that countries of asylum such as Tanzania stand out.[26]

In a variety of policy documents, voluntary return of refugees to the country of origin is often touted as preferable among the traditional solutions.[27] And yet, as the Tanzanian experience has dramatically shown, this is not always the case. Of the 218 000 Barundi refugees in the so-called Old Settlements of the Tabora and Rukwa regions of south-central Tanzania, only 20 per cent opted to return to their home country, as opposed to 80 per cent who expressed a clear preference for assimilation and acquisition of Tanzanian citizenship.

Otherwise, refugee movements, and migration in general, are increasingly being viewed in a more enlightened manner, giving rise to the 'migration and development' discourse.[28]

The migration and development discourse is relevant to the displacement–conflict nexus (which is the primary concern of this paper) in a number of ways. First and foremost is the fact that refugees are considered to be an integral component of international migration. Second, a key strategy within migration and development is emphasis on the enhancement of the human rights regime within national boundaries as a tool in addressing poverty, poor governance, and conflict, all of which are known triggers of displacement and migration.[29] A related and pertinent tenet is the insistence that migration should be the result of choice rather than necessity. According to the Global Commission on International Migration (GCIM), 'women, men and children should be able to realize their potential, meet their needs, exercise their rights and fulfill their aspirations in their countries of origin'.[30]

TANZANIA AND THE SEARCH FOR DURABLE SOLUTIONS TO A PROTRACTED REFUGEE SOLUTION

If one was tasked with finding a classical illustration of PRS within the Great Lakes Region, the search would include, if not end, with Tanzania. Let us bear in mind that scholars and practitioners insist we have a 'major PRS' whenever 25 000 refugees have been in exile for more than five years with no immediate prospect of a durable solution.[31] Curiously, even the term PRS barely captures the gravity of the situation in Tanzania. This is evident from Table 4, which shows that at the end of December 2006 there were 481 000 refugees from Burundi and the DRC in Tanzania, with an average duration of exile of 22,5 years.[32] As a country of asylum and PRS par excellence, Tanzania's quest for a 'durable solution' to its refugee population should be a matter of heightened interest for scholars, policymakers, and indeed, refugees themselves.

Constraints of time and space require that the author confine himself to a search for durable solutions and refrain from considering previous initiatives. It needs to be recalled that, in 1983, Tanzania's president, Mwalimu Julius Nyerere, became the second ever African (after Botswana's Sir Seretse Khama) to receive the Nansen Award, the most prestigious honour conferred by UNHCR, for extraordinary and dedicated service to the refugee cause. In 2008, Tanzania once again came into the international limelight. According to the Head of Delegation of the European Commission, Tanzanian authorities have taken a unique and unprecedented act of generosity and humanity on account of the offer of naturalisation to Barundi refugees.[33]

The ongoing initiative was articulated for the first time in 2007 with the signing of a tripartite agreement between the governments of Tanzania and Burundi, and UNHCR. The troika launched TANCOSS, or the Tanzania Comprehensive Solution Strategy. It is instructive that TANCOSS, in its bid 'to bring a dignified end' to one of the world's most conspicuous PRS, ignored 'resettlement' all together. The Barundi refugees who had fled their home country in 1972 – now numbering 218 000, of whom 82 per cent were born in Tanzania – were offered a two-pronged 'durable solution' instead: voluntary repatriation, on the one hand, and local integration, entailing naturalization, on the other.

Having brought the repatriation exercise to an end and completed the naturalisation phase, TANCOSS had been brought to its conclusion and the stage was set for the dispersal of the refugees from the 'refugee settlements' and re-integration into local communities in various destinations within the country.

It is for this purpose that the National Strategy for Community Integration Programme (NaSCIP) was adopted in early 2010. Its objective is the 'relocation and effective local integration of the newly naturalised Tanzanians' (NNTs).[34] NaSCIP assigns the lead role to the Prime Minister's Office – Regional Administration and Local Government (PMO-RALG), popularly known by the Kiswahili acronym TAMISEMI, with support from UNHCR. A pertinent section of NaSCIP sets out the guiding principles of the integration programme, which may conveniently be grouped into three broad clusters: those of general applicability, those that are relatively specific, and transitory matters.

