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## SOCIOLOGY | RESEARCH ARTICLE

# Understanding refugee durable solutions by international players: Does dialogue form a missing link?

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**Abstract:** This study evaluates durable solutions in relation to refugees from East Africa. It particularly focuses on the Great Lakes countries of Rwanda, Burundi, Democratic Republic of Congo and Uganda. The study is based on the conviction that these four countries have never had peaceful transfer of power which in essence has been a major contributing factor to political violence that has caused forced mass migration in the region to this day. The use of force or military suppression has been a norm since independence of these countries in the early 1960s. This suppression has continuously forced many people to flee their homes facing abuse of their human rights, dictatorship, persecution, indiscriminate arrests, ethnic wars and political violence. Based on a survey used to collect data and in-depth interviews with selected refugees from the Great Lakes region living in Cape Town, South Africa, this paper seeks to understand durable solutions through analysing the current refugee situation. It demonstrates that durable solutions can present both challenges and solutions. It also revisits the concept of durable solutions and seeks to re-evaluate whether these various solutions offer a chance for dialogue. With the aid of a legal perspective on the refugee situation in the region, the paper qualifies the concepts of dialogue as a mechanism for peace building as well as driver for voluntary repatriation.

**Subjects:** Education – Social Sciences; History; Philosophy; Philosophy of Social Science

**Keywords:** Forced migration; dialogue; durable solutions; refugees

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### PUBLIC INTEREST STATEMENT

This paper is based on the assumption that the refugee crisis experienced in the Great Lakes region countries of Rwanda, Uganda, Democratic Republic of Congo and Burundi hinges on the region's colonial history. With the aid of a legal perspective on the refugee situation in the region, this paper qualifies the concepts of dialogue as a mechanism for peace building as well as driver for voluntary repatriation. It then evaluates the following: reconciliation, social cohesion and coexistence, challenges and the way forward, integration or resettlement, tracing process and counterfactual analysis model, enforcement of the non refoulement principle, enforcement of the non refoulement principle and the efficacy of durable solutions as a mode for dialogue.

## 1. Introduction

Historically, the concept of durable solutions was initiated in 1945 after the Second World War (WW2) to address global refugee encounters. Notably, these solutions were simply designed for refugees fleeing persecution, fighting and poverty in Europe. Roothman and Ronk (2015) elucidate that the unprecedented forced displacement in Europe was as a result of Nazi aggression which pushed German residents and their neighbours mainly Jews to seek safety and protection elsewhere. However, in relation to the African continent and the Great Lakes region in particular, the circumstances that contribute to people being refugees are in some ways different to those of post WW2 in Europe. Taking into account the effect of globalization and technological advancement, the African refugee crisis could make use of these variables but should be addressed in regards with the uniqueness of the drivers (pull and push) that pertain to a particular group or set of refugees. When considering issues of geopolitics, the capacity and resources (economic, social and political) of the host countries should be of prime importance. It is not just the financial implication that is relevant when dealing with refugees but also issues of logistics and capacity. Taking into consideration where refugees are driven by natural forces like drought and floods, temporal solutions such as resettlement and integration could be applicable which will eventually culminate to repatriation when such disasters are over. The problem posed here is that when permanent or long term relief solutions are not quickly put in place, some causes of natural disasters cannot be addressed but people can find solutions to the destructed places, thus, to address the main causes of such disasters, these refugees will eventually stay for very long periods in places where they have been temporarily granted relief. However, this also poses a problem getting them back to where they came from as the socio-economic dynamics would have drastically changed over such lengthy periods. In contrast, those who flee from war or political persecution face a different dilemma. Wars or political persecutions are not issues that one can predict the end result or simply overcome the causes that led to flight.

It is of great importance to note that immediately after the departure of European colonialists, most African leaders including those in the Great Lakes engineered the colonisation of their own people, got resources meant for everyone and kept them for themselves and their families. Today the region continues to witness internal colonialism by its own leaders, hence forcing a person who opposes dictatorship into exile. This study focuses on refugee trends in Rwanda, Uganda, Burundi, and the Democratic Republic of Congo (DRC) largely due to these countries' shared political and identity history. Historically, leaders of these countries were never elected but rather powerfully imposed themselves as leaders through violent means. In this case, they have become the real enemies of progress in their own countries and people (Bidandi, 2018). Based on the above narrative, one wonders whether durable solutions such as resettlement, integration and repatriation designed for Europe during the WW2 are suitable for contemporary refugee problems experienced in the Great Lakes region especially in the context of having political changes, civil wars, ethnic violence, dictatorship, bad governance, persecution, human right abuse and political violence appear to be the contributing factors to forced migration in the Great Lakes region today. In addition, the region has experienced political violence and hence forcing many people to leave their homes to seek protection in neighbouring countries where many of them live in refugee camps since independence in the early 1960s. Since majority of the fleeing people are sheltered in camps in host countries, I argue that the encampment model itself contributes to human rights related violence as opposed to protection. The case in point is the 1994 violent return of the Tutsi refugees living in Uganda, 1996 DRC exiles and Uganda exiles from Tanzania in 1979 (Bidandi, 2018; Otunu, 2017).

