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| **AFRICAN INSTUTUTE FOR PROJECT MANAGEMENT STUDIES**  **[AIPMS]-NIROBI-KENYA.**  **COURSE STUDY: FORCED MIGRATION STUDY**  **POST GRADUATE DIPLOMA**  **YEAR 2019.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **COURSE UNIT SEVEN [7]:**  **PROTECTION IN CRISIS FORCED MIGRATION AND PROTECTION IN A GLOBAL ERA.**  **ATTEMPT QUESTION ASSIGNMENTS FROM ONE-FOUR [1-4]:**  **SUBMITTED BY:**  **OKETA DOMINIC LABOKE**  **ADMISSION NO: 256/003/2019**  **SUBMITTED TO:**  **MODERATOR: \_\_\_\_\_\_\_/\_\_\_\_\_\_ 2019.**  **SIGNATURE:** |

**Question 1. Discuss how states are creating fundamental reforms to meet the demand of forced migrants?**

The European Union has taken some steps toward addressing fundamental reforms to meet the demand of forced migration through its regional protection programs and Regional Development and Protection Programmes, with limited effects to date. At the international level, concepts such as the “responsibility to protect” have been proposed to create an overarching normative approach to protection but without much success. The fundamental challenge facing the global protection system the disjuncture between contemporary patterns and processes of forced displacement and the current legal and normative frameworks to protect the displaced so far remains unaddressed. Governments and humanitarian actors will need to undertake more fundamental reforms of the system to meet the needs of modern crises:

**The State to Develop a coherent protection policy**. Amid the complexity of contemporary displacement processes, forced migration can no longer be conceived as a discrete process demarcated by refugee status; instead, it should be thought of as part of a migration continuum. Policies to address displacement are therefore best set in a wider strategic framework that encompasses elements of migration management, state development, and resettlement support alongside traditional asylum. This, of course, opened the question of what sort of intervention could UNHCR develop in communities that had so far not been displaced. Despite the important precedent of the Bosnia operation in the 90s and the intense debate it generated, the only policy documents at the time referred only to the prevention of refugee producing situations, which only partially applied to the mentioned situation.

As an example, the 2003 Agenda for Protection, under Goal 1 Strengthening implementation of the 1951 Convention and the 1967 Protocol and its objective 12 More resolute responses to root causes of refugee movements, instructed UNHCR, “through its field presence, to act as a catalyst, where appropriate, in mitigating circumstances which might lead to refugee flows.

**The State have** **to Shift and emphasis from status to needs;** Current approaches that rely on determining migrants’ status for example refugees and access to protection are ill-equipped to meet complex, multifaceted needs. Policies that instead address specific vulnerabilities, irrespective of the status of individuals, may have a broader reach and impact to promote resilience among displaced or Refugees population.

**The State have to Provide consistent protection along the displacement continuum*.*** Individuals are subject to different protection policies and standards depending on their geographic location with those who manage to reach northern asylum destinations potentially being afforded “premium” asylum status. This creates incentives for further movement and places particular strain on certain parts of the system. Forced migrants would be better served by protection policies that aim to enable access to the same level of rights and opportunities regardless of location. Initially, UNHCR based its border monitoring efforts in a combination of press reviews, conflict analysis and field missions, that soon became frustrating in its distance to local communities and therefore its relatively little added value in terms of early warning. Border monitoring started to be de-centralized to the Field Offices, which soon realized that effective early warning could only be produced in the framework of longer-term alliances with local communities considered as “at risk of displacement”, based on some sort of assistance or protection intervention.

**The state to address the increased management and politicization of protection*.*** In many contexts, the provision of protection has gradually come to be dominated by procedures and regulations that focus on management, reducing the normative power of protection as a principle and a right. The increasingly political context in which protection is debated has further reduced its supremacy as a policy goal. Together, these two developments will make any actions to address emerging needs and protection gaps more challenging for governments and policymakers.

**The Improvement on Security sector reform,** including of the police, requires a multidimensional, coordinated approach from key actors. Experts in police reform are necessary but not sufficient to address the many challenges large-scale displacement presents. For example, in South Sudan the government announced above food crisis situation hence Humanitarian Agency embarked on the food security and livelihood to improve on communities’ resilience.