Table 4 Nationality of refugee population in Tanzania and duration of exile (December 2006)

Nationality	Population	Duration of exile (years)
Burundi	353 000	35,0
Democratic Republic of Congo	128 000	10,0
Total	**481 000**	**22,5**

Sources: Compiled from the World Refugee Survey 2007 and the UNHCR Statistical Yearbook of the same period.

Five other matters in this innovative policy document deserve attention. NaSCIP acknowledges and implicitly promotes the possibility of naturalised persons spontaneously and independently relocating to destinations of individual choice within the country, but, importantly, without seeking financial assistance from TAMISEMI. However, in the estimation of the Tanzanian government and UNHCR, this category will be the smallest compared to those who will require assistance to relocate and integrate. Partly because of the sheer size of the latter group (comprising about 35 000 households) and the logistical (and several other dimensions, including security) implications, spontaneous relocation was found to be not a sensible and practical option.

Instead, NNTs will be required to relocate to one of 16 specified districts of Mainland Tanzania. A second major issue is the 'operational support' required to implement NaSCIP and which revolves around four subclusters: individual handouts to NNTs; land acquisition; support for destination local communities (otherwise, the 'community-based support'); and mass mobilisation campaigns. A third cluster is the sensitive issue of resource mobilisation. In 2010, it was estimated that rolling out NaSCIP will come with a price tag of nearly US$144 million staggered over the period 2010-2014. Fourthly, policymakers took cognisance of the fact that, in 2015, Tanzania will be holding its fifth general elections since the advent of plural politics[35] and it is therefore unwise to allow a politically loaded issue such as mass naturalisation and relocation of refugees to coincide with a period of national economic, social and political tension.

CONCLUSION

The Great Lakes Region continues to be a major global flashpoint regarding both displacement and migration. Even with the successful roll-out of NaSCIP, Tanzania will still have over 20 000 refugees with no durable solution within easy reach. The issue of refugees and in particular that of protracted refugee situations (PRS) in the Great Lakes Region is therefore real and likely to linger on in the foreseeable future. Policymakers and other regional players would therefore be well advised to bear in mind this stark reality and embrace the necessity of both short-term and long-term counter-strategies. Second, policymakers, humanitarian agencies and other actors need to be mindful of peculiarities of population displacement in the region. On the one hand there is the problem of 'refugee warriors' and the related issue of militarisation of refugee camps, internal and regional stability and security. On the other hand are the legitimate human rights and protection needs of asylum seekers and other categories of migrants that are coming under increasing threat of 'restrictionism' and the 'securitisation' of asylum.

Third is the related problem of 'mixed migration flows' in which embedded within genuine asylum seekers are all manner of irregular migrants, including the smuggled and trafficked, and the resultant complications for authorities responsible for border control and management, as well as refugee status determination.

Fourth, there is the prevailing institutional, policy and normative framework governing refugees. Complications arise from the weakness of individual states to fully comply with voluntarily assumed treaty obligations, for example under the UN Convention on the Status of Refugees, 1951, and the AU Refugee Convention, 1969, or even the East African Community Treaty, 1999, or the Great Lakes Nairobi Pact, 2006. While signature and ratification status is laudable, treaty domestication and adoption of the required administrative and judicial implementations measures are far more important.

Fifth, and related to the above, is the need to harmonise laws and policies, as required by the treaty for the establishment of the East African Community (EAC) of 1999. There are intrastate discrepancies with regard to policy and legal frameworks and practices pertaining to refugees. Either an official policy document on refugees is absent altogether (Kenya, Uganda), or existing law and practice do not fully reflect the policy document (Tanzania). In other cases one encounters multiplicity and duplicity not only in refugee-related institutions, but also in laws (Burundi).

Sixth, institutional capacity – especially among government authorities – lags far behind the magnitude and complexities of the refugee problem. Empowering those with responsibility for refugee status determination and border control and management with requisite specialised knowledge and skills requires far more resources than are currently available.