However, it is noteworthy that many refugees never want to stay in camps for long, but because of conditions back home, they are obliged to the norms of their protection rather than voluntary repatriation. Chimni (2004) postulates that voluntary repatriation should be based on the conditions that contributed to one's flight and in this way, it is quite essential to promote mechanisms such as dialogue so as to understand the associated problems that led to one's flight instead of forced reconciliation as well as integration .

To this end, resettlement as one of the durable solutions remains an abstract norm as it caters for a handful of cases while leaving many to either stay in camps or resettled in a third country. Although many refugees would wish to return home, they are not sure about their safety since there are no clear mechanisms such as dialogue. According to Barnett, (2000) the international community has at times compromised the generally agreed principle that all refugee repatriations should be voluntary. This norm is unsafe for many since their flight is not only based on physical protection.

This paper analyses durable solutions and their impact on refugees. It also revisits the concept of durable solutions and seeks to evaluate whether these various solutions offer a chance for dialogue in the Great Lakes Region. With the aid of a legal perspective on the refugee situation in the region, this paper qualifies the concepts of dialogue as a mechanism for peace building as well as driver for voluntary repatriation. It then evaluates the following: reconciliation, social cohesion and coexistence, effective dialogue: addressing challenges and the way forward, integration or resettlement, tracing process and counterfactual analysis model, enforcement of the non refoulement principle, enforcement of the non refoulement principle and the efficacy of durable solutions as a mode for dialogue.

## 2. Dialogue conceptualised

Romney (2005) describes dialogue as a focused conversation engaged with the intention of increasing a better understanding of situations, questioning actions and addressing problems. This description distinguishes normal and everyday communication from dialogue, because dialogue is qualified through the use of focus and intention. However, Romney does not recognise or hint on the power that the players have. While it may be taken to be an omission, one may also state that the omission is by design and not by default. The Oxford Dictionary (2017) defines dialogue as a free and open debate between two parties such as states, and political factions, that have opposing interests or with a history of violence. This debate should engage open and unbiased exchange of views (Oxford Dictionary, 2017). From this understanding, it recognises that dialogue may take place between political factions that have a history of conflict. It introduces the concept of debate with a purpose of engaging an informed exchange of views. Romney (2005) disagrees with the concept of debate because the nature of dialogue is to enable the parties to engage with an open mind to modify deeply held convictions (Romney, 2005).

In the author's view, while the two descriptions seem to steer apart with the introduction of debate, they imbue same tenets if they engage focus and intention on their varying convictions. David Bohm (1917–1992) a known scientist in the field of religion describes dialogue as a free flow of meaning among all the participants (Romney, 2005). This is an indication that dialogue as a concept requires the participants to respect and appreciate each other in the context, topic and meanings of the conversation that informs the dialogue. This becomes a complex issue if one party, especially refugees adopts a given stand, which is in utter disregard of the other party's position. This instance tends to arise where one party wields more power over the other. For purposes of this paper, dialogue refers to a focused conversation or debate, where individuals, parties or groups with divergent views on a given issue collectively engage with the intention of increasing understanding, addressing problems, and questioning actions, in an atmosphere that allows a free flow of meaning making process among the participants. It is at a deeper level, that dialogue may address “violent drivers and foster reconciliation, build a greater national consensus and social cohesion, and define a shared vision of the future” (Ondendal, 28th 2011).

Most studies have indicated that most countries in the Great Lakes Region have resorted to violence other than dialogue. This shows the great need for dialogue before decisions for voluntary repatriation or integration are made. The following section evaluates durable solutions and other measures as noted by the international community and seeks to examine whether dialogue is also used as one of the solutions in the Great Lakes Region.

### 3. Reconciling the reconciliation, social cohesion and coexistence

A great part of post-colonial Great Lakes region has remained elusive to peace in as far as wars and the greed for power has greatly affected the continent (Francis, 2008). As a result, the optimism that engulfed the post-independence period has slowed and dwindled away in the wake of civil wars and bloody conflicts resulting from undemocratic political changes in the Great in the Lakes (Farmer, 2008). These unfortunate developments are attributed to dynamics of political violence in the Great Lakes Region which are multiple and complex (Kanyangara, 2017). In addition, the lack of equal opportunities to access political power and the proliferation of small arms are some of the factors that perpetuate violence in the region (Kanyangara, 2017). Such matters trigger perceived imbalances in state formation especially when some identity groups dominate the political landscape. This can lead to violent manifestation among different identities as is the case in countries under investigation (Bidandi, 2018). These factors also relate to physical problems of patronage, exclusion, nepotism and sectarianism, hence triggering violence in a country and regional spill over, causing governance challenges (Kamari & Thomas, 2013). For instance, violence in Burundi, the DRC, Burundi, Rwanda, and Uganda has led to political upheavals which have led to the increased movement of refugees in neighbouring states. In particular the violence in Burundi led to the refugee movements to Uganda in the 1960s whereas violence in Rwanda led to the refugee influx in Tanzania in the 1990s. The same can be said about Uganda which had a great refugee influx to Kenya as a result of the years of turmoil between 1965 and 1985 (Otunnu, 2017).