**Conclusion:**

Despite the difficulties in gathering up-to-date rigorous information on the current crisis, there is already significant evidence available to governments on the drivers of this situation. Policymakers should be able to draw on this evidence base to develop more effective interventions which recognize the real reasons motivating migration to Europe, and which facilitate safer channels for migration. The evidence described in this review could therefore inform policies and programmes which are more effective in supporting migrants, and enabling host countries to benefit from this human mobility.

**Question 2.** **Discuss the drivers as well as the impacts of forced migration, citing relevant examples in your arguments?**

The reasons why people migrate are often multiple and changing, and the categories of ‘economic migrant’ and ‘asylum-seeker’ are too rigid to reflect reality. There are many shared motivations for regular and irregular migration. Having the capability and economic means to migrate is particularly important; in conflict situations people may be very keen to migrate, but may not have sufficient resources to do so.

**Lack of economic** **opportunities** in the country of origin and the hope of greater opportunities in another country are important drivers of irregular migration, though expectations vary according to the nature and reliability of the sources of information individual migrants have. Irregular migration is usually a collective effort in which families and social and religious networks play a crucial role. Irregular migrants are commonly supported financially by friends or family; as migration from a society becomes common, a ‘culture of migration’ may emerge in communities of origin which drives further migration. As de Haas explains, ‘Taken together, such factors will determine the extent to which people can fulfil their life aspirations locally hence, their aspirations and intentions to migrate as a perceived way to achieve their life’. Zimmerman [2009, p. 93 PS-5] finds that Somali refugees chose to continue their journey beyond the closest areas of safety to countries where they believed they could attain a greater quality of life, not just immediate safety.

**Intrastate conflict**, almost without exception, now accounts for the majority of involuntary displacement, and armed non state actors are increasingly the perpetrators of the indiscriminate and generalized violence that propels people to leave their homes as seen, for example, in Colombia, the Democratic Republic of the Congo, Somalia, the Central African Republic, and Mali. Iraq and Syria provide the most dramatic contemporary examples of these dynamics and of their violent, large-scale, and rapid displacement of people. [Geneva Call, 2013]

**Poor governance, political instability**, and repression often underlie these situations, leading to generalized violence that, in turn, puts pressure on people to move to seek security or protect their livelihoods and limit their exposure to risks [Roger Zetter]. Consider the post-election violence in Kenya in 2007, when more than 600,000 people were internally displaced, or the Arab uprisings that have occurred, most notably in Libya, since 2010.

Therefore, Historian have argued that conflict often forces people to consider fleeing their home. However, it is unclear what specific triggers result in someone taking the decision to leave. For example, when you look at why Ethiopian and Somali refugees had left their home countries, it was found that people often undergo a waiting period, attempting to make do until the political situation improves. Changes in personal circumstances, such as access to income, property, or health, within the broader context of insecurity, lead to a person eventually deciding to flee.

**Environmental factors** such as water scarcity, food insecurity, drought, environmental degradation, famine, natural disasters, and climate change constitute increasingly important risks. Of themselves, they may not directly displace populations. Rather, they often combine with and exacerbate other factors, including poverty, poor governance, and livelihood vulnerability. For example, the ongoing crisis in Somalia shows what happens when these factors combine. More than two decades of protracted clan conflict and governance failure rendered food insecurity and livelihoods fragile and no longer sustainable.

**Conclusion**:

It is clear from the evidence that the factors influencing an individual’s decision to migrate via irregular means operate at a number of levels. International and national policies, economic conditions, and political situations are important in determining why a person of a particular nationality may migrate. However, there are many other factors related to a person’s own circumstances, the culture of their community, and their local and wider social network which can encourage or prevent them from migrating. Several factors seem to be particularly important: personal security from conflict, economic opportunity and security to rebuild and improve their and their family’s life, and having the financial resources to be able to migrate

**Question 3.** **Humanitarian crises are development opportunities. Critically analyze the statement citing scholarly work, to support your arguments?**

From the 1980s onwards the concept of the “refugee burden” has dominated policy and research debates about the impacts of mass displacement, as well as the international community’s approach to protection. Of course, the negative impacts are undeniable: environmental degradation around refugee camps; competition between refugees and hosts in oversaturated labor markets, especially in the informal sector; social tensions, as host communities resent what is perceived as refugees’ preferential treatment; and negative macroeconomic effects.