Finally, support for teaching, research, and outreach will not only create an enlightened public mind but will go a long way towards building harmonious relationships between the displaced and their host communities. Another major dividend, especially from teaching and research and publication, is the adoption of policy decisions grounded in evidence-based, rigorous scholarly interrogation.

NOTES

1 For details and an overview of the ICGLR visit http://www.icglr.org.

2 Henri Médard and Shane Doyle (eds), in *Slavery in the Great Lakes Region of East Africa*, Oxford: James Currey, 2007, give a persuasive explanation of the term 'Great Lakes Region'.

3 Details can be found on the website of the Internal Displacement Monitoring Centre (IDMC) at http://www.internal-displacement.org (accessed 2 December 2011).

4 Norwegian Refugee Council, *Future floods of refugees: a comment on climate change, conflict and forced migration*, 2008, citing E El-Hinnawi, *Environmental refugees*, New York: United Nations Environment Program (UNEP), 1995, http://www.nrc.no/arch/_img/9268480.pdf (accessed 17 May 2012). Increasing reference is being made to 'environmental migrants' and 'environmentally displaced persons'.

5 According to the IOM, the term 'illegal migrant', which is widely used by drafters of national legislation governing immigration and residence, carries a criminal connotation and seen as denying migrants' humanity: see *Glossary on migration*, 2nd ed, Geneva: IOM, 2011, 54, http://joomla.corteidh.or.cr:8080/joomla/images/stories/Observaciones/11/Anexo%205.pdf (accessed 17 May 2012).

6 In contrast with Article I (2) of the OAU Convention, Article 1 of the 1951 Convention defines a 'refugee' in terms of an individual rather than a group member and is particularly individualistic. In addition, the 1951 Convention confines itself to a 'well founded fear of persecution' as the only legitimate grounds for claiming asylum.

7 At the UN, the focal point is the Special Rapporteur on the Human Rights of IDPs, an office established in 1992. Among the world's leading institutions dedicated to the study of internal displacement is the Internal Displacement Monitoring Centre in Geneva (http://www.internal-displacement.org) and the Brookings Institution (http://www.brookings.edu) operating from Washington DC.

8 In particular, see World Refugee Surveys of the US Committee on Refugees and Migrants and the Global Overviews of Trends published by the Geneva-based Internal Displacement Monitoring Centre.

9 The conflict–displacement nexus has been the subject of two international conferences organised by the Bonn International Centre for Conversion (BICC). See for example its publication *Migration and displacement in Sub-Saharan Africa: the security–migration nexus*, 2008, edited by Clara Fischer and Ruth Vollmer, http://www.bicc.de/uploads/pdf/publications/briefs/brief39/brief39.pdf (accessed 18 May 2012).

10 See for example K Kamanga, The changing manifestations of forced migration: Africa in denial of its migrant history? *Refugee Insights*, Newsletter of the Refugee Consortium of Kenya, (12 & 13), July–December 2007.

11 For details see Sadako Ogata, *The turbulent decade: confronting the refugee crises of the 1990s*, New York: Norton, 2005, 172-275.

12 Besides Ogata no other book captures this gruesome reality as vividly as that by a former UNAMIR commander, the Canadian Lieutenant General Roméo Dallaire, *Shake hands with the devil: the failure of humanity in Rwanda*, Toronto: Random House, 2003.

13 Recent works on this phenomenon include James Milner and Gil Loescher, *Responding to protracted refugee situations: lessons from a decade of discussion*, Oxford: Refugee Studies Centre, Forced Migration Policy Briefing 6, January 2011, http://www.rsc.ox.ac.uk/events/launch-policy-briefing-6/RSCPB6-RespondingToProtractedRefugeeSituations.pdf (accessed 17 May 2012).

14 B Rutinwa, *The end of asylum? The changing nature of refugee policies in Africa*, New Issues in Refugee Research, Working Paper No 5, Geneva: UNHCR, May 1999, 4. See also Sreeram Chaulia, The politics of refugee hosting in Tanzania: from open door to unsustainability, insecurity and receding receptivity, *Journal of Refugee Studies* 16(2) (2003), 147–166.