Besides, studies have shown that some countries in the Great Lakes region do kidnap, torture and to some extent kill their citizens while in exile, a sad reality that goes against the international norms (Barnet, 2000; Otunnu, 2017). Such circumstances create anxiety and fear such victimised citizens thereby making voluntary repatriation a complex issue. As such, Barnett (2000) asserts that voluntary repatriation requires a conscious approach in which political actors are mindful of the root causes of political violence that led to displacement. Citing examples from Rwanda and DRC refugees in the 1990s, Barnett (2000) argues that repatriation was involuntary repatriation as it was forced upon the refugees without any dialogue. This means that forcing refugees to return creates another wave of violence.

Studies question the scope in which voluntary repatriation is really ensured in practice and particularly in cases where the international community has had a strong interest in large-scale returns resulting in large scale movements (Turton & Marsden 2002; Jansen 2011). These movements are indicative of a failed geopolitical space within which the various players are impatient to effectively use dialogue as a durable solution and as a way of sorting out their various differences.

However, upon using the indigenous and endogenous approaches, reconciliation, social cohesion and peaceful co-existence emerge. Reconciliation has various definitions which cut across spiritual, economical, socio-cultural, psychological and political divides, depending on the context it is used (Brouneus, 2003). For the purposes of this paper, reconciliation is a societal process that involves mutual acknowledgment of past suffering and the changing of destructive attitudes and behaviour into constructive relationships toward sustainable peace (Brounéus, 2003). A political perspective would require that reconciliation works if the parties that seek it get rid of all conflicts, differences and expect to have harmony and unity. One may be moved to state that the concept of reconciliation is not only illiberal, but impossible in politics (Lone & Montgomery, 1998). This may be attributed to the varying powers of the players in the system, while the government has an upper hand, the people on the other hand do not wield that kind of influence.

In addition, the adapted definition of reconciliation fails to qualify whether it is applicable to politics with regard to existing conflicts and disharmony or other injustices in the community. This leads one to ask the question whether reconciliation is synonymous with dialogue. Before this issue is resolved, it is prudent to establish whether social cohesion can exist if there is no reconciliation.

#### 4. Indigenous and endogenous approaches as durable solutions

An approach of dialogue has to be qualified to given limits to enable the researcher to have a viable conceptualisation of dialogue and where it lies in the use of durable solutions. In the African context, there are two approaches that have been widely used to solve conflicts. While they are not defined as dialogue, they seem to point to conflict resolution. One would argue that dialogue can be used but becomes unsuccessful when parties fail to reach a solution. In this context, the absence or poor dialoguing process leads to wars, etc. Murithi (2008) proposes two approaches that promote resolution of conflicts in Africa namely: the indigenous and the endogenous approaches.

The indigenous approach, refers to the internal, inherent, innate and instinctive approach that may be used to resolve the conflicts that arise in our countries (Murithi, 2008). It is a recognised method of conflict resolution which is built on traditions in a society for long periods. One example is the Jir mediation method that was used by the Tiv people of Nigeria to maintain order and ensure the peaceful co-existence of the various communities (Murithi, 2008). This approach constituted a discursive assembly that would mediate the disputes. The Jir method was based on five elements: maintenance of order and peaceful co-existence, maintain the community as a cohesive unit, and leaders did not play the cardinal role in deciding the disputes (Murithi, 2008). The entire community participated in the leadership process and emphasised the process required that all sides gained from the process (Murithi, 2008). This is similar to the Mato Oput system among the Acholi in Northern Uganda which agitated for the use of reconciliation as a way of building social trust and community cohesion. The main players were the perpetrators, victims, disputants and their representatives who played a great role in the reconciliation process (Murithi, 2008). The two societies represent a system that tends to override dialogue as a key factor. They imbue the concept of reconciliation, social cohesion and peaceful co-existence as the tenets that guide the process.

Murithi (2008) perceives the endogenous approach as a system of external factors that is used for the resolution of conflicts within a specific cultural setting for conflict resolution. This is an indication that a traditional setting, which is culturally appreciated by the people in the community, is a key aspect to a successful approach. Another significant perspective of this approach is that it works in a particular context within a given traditional or cultural setting. Examples of some of the endogenous approaches in the Great Lakes Region include the Gacaca in Rwanda, and Mato Oput in Uganda (Mutisi, 2009).