The first generation of policy approaches to greater coherence to humanitarian and development engagement in protracted crises emerged in the early 1990s from within the humanitarian community. It was concerned with better ‘linking’ of relief, rehabilitation and development [LRRD] approaches in a positive progressive theory that envisaged mutually reinforcing outcomes where development investments would reduce vulnerability, and well-calibrated relief efforts would ‘kick-start’ development and protect assets [Macrae and Harmer, 2004; Levine and Mosel, 2014].

The thinking on linking relief and development originated in natural disaster contexts but was later applied to protracted emergencies with the addition of two highly influential and persistent theories: that under-development is a key driver of conflict, which can be transformed through development assistance, and that crises are a temporary interruption in an otherwise normal trajectory of state-led development [Macrae and Harmer, 2004].

Meanwhile, the conventional emergency relief model, allied to its normative basis in protection, has not provided durable solutions to displacement crises. Amid the negative experiences of host communities, recipient governments resist long-term development solutions to refugee crises and enhanced means of protection for fear of encouraging refugees’ permanent settlement. Yet the “burden” is rarely measured and, where it is, the analysis rarely quantifies the outcomes. A lack of economic analysis of the impacts of refugees’ presence, both positive and negative, severely hampers the design and implementation of longer-term developmental responses and programming to tackle the continuing effects of humanitarian crises.

The persistent framing of displacement crises as uniquely humanitarian emergencies further widens the damaging humanitarian-development divide that dominates responses to such crises. This paradigm denies evidence of the agency of displaced populations; the benefits that refugees’ skills may bring to their host communities; and the fact that the demand they create for food, goods, and services can expand markets for domestic producers and enhance the economic development of the host country.

How can the evidence of these positive impacts be brought to the fore? Protracted displacement renders new approaches vital. Today humanitarian and development actors are reconsidering how they respond to emergencies. Substantial empirical evidence demonstrates the positive economic and development effects at the macro- and micro-, commercial, business, and informal levels that humanitarian crises may have on both displaced populations and their hosts and the scope these approaches offer for sustainable outcomes, especially in urban settings.

The persistent framing of displacement crises as uniquely humanitarian emergencies further widens the damaging humanitarian-development divide that dominates responses to such crises. Of course, the scope of a reconfiguration of humanitarian emergencies as development opportunities goes well beyond protection in a normative sense. However, by better harnessing the productive assets of refugees and IDPs and by reducing livelihood vulnerabilities and increasing self-reliance, governments and humanitarian actors can enhance the human rights, dignity, security and thus the protection, in its wider sense of forcibly displaced populations. Together with socioeconomic developmental support for host communities such as financing microenterprises, enhancing the long-term economic livelihoods of households, and safeguarding the quality of education and medical services in demand from refugee families these initiatives help to offset the security and protection risks of refugees and IDPs and offer more durable solutions to their displacement. This next iteration of policy work attempted to bring coherence not just across development and humanitarian engagement, but also the growing fields of peace-building and stabilization [Maxwell and Mosul, 2014]. This was driven in part by the rapid growth in the scale and scope of multilateral peace-keeping operations during the 1990s, underpinned by a growing global consensus around a collective responsibility towards human security that emerged following the crises in the former Yugoslavia and Rwanda [Harmer and Macrae, 2004].

Empowered leadership is required to promote collaboration Humanitarian and development actors have committed themselves to ensuring more effective responses in protracted and recurrent crisis contexts. There are agreements at the level of principles, as well as technical solutions to support greater coordination and collaboration. What is often missing is strong leadership and the political will to act on these commitments, implement reforms, and create enabling environments and incentives for staff to work together. The study found limited evidence of such leadership, but in the instances of good leadership at global and country levels, the potential to build alliances and steer diverse constituencies towards shared goals and action was clear and had yielded results.