15 Appended to the 2006 ICGLR Pact on Security, Stability and Development are ten protocols including the Protocol on the Protection and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons, which are the most important protocols in the context of this paper. Importantly, only a handful of the eleven member states of the ICGLR have ratified and domesticated these two protocols.

16 Details of the 'Great Lakes Process' can be found at http://www.icglr.org.

17 Article 2, common to all four Geneva Conventions, 1949. This must be read in conjunction with Article 1 of Additional Protocol I of 1977 which considerably widens the range of international armed conflicts.

18 *The Prosecutor v Jean-Paul Akayesu*, Case No ICTR-96-4-T, paragraph 621.

19 In particular, Case Concerning Armed Activities on the Territory of the Congo (*DRC v Uganda*), ICJ Reports, 2005 and *ICC, Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui*, ICC-01/04-01/07.

20 Ogata, *The turbulent decade*, 179, for instance, describes in moving detail how a crowd of 5 000 camp-based refugees in Tanzania rioted over the arrest of former *bourgmaster* and suspected *genocidaire* Jean-Baptiste Gatete at the Benaco refugee camp in northwestern Tanzania.

21 James Milner, *Refugees: the state and the politics of asylum in Africa*, Oxford: Palgrave Macmillan, 2011, 128.

22 For details see John F Clarke (ed), *The African stakes of the Congo war*, Kampala: Fountain Publishers, 2003, *passim*, but especially in Chapter 8, by Timothy Longman, The complex reasons for Rwanda's engagement in Congo, 129-144.

23 Ibid.

24 Milner and Loescher, *Responding to protracted refugee situations*, 15, 16.

25 While conceding that resettlement has the potential for not only serving as a durable solution, vital protection tool, and an international responsibility-sharing mechanism, the UNHCR Statistical Yearbook for 2007 makes the sobering observation that only a paltry 1 per cent of the world's refugees directly benefited from resettlement.

26 A subsequent section will discuss at length an ongoing initiative known best by the acronym NaSCIP, that is, the National Strategy for Community Integration Programme.

27 The Tanzania National Refugee Policy of September 2003 is illustrative and so too are countless UNHCR policy directives and studies.

28 Among leading fora championing this cause is the UN General Assembly High Level Dialogue on International Migration and Development (HLD), the Global Commission on International Migration (GCIM), and the Global Forum on Migration and Development (GFMD). In respect of Africa, two initiatives are worth pointing out. These are the African Union Strategic

Framework for a Policy on Migration, 2001, and the IOM's Migration and Development in Africa (MIDA) strategy.

29 Global Migration Group, *Mainstreaming migration into development planning: a handbook for policy-makers and practitioners*, Geneva: IOM, 2010, 11.

30 Global Commission on International Migration, *Migration in an interconnected world: new directions for action*, Report of the GCIM, 2005, 4.

31 Milner and Loescher, *Responding to protracted refugee situations*, citing UN High Commissioner for Refugees, *Conclusion on protracted refugee situations*, 22 December 2009, No 109 (LXI), 2009, 3, http://www.unhcr.org/refworld/docid/4b30afd92.html (accessed 18 May 2012).

32 Data have been gleaned from the World Refugee Survey 2007 and the UNHCR Statistical Yearbook for the same period. The benchmark 2006 has been taken since at that stage, as opposed to the subsequent year, no elaborate durable solution had yet been found for neither of the two groups of refugees.

33 In terms of a 2008 agreement the EU would support the UNHCR in rolling out the naturalisation process of Barundi refugees through a grant of €2,5 million.

34 In working meetings of TAMISEMI, the term NNTs was subsequently replaced with 'relocating Tanzanians' as a means of escaping the ambiguity and possible stigma that was likely to accompany the term 'newly naturalised' Tanzanians, which suggested on that there exist 'classes' of citizens.

35 Multipartyism, as the phenomenon is widely known, was formally ushered in with the enactment of the Political Parties Act in 1992 and politically following the general elections of 1995 and the emergence of an 'official opposition' to the ruling party within Parliament.