In the case where people are suffering and solutions have to be implemented, it is of great importance to give voice to both the affected and helpers. Looking at the indigenous and endogenous as durable solutions, the following findings show that reconciliation and social cohesion emerge from both the use of indigenous and endogenous approaches rather than one approach. Interviews from the survey by refugees from Uganda expressed their views as follows:

We were once given a blanket amnesty while exiled in a neighbouring country by our government under false illusion that when we reach home, the state shall ensure our protection, integration, rehabilitation and provide us with shelter and of course reconciliation. This did not happen, instead we were threatened and some of our colleagues got arrested for crimes claimed to have committed while working with previous regimes. This set a very bad president and many of us who survived had to leave the country and become refugees again! (Interview Feb.22, 2018)

This extract indicates that reconciliation should have taken place while these refugees were still in exile as it could have provided a better platform to exhaust all avenues related to what led people's flight so as to formulate modalities of dialogue and social cohesion. This finding is consistent with Montgomery (1998) who argues that refugees do not wield any influence to their situation since governments in power have an upper hand and influence on refugees. This makes social cohesion and reconciliation a challenge.

Larsen (2013) views social cohesion as the belief held by citizens of a given nation or state that they share a moral community, which enables them to trust each other. This view is rather simplistic as it fails to relate the basis of these beliefs, which form the trust of a citizen in their moral communities. For instance, it is difficult to measure trust in a community, where the political leadership relentlessly leads its citizens to exile while professing that the country is safe to the outsiders. In addition, Larsen (2013) focuses on the existence of cohesion, while usually; it is the absence of the same that might require reconciliation. More often than not, a conversation on social cohesion usually means its absence rather than its presence.

Social cohesion is also referred to by the ordinary citizens, policy makers and social scientists as the “glue” or the “bonds” that keep societies integrated (Larsen, 2014, p. 6). These bonds may be referred to as the material and immaterial bonds, whereby the material bonds include work, housing, and food. The immaterial bonds would include beliefs, morality, and feelings. However, this material and immaterial connections do not place reconciliation into perspective. This is an indication that social cohesion is a condition that is neither precedent nor subsequent to reconciliation. In light of the earlier position that reconciliation may be illiberal to conceive in a geopolitical space due to the varying powers of the players, social cohesion may not need reconciliation to thrive (Larsen, 2013).

A great part of the twentieth century related peaceful co-existence to international relations and political-science disciplines as the peaceful, but limited relations between states. This concept was, however, integrated to the states and their actions with their citizens (Weiner, 2000). This change has led to a new understanding of peaceful existence as the recognition of each other’s status and rights as human beings, developing a just and inclusive vision for each community’s future, and implementing economic, social, cultural or political development across former community divide (Babbitt, 2002). This leads to the perception that co-existence refers to a society where diversity and interdependence between different groups is recognised, and the use of weapons to address conflicts is rendered obsolete (Berns & Fitzduff, 2007). This requires that the evaluation of the periods prior, during and after the conflicts lead to utmost goal of ensuring harmony in the different ethnic, religious, or social or political groups. It is indicative of the need to move beyond tolerance to co-existence. While reconciliation and social cohesion do not seem to find their place in political circles, co- existence is a much needed option. It is thus prudent to examine the concept of dialogue in geopolitical spaces, before examining the durable solutions.

### **5. The dynamics of resettlement, voluntary repatriation and integration as durable solutions**

The durable solutions are those solutions that are available to a refugees who are in a temporary territory by virtue of their position as a refugees (Black & Kosser, 1999). These solutions include voluntary repatriation, local integration in the country of first asylum, or resettlement in a third country. The concept of durable solutions is that they promise an end to the refugees’ suffering and their need for international protection and dependence on humanitarian assistance (Black & Koser, 1999). There are however a number of challenges that refugees in the Great Lakes Region face which also affect their attainment of these solutions. Just like refugees in other countries in Africa, refugees in the Great Lakes regions encounter multiple socio-economic challenges, as they strive to come to terms with leaving home, and surviving in the host or third-party state (Yeboah, 2016). While the tension for the refugees is heightened due to leaving home and attempting to settle in the host state; there is a commensurate level of tension that engulfs the host state with regard to hosting the refugees and offering them basic services, especially where the resources are limited (Yeboah, 2016). The limited resources between them and members of the host communities exacerbate this (Milner, 2014).

As noted earlier, the decision to be a refugee and seek recognition is visited as a temporary system with the ultimate objective of obtaining a lasting solution to the refugee’s situation (UNHCR, 2016). This objective oscillates into the existence of durable solutions, which are used as a solution (UNHCR, 2016). According to Boano et al., (2003), theoretical frameworks are instructive on informing a model on which durable solutions may be based. He adds that the safety and security of refugees in the process of

implementing permanent solutions to their problems is important. This model underscores the need for security in the host state or the third-party state in a quest for durable solutions (Atfield et al., 2004). The UNHCR provides for three types of durable solutions, which are: the voluntary repatriation of refugees to their countries of origin, local integration of refugees into the host country, and resettlement of refugees in third-party states (UNHCR, 2017). These three measures offer a permanent solution to the refugees plight. These views were generally expressed by refugees from Uganda and DRC region living in Cape Town as follows:

What has been the main issue on the continent has not actually been that of resettlement and integration but that of ignorance on the part of citizens of the host nations and politics geared towards hegemony of power by those in power. It will be an understatement to say refugees are not a burden to countries where they find themselves but on the other hand if the refugee system is well organised; it could be a blessing in disguise. One can easily see that integration or rather conflicts between refugees and citizens are always restricted to certain areas or regions. The question one should sort and answer to is why in these areas. There is no need to talk about reconciliation or dialogue, when the fundamental cause of resentment of these refugees has not been addressed. These are only temporal fixes as in one way or the other the issues of the unwanted or the OTHER will still surface. For us, politicians take advantage of the ignorance of both refugees and citizens to foster their own agendas in attempts to escape accountability for their own short falls. (Interview 6 April 2018)

Meanwhile, refugees from Rwanda and Burundi pointed out that:

Durable solutions may not be applicable to the current political discourse. That is to say that, refugee problems in Africa and in particular Great Lakes requires an African touch in a way, for example, disputes were solved through dialogue to address the real and perceived threats. We may therefore say that since independence the elites in power have never provided space for peace building and as a result this reminds us that the wounds of our past and memories still troubles and as result making us frightened about repatriation or even some times resettlement. Our only way is to return home is the same way we came! (Interview 14 April 2018)

This views are consistent with Malkii (1995) views that socio-political circumstances of refugees in exile produce a collective subject in which they think about their belonging and their leading to use of violence in the absence of properly constituted durables solutions. In support, another respondent from Burundi argues that:

While in camps, people can organise themselves through technology and plan to return home in a violent manner as we have witnessed in the past as history has taught us that military solution brings short term intervention! (Interview 10 March 2018)

A refugee's decision to use voluntary repatriation, make a free and well informed decision, return in safety conditions of legal, physical and material safety, return in dignity, unconditionally, respectfully treated and not separated from family is a daunting task (Crisp, 2003). This is because at times the decision to use voluntary repatriation has a financial motivation. The recent financial motivation has been by the UNHCR that seeks to offers financial rewards of USD 250 to adult Rwandan refugees who wish to voluntarily return home (The East African, 2017). The children are being offered USD 150 for their willingness to return home. While this may be taken as a source of financial capital to help the refugees start up projects in Rwanda, it seems to be a financial scheme to a vulnerable group of people who are economically disadvantaged by the organisation that was set up to protect them. In this vein, the definition of voluntary repatriation has to be revisited. Response from Rwandese refugees who recently returned home point out that:

UNHCR process is complicated and takes too long. My family and I decided to return home on our own. We are trying to settle but given the long stay in exile, life here at home is very dynamic. (Interview 14 April 2018)

The above findings indicate that voluntary repatriation is possible if UNHCR provided better communication channels and improvement regarding application processes. Warner (1994) argues that voluntary repatriation or a refugee's return to a home is not a simple territory or a geopolitical concept, but a community based one's belonging. This notion indicates that the reasons that inform the return should be voluntary as far as they emanate from the refugee. The voluntariness should be visited from the incentives that are usually offered by the UNHCR, the input of the "home government", and the ability of the community to inculcate the returnees upon their return.

The UNHCR's offer of financial incentives to the Rwandan refugees as a condition precedent to their return robs the voluntariness of the repatriation and foreshadows the intentions of the durable solution. In addition, there is lack of dialogue between the Rwandan government, and the refugees. This lack of dialogue eludes the advantages it offers if it was to be used as a model of direct, focused and well-intentioned contact between the government of Rwanda and the refugees. It is the author's view that the attempt by the UNHCR to use it without the concerted input of the refugees and the home governments makes it an abstract notion. The intended conversation that does not focus on the beliefs of the parties does not take place. Therefore, while dialogue would be important in creating a fusion between the refugees and the Rwandan Government, it is ousted by the offer of money for the repatriation. As noted earlier, the repatriation is not voluntary, and the focus on the use of money by the international community affects any plausible chances for peaceful co-existence between the refugees and other nationals in Rwanda.

Voluntary repatriation in the context of the use of incentives and limited dialogue between the refugees and the home governments fails to embrace the need for the physical safety, and restoration of national protection of prospective nationals (International Consultants, 2004). According to Mooney, Martin, Cohen, and Beau (2007), the major considerations that a refugee looks at before applying using voluntary repatriation, includes the physical safety or security, availability of social services like skills training, financial assistance, health care, employment, quality education. As for the case of Rwanda all these issues come into play, yet there has been no meaningful dialogue with regard to the reasons that inform the decision to go into exile. Moonet et al., (2007) suggest other factors like shelter, family social support, and psychosocial support services. One of the respondents from Burundi pointed that:

Though voluntary repatriation is good, there must be conditions that are based on the reasons for people's flight before the process takes place. (Interview 10 March 2018)

National protection that should be accorded to the refugees who seek voluntary repatriation requires physical protection to the progressive realisation of all social economic rights (UNHCR, 2012). The countries of origin usually have a poor record on respect for human rights, low ability to restore economic, social and political life, or ensuring a vibrant judicial system, and bringing long-term stability (GCIP, 2004). This problem is exacerbated by refugees who have a violent political history as discussed above.