A coherent response requires a shared analysis and vision based on robust evidence A shared understanding of the context, needs and priorities is key to identifying, designing, and implementing responses that are coherent and appropriate. At present, in the absence of incentives for shared analyses, humanitarian and development actors tend to base their funding and programming decisions on separate analyses instead of identifying the best way they can contribute to a coherent response. Obstacles such as mismatched planning timeframes and a bifurcated coordination architecture also discourage shared analysis and planning. Donors, aid agencies and partner country governments are making decisions and selecting interventions on the basis of a mixture of political imperatives and timetables, assumptions and beliefs about what would deliver the desired results, and prevailing practice, rather than robust evidence including from context analyses and needs assessments. This can make it more challenging to ensure collaboration in conflict situations because humanitarian actors, anxious to protect their neutrality, are less willing to collaborate with actors that they perceive to be driven by political imperatives. In Somalia, for example, this was one of the reasons why humanitarian agencies had not engaged in the Compact development process and had been reluctant to participate in the Compact implementation architecture.

**Question 4**: **What are the challenges to protection of people under forced migration? recommend ways in which the whole situation can be reversed?**

**Closing Normative, Policy, and Operational Gaps**

The present day dynamics of displacement pose many challenges to the concept and the practice of protection, as framed by the architecture of the 1951 Refugee Convention, the 1967 Protocol, and related regional instruments on the one hand and the 1998 Guiding Principles on Internal Displacement on the other. Multiclausal drivers of displacement and mixed migration flows force the widening divergence of protection needs, norms, and capacity as more and more migrants fall outside the provisions of the available instruments. How have policymakers and humanitarian actors responded.

**The Normative Responses and Developments in International Law and Practice**

Normative adaptation has been extremely modest to date. An increasing number of states are codifying generic forms of “subsidiary protection” and “complementary protection,” in some cases called “humanitarian protection” and “temporary protected status” The positive view is that governments recognize that highly vulnerable people need protection even when refugee status has been or is likely to be denied. On the other hand, it could be argued that these supplementary forms of protection allow countries to reduce the volume of people receiving refugee status and the obligations this imposes, as none of these provisions afford the same level of protection as the 1951 Convention. For example, protected entry and humanitarian admissions to the European Union have become very limited and intermittent in recent years. Whilst it could be argued that some protection is better than none at all, generic forms of protection afford limited rights and are in many cases temporary, leaving the beneficiary in an uncertain situation.

At the international level, a recent report from the Office of the United Nations High Commissioner for Human Rights advocates and refines the human-rights obligations and the norms of protection to be provided at borders in accordance with international human-rights law. But the report is only advisory and it is too soon to gauge the impact that it might have on national practice. A far reaching strategy to strengthen the normative scope of protection for people susceptible to displacement was promoted under the doctrine of the Responsibility to Protect. Adopted at the 2005 United Nations World Summit, the international community has stopped short of giving any teeth, however, where it might have been invoked, for example, in Darfur. Perhaps the most radical and far reaching normative development in protection since the 1967 Protocol was accomplished by the ratification of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa “Kampala Convention”. But, again, it is too early to assess the convention’s impacts on protection. Finally, some progress is being made in filling the normative protection gaps for people crossing borders in the context of climate change.

**The Policy and Operational Developments**

While legal norms remain underdeveloped, protection policy has advanced and diversified. Strategies for emergency humanitarian evacuation and basic civilian protection in war zones have been adopted by some humanitarian organizations such as ICRC and IOM. A number of NGOs have designed means to provide external support for self-protection without disempowering the self-protection capacities of the affected communities themselves.

At the global level the Global Protection Cluster of the Inter-Agency Standing Committee of the United Nations and partners is now established as the principal interagency forum for collaboration in humanitarian contexts. It has enhanced coordination of protection overall including, importantly, setting common standards for protection by humanitarian actors. The UNHCR’s 2010 policy guidance on Refugee Protection and Mixed Migration: The UNHCR report focuses on developing policy and practice on matters such as reception conditions, refugee profiling, and support for the livelihoods of urban refugees. Among five key priorities, the IASC strategy lists tools for assessing needs and vulnerability, and protecting vulnerable urban populations from violence and sexual exploitation.

**The recommendation on Protection challenge as an agenda of change.**

The current legal and normative framework designed to protect the rights, dignity, and safety of displaced populations on the other. An increasing majority of people fall outside the existing protection regime, while, too often, the quality and delivery of protection for those migrants who fall within existing norms do not accord with international standards.