Another solution to the refugee situation is the use of integration. This is a gradual process through which refugees become active participants in the economic, social, cultural, civil, cultural and spiritual affair of the host state (Cnossen, 1964). It also requires a focused conversation or debate, between the refugees and the state that seeks to integrate the former in the latter society. The question that arises is whether dialogue takes centre stage in instances where the refugee does not seek to return home. This solution posits some challenges especially when the refugees no longer need to engage dialogue for purposes of obtaining a new identity. Once the new identity is obtained, the refugee changes the prospective allegiance from the country of origin to the new country of origin. This position discounts and does not solve the reasons that informed the refugee's flight from the home country. While integration may be considered a breath of new life, the failure to have an enabling environment for the resolution of these issues through dialogue may exacerbate the situation. It may be argued that the reasons that informed the flight may inform subsequent conduct in the integration state.



In addition, integration may be marred by various undertones of resistance and strife from the host state (Milner, 2014). The author adds that the use of integration as an international restatement of support to refugees without according it full support in a domestic or municipal environment leads to agitation amongst the refugees. This agitation may also be as a result of the policies of the new host state, or the unresolved issues of the refugees and their home governments. Failed integration may lead to alienation, resentment, and in extreme cases, radicalisation (Rush, 2017). This may be as a result of unresolved issues between the home governments and the refugee. This may lead to socio-economic and political tensions, which may require an intention focus on such issues before integration takes place. This helps the parties in increasing understanding, addressing problems, and questioning actions, in an atmosphere that allows a free flow of meaning among the participants.

In Kenya, for example, the government used integration between 1963 and 1991 (Verdirama, 1999). The policy enabled refugees to settle in urban centres other than camps. The increase in refugees from the Horn of Africa and other African countries such as Uganda, Somalia, Eritrea, and Somalia (Hannah, 2012) to Kenya yielded the three resolution durables. The two durables were not effectively implemented as resettlement was temporary, while integration was poorly implemented. However, the forced encampment as one of the solutions was effectively implemented. This worked out well before 1991 but later increase in the refugee population led to the adoption of a non-integration policy. The subsequent use of encampment has led to various terrorist problems in Kenya (McGregor, 2015).

Moreover, local integration in Kenya is exacerbated by ethnic exclusion and marginalisation, which are evident in its job market. The author asserts that many communities are marginalised to the extent that available opportunities are offered in terms of tribal orientation. This correlation between governance, politics, and ethnicity affects social cohesion and gives integration chance to take root. Yeboah (2013) underscores the refugees' expectation in instances of integration. The provision of security in the host country, non-discrimination against refugees, access to skills training, quality health care, equal employment opportunities, quality education, and the right to own landed properties. These expectations require a good political will and cooperation of a host government to ensure that it is successful. The success of integration is usually hampered by a lack of political will. This is an indication that dialogue has to operate at a vertical level between various government and societal players in Kenya as well as on the horizontal level between the government and the refugees to maintain harmony and co-existence in the country. As such, more often than not, the host countries have various challenges that they need to address to a given minimum level before they focus on the problems of refugees who have not been able to engage with their own home governments. It therefore becomes an uphill task to leave this role to the UNHCR without involving the home governments.

Resettlement is used as a tool to absorb the refugees into the local community by either the host state or the third-party state (Rutingwa, 1996). The author suggests that the resettlement in the Great Lakes Region has been modelled around three concepts. The absorption of the refugees into the host state in return for development assistance from the international community was manipulative. This has been addressed with regard to the Rwandan and Burundian Refugees in Tanzania. The second model has been the need to create safe zones within the countries of origin for the refugees to return. This concept was integrated into the Plan of Action for Voluntary Repatriation of Refugees in the Great Lakes Region which was adopted by the Intergovernmental Regional Conference in Bujumbura, from 12 to 17 February 1995. While this marked prospective efforts from the regional leaders, it was vibrant on paper but the implementation is lacking. The author states that the third aspect would be to address the root cause, and the inability of Rwanda and Burundi to govern themselves (Rutingwa, 1996). It is the author's considered opinion that if the third option is handled properly, it would address the chronic issue of violence across the region, and inculcate the process of peace building between the refugees and the local governments in the country of origin. This is because it would involve the use of dialogue by the refugees and their home governments. As such, the continued use of these durable solutions by the international community in disregard of dialogue between the refugees and the home governments remains an abstract notion.

Some jurisdictions, like Tanzania has attempted to use a hybrid system, where they pursue integration with resettlement (Milner, 2014). The author adds that these instances of perceived success in dealing with refugees have always stalled due to various reasons, which inform the political discourse in host states. The United Nations High Commission for Refugees has always underscored the need to use durable solutions within a given domestic framework to deal with refugees who have stayed in host nations for protracted periods (UNHCR ExCom, 2004). Milner (2014) evaluates Tanzania's attempt to use naturalisation as a domestic durable solution to the 220,000 Burundian refugees who have been hosted since 1992. Milner (2014) argues that although Tanzania tried to embrace the global policy on refugees through naturalisation, the process stalled due to political reasons. The dynamics in Tanzania's domestic politics posited a challenge to resettlement. While the global refugee policy informed the formulation and early implementation of Tanzania's naturalization policy, it fails to validate the ability to effect the full implementation of the policy in light of increased domestic opposition to local integration.

### **6. Effective dialogue: addressing challenges and the way forward**

Based on the arguments raised above, it is noteworthy that the states and the elite in power use the endogenous dialogue at the expense of the indigenous dialogue. Shephard's (2010) work *The Long Road Home* argues that people create something to bind the wounds of violence that led to their flight, but they are usually frightened by memories of their previous past especially when suffering in exile. Moreover, in today's situation, both the host and refugee producing countries act in own self-interest and therefore refugees are left to live in camps or undesired settlements. In this way, they are prompted to forge a collective agency, where they gather in groups of their own nationality for purposes of finding solutions to find a space called home. This is the replica of the situation in refugee camps and elsewhere where people cling to their national identity in solidarity to reconnect with home by any means available to them, including violence (Bidandi, 2018). The general view from survey conducted by respondents indicates that:

Africa's refugee crisis will never be addressed if we do not address the causes of conflicts and political persecutions that have plagued the continent for decades. We have to sort out our problems by ourselves. It is sarcastic that even when we have a broom we still do not want to sweep our houses, we instead turn to some neighbour with a vacuum cleaner to assist us. Start by addressing your issues in any small way possible and others will join you. (Interview 10 March 2018)

In contrast, instances of perceived success in dealing with refugees have always stalled due to various actors, which inform the political discourse in host states. The United Nations High Commission for Refugees has always underscored the need to use durable solutions within a given domestic framework to deal with refugees who have stayed in host nations for protracted periods of time (UNHCR, 2004). It has, however, failed to establish dialogue as a key to the success of all the three durable solutions that are offered to the refugees. Voluntary repatriation without engaging the home government and the refugees remains an abstract notion which in turn complicates the notion of integration and resettlement as the durable solutions.

### **7. The use of integration or resettlement**

Central to forging solution on the effectiveness of the global policy requires engaging dialogue between refugees with their home or host governments. The domestic institutions play a role in ensuring they engage dialogue with the refugees. Loescher (2001) alludes to the fact that the UNHCR has used various examples of collective global efforts to find solutions for prolonged refugee situations. Some of the success stories include the Indochinese refugees of the late 1980's (Betts, 2009). While this position is not challenged, these global policies through success stories illustrate the UNHCR's awareness of the political context of their work to commit to refugee protection in instances where the requirement for protection goes beyond self-interest. This awareness should be emphasised as a point of engagement between the governments and the individuals. This is an indication that global conversations have the ability to engage in meaningful courses of action with

objective of offering lasting solutions to the refugee situations (Sorro, 1990; Milner, 2014). Although UNHCR (2016) recognises the promotion and negotiating the implementation of resettlement as a durable solution, it falls short of its mandate given the 65.6 million displaced persons globally and only 189,300 were resettled to third countries according 2016 statistics. This statistic underscores the notion of resettlement in its current status. I therefore argue that given the trends and millions of displacement, the model should be revisited since it does not provide a lasting solution as imagined by UNHCR. An interview from the survey conducted on refugees from Rwanda, Uganda, DRC and Burundi indicates that:

It usually takes decades and in such situation resettlement and integration become very important. In such cases, repatriation will signify pushing these victims to the same situation they are running away from. In the case where refugees have lived in a particular country for a considerable length of time voluntary not forced repatriation could be an option. What is important in all cases is to provide refugees with the capacity to empower themselves in such a way that they could contribute positively in the host country and also be able to return to where they come: if need be, being able to rebuild their lives without much of a struggle. No matter how backward or impoverish ones homeland is, people always have the tendency and aspiration to return there one day. This is the reality with most African refugees who most often hold spiritual and traditional attachment to their ancestral home. (Interview 8 January 2017)

The point of departure to registering success is the lack of political will by the domestic governments to engage in finding lasting solutions. In instances of integration and resettlement, the UNHCR has to incorporate monitoring activities of the Global Policy into the domestic spheres of the refugees. This extension of assistance programs to refugee returnees creates more problems as the local communities assume that there are also benefits for them from returnees' assistance. Therefore, clear communication between the home governments and refugees to diffuse underlying issues is mandatory. It also facilitates the reconciliation process. Communication between the host state and its own nationals to understand and appreciate the decision of the government to resettle or integrate refugees is therefore required.