**A Displacement, Protection, and Policy Coherence**:

A coherent and systematic framework that addresses all forms of international migration is essential to tackle the disjuncture between forced displacement and protection. The availability of legal channels for international migration has not kept pace with the expanding demand and global reach of this process; as a result, the claim for protection is often the only entry route apart from family reunification. The lack of opportunities for authorized migration combined with the inexorable rise of conflict-driven forced displacement, and the limited scope for refugee resettlement, have put great pressure on the protection regime.

**B. Conceptual Challenges: Protection Status, Rights, and Needs**

Not every forcibly displaced person is a refugee, but all forcibly displaced people need some form of protection. The existing legal and normative framework of protection is no longer sufficient to tackle the diverse protection challenges of forced migration in the contemporary world. Against this backdrop, momentum is gaining to conceptualize protection beyond the “status based” determination of a refugee, as defined in the 1951 Refugee Convention.

A number of humanitarian actors such as ICRC, the International Federation of the Red Cross [IFRC], and Oxfam, among others argue that forced displacement creates wide-ranging risks relating to livelihoods, socioeconomic structures, and physical security. Affected individuals require protection irrespective of their category or legal status. These agencies recommend a “needs-based” approach to providing protection that responds to vulnerabilities and is not based on a specific legal status. Such an approach requires effective needs-based assessment techniques and encompasses displaced people regardless of status. A parallel line of argument, promoted by some humanitarian NGOs and IFRC proposes a “rights-based” approach.

**C. Displacement and Protection; The Need for Policy Consistency.**

Existing policy, meanwhile, must be made more consistent. As previously discussed, it must address the modes of self-protection already being deployed by the displaced, encompass development needs, and counter the particular risks posed in urban settings.

Since internal displacement is the principal manifestation of forced migration today and, amid climate change, is likely to remain so for many decades, much more international support is needed to encourage states to embed and adhere to the 1998 Guiding Principles and regional conventions such as the 2009 Kampala Convention. Efforts to this end include advocacy by international actors such ICRC and the Internal Displacement Monitoring Centre, resources to support capacity building and training of protection agencies and personnel, and pioneering new approaches such as the Nansen Initiative.

The proliferation of protection policies and practices, and the largely reactive and tailored nature of initiatives, has mitigated the coherence of policy and practice. It could be argued that the “proliferation of protection” better tailors’ mechanisms to particular situations, and to regional or national needs and capacities. However, it has also reinforced the disaggregated response to contemporary protection challenges and thus the fragmentation of the normative basis of protection.

**D. From Protection Norms to Protection Management. A Shift in Priority**

Although the scope of protection has been modestly extended through developments in “soft” law, many recent changes to policy and practice indicate a gradual shift in emphasis from norms-based principles to the management of protection. In other words, protection is now dominated by various institutionalized procedures and regulations, as deployed by diverse international agencies and humanitarian actors. With this focus on management, the normative supremacy of protection as a principle and a fundamental human right is, arguably, being diminished. However, it is essential to safeguard the international legal and normative principles on which protection is based and to ensure that these principles do not recede in the face of a more managed provision of protection.

**E. The Politicization of Protection**

Finally, these challenges point to where the protection system is under greatest strain: the highly politicized context within which protection is now placed. This is not to deny the reality that the 1951 Convention and the 1967 Protocol were constructed within a political context, nor that refugee protection has always served national and international political interests to a greater or lesser degree.

**Conclusion**

Whilst the mitigation of forced displacement through long-term development, good governance, and full respect for human rights remains the ultimate aim, the increasing scale of conflict-driven and environment-related movement continues to strain the existing regime for the protection of the displaced, and to generate new demands for protection. To refit the global protection system to meet the challenges of contemporary humanitarian crises, there is a need both to reinforce but also to transcend the well-established legal and normative frameworks of protection, and reframe our understanding of the concepts of forced migration and protection. Better protecting forced migrants cannot stand alone as an aspiration, essential though this is. Solutions to the crisis of protection and forced migration can only be addressed within a wider and more coherent policy framework. This should expand the global scale of regular, managed migration; build on and promote longer-term, development-led strategies in countries of origin and the major destination countries; and substantially expand the scope and scale of refugee resettlement.

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