### **8. Use of a process-tracing and counterfactual analysis model**

A solution to the various refugees' issues in the Great Lakes region requires the employment of a process- tracing and counterfactual analysis as a way of attempting to "trace the links between the causes and observed outcomes" George and Bennet (2005, p. 6). These links between the causes and observed outcomes require the use of dialogue for one to trace the links between the causes and observed outcomes. With regard to tracing the links, one has to revisit the history, archival documents, interview transcripts and other sources to have a nuanced view of the sequence and value of intervening factors to violence and the refugee situation. The counterfactual analysis evaluates the role of the global regime on refugees in the process of using domestic durable solutions. This model encompasses looking at the history and causes of the refugee problems and the epitomes of violence that they present along with solutions that deal with these problems. Its effectiveness lies in engaging dialogue between home governments and host governments and their nationals before the international community lends its expertise.

### **9. Enforcement of the non refoulement principle**

Non-refoulement is an fundamental principle of international law that forbids a country receiving asylum seekers or refugees from returning them to a country in which they would be likely in danger of persecution based on race, religion, nationality, membership of a particular social group or political opinion (Trevisanut, 2014; United Nations High Commissioner for Refugees, 2001). The principle was officially enshrined in Article 33 of the 1951 UN Convention Relating to the Status of Refugees (UNHCR, 2001). It states that "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (United Nations High Commissioner for Refugees, 2001, p. 108). However, the recent debates about cessation close regarding the status of Rwandese and Angolan refugees as

well as the forceful repatriation of Rwandese refugees from Uganda raise question about the grounds on which this policy is being perused. In spite of everything, a person who is qualified as a refugee has the right to seek asylum and therefore cannot be returned to his or her country of origin (Farmer, 2008; Republic of Rwanda, 2015; UNHCR, 2001).

The Great Lakes Region has had instances of immediate or long term threat of refolement of refugees to the country of origin. This has taken centre stage in Kenya's terrorist crisis and the continued threats to close the camps and force refugees to return home (Maina, 2016). A great number of Somali refugees have opted to return to Mogadishu because of the threats, intimidation and harassment from the Kenyan Government. The government's insistence on using the encampment policy and the enactment of the government's Security Law (Amendment) Act of 2014 that seeks to move all refugees from urban centres to the camps indicates lack of political will for integration or peace building (Maina, 2016). In fighting the terror, Kenya uses refugees as proxies for conflict escalation especially at home and in Somalia. In Tanzania, the geopolitical space harboured intentions of having Tanzania without refugees by 2010 (Rutinwa, 1996). Such reckless statements fail to offer lasting solutions to the crisis, which emanates from Rwanda, Uganda, Burundi and DRC.

## 10. Summary

This paper has examined the contemporary state of political violence and refugee crisis in the great lakes region of East Africa, with an evaluation of the use of durable solutions to the refugee question. It has posited the argument that there is a need for use of dialogue at various fronts, for the durable solutions to be effective. There are underlying factors that form the unresolved issues that lead to refugee flight, which should be subjected to dialogue. This is key to the prospective success of the durable solutions. Failure to use dialogue exacerbates violence and its implications affect the migration patterns in the geopolitical space of Rwanda, Uganda, Burundi and DRC. The failure to use dialogue can be traced as one of the root causes of political violence back to the colonial state in the 1960's. This has continued to manifest itself through people fleeing and becoming refugees in neighbouring countries. The multifaceted violence and difficulties in making peace in the Great Lakes Region remain elusive as minority elites remain in control of these countries' resources by means of the gun. Guns have been in charge of the region's countries and as such giving the dominance of the elite and denying their citizens' the right and ownership. The elite's dominance is practically accompanied by state violence which has gradually become a legitimate method of silencing critics of the ruling minority.

Questions around negotiating peace can only be determined by leaders in power who can either choose to make peace or violence depending on the circumstances under which they view their displaced population. Violence has strained the relationship between Uganda, DRC, Rwanda and Burundi and Rwanda. Consequently, concerns related to leadership have made it difficult to pave the way for peace building and refugee return. In this light, the lack of coordination and inability from regional leaders to evaluate the impact of refugee problems require both top-down and bottom-up perspectives given the categories of violence.

Various socio-political conflicts may not be addressed in once-off dialogue events that take place to suit the description without commitment from the parties. Dialogue has to be multi-faceted and multi-levelled dialogue processes which aid the creation of social cohesion and purposeful democratic establishments in the Great Lakes region that have conflicts. It follows therefore, that countries and the international community need to devote long-term strategies in the community to engage in political dialogue. In the interim, the short-term perspective should be a precursor that leads to the long-term strategies. It is at this point that the international community may play its role based on a dialogue foundation other than an abstract notion of durable solutions that have not been subjected to the use of dialogue. Its role will involve the initiation, facilitation and support of political dialogue in the Great Lakes region.

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