

Inter-University Forced Migration Conference
The Fletcher School
February 12, 2005

Security Panel

Opening remarks:

Two days ago – US House of Representatives voted on an anti-immigrant bill. The issue of security has become central to the US and all its citizens. Security becomes the way we look at the world. It is all you hear out of Washington and all capitals. The US is interested in security on a national level but what happens to a refugee's security for example is not of interest to US.

What is national security? What is the interface between my security and that of the nation-state? What is the point of view of the individual, NGOs, and governments? What is the definition of security? Long-term vs. short term security.

Panelists:

Moses Sekajja - Refugee from Uganda, speaking to the reality of security issues

Joel Charney –Former Acting Director of Oxfam America, current VP for Policy, Refugees International

Karen Jacobsen – Professor at the Fletcher School

Bo Cooper – General Council for the US government dealing with the INS.

John Hammock – Fletcher Professor

Anne-Christine Erikson – UN Office of Coordination of Humanitarian Assistance

Sekajja: When are you are going through this (displacement), you think that nobody cares. He wants to thank everybody who attended the conference, it seems that people care. It is great to move from flight to freedom but at what cost? What cost should we pay for this freedom? Example - his friend's family was executed, he talked to him about his experiences, he is thankful for this new freedom, it is overwhelming, asked him a question – was it worth it? Losing your family? Sekajja realized that he had made a big mistake by asking this question. He imagined how devastating it was for his friend to come home, to find each member of his family brutally slaughtered.

There is still a long way to go in order to be sure that people are being helped. Some people come to this country (US) scared to death, having lost trust in anything which has to do with freedom. Refugees find themselves in a new culture, founded on the rule of law. They come here because that it is the only way of escaping brutality; they never think about law. When you declare yourself as an asylum seeker, you can find yourself in a prison. There is no program which deals with asylum seekers on a grandest scale. Is it really fair? Asylum seekers can turn into a “ticking bomb” – this is a great question, which needs attention. This can be dangerous.

He has a belief that behind every bad person there is a good soul – behind a good soul there is a bad person. It is a matter of pushing the wrong buttons. When his friend is left

on the street without any help – he can either follow the law (reason) or not (passion). There are two avenues and he has to choose one. Some of us can understand. God forbid that terrorists are held by the passion – it will change the world as we know it. There are people who fear all day long.

He was overwhelmed by the help that people offered him. He volunteered to teach English as a second language, at MIT as an African instructor – he feels full again as a man. Started talking to his people back home extensively –the most important work that he has ever done. There are a lot of Muslims in the town where he comes from. Big percent are seeing more because of his story. That makes him a proud man. Western world is losing information, propaganda in south Saharan Africa. The world in general and the US will be secure by welcoming the newcomers with open arms – by creating more interface, intercommunication to deal with asylees, introduce the new immigrants to the American spirit – to the American people themselves.

Anne-Christine Erikson:

The present climate with emphasis on national security has closed a lot of doors, has shifted the focus from the lack of security and safety for so many people. We do have a host of international human rights, and refugee laws, but there is a continued disrespect for these regulations and standards. Protection of civilians in armed conflict – use it as a framework for forced displacement. What has been done? What can be done?

In recent years, the protection of civilians in armed conflict has received increasing attention within the UN and the Security Council. This concept includes both displaced people and those maybe not yet displaced. It includes host communities. Definition of protection – all activities aimed at attaining all the rights of the individuals in accordance with international law. Protection involves creating an environment for full respect of the human being. Protection restores the dignified conditions of life through migration, restitution and rehabilitation.

Joel Charney:

2 important tools have been developed. First, a document of protection for civilians in armed conflict, which represents a check list of priority principles and actions that all actors can and should refer to when they are dealing with displacement. Secondly, a 10 point plan summarizing the Security Council's recommendations, which was presented by the undersecretary general of humanitarian affairs, has been developed. Includes: improving humanitarian access, utilizing negotiations on the ground, exploring all possible avenues to have leverage, ensuring the special protection of women and children, impunity, compliance with international standards, promoting responsibility among all actors, and a need for measured response to the security of refugees.

Protection is the crisis of international displacement. It is the core issue. It is a problem that is endemic throughout the process of displacement. It highlights the inability and barriers put in front of the displaced, and increases the ability to discriminate. Examples - Tsunami, Sudan.

On the field level: Training of capacity of the local community of the government is needed. Lately a series of trainings for protection of civilians has been launched, with all actors involved, even donor communities.

Operational NGOs – can they deal with all the problems on the field level? Can they create safe places for children? There are so many challenges for NGOs. Many lack expertise in protection, and many fear speaking out. Some agencies feel that they shouldn't because every situation is based on political grounds.

Karen Jacobsen:

The situation in most host countries in protracted refugee situations is the camp space model – most refugees live in camps. If we are going to critique we have to have an alternative to camps. Alternative has to be located in the political context in those countries today – rather than increasingly mimicking the countries of the west, including increased restrictions, obstacles, and increasing limitations. UNHCR is also facing a serious question.

One of the key aspects of protracted situations is a **dramatic reduction in budgets**. Food distributions are cut, for example. As the budget shrinks refugees are forced to survive on their own. Host governments put up all kind of obstacles, restrictive policies, and restrict refugees to camps. They can't provide for themselves, cannot work and feed themselves. Even Tanzania, Ivory Coast, modern generous countries, have increasingly restrictive policies.

Second aspect - **Reduced ability to pursue livelihood**, increased security problems, presence of combatants in camps, high rates of crime and domestic violence, impunity from criminal offenses and retributions, threats and harassment by the host community.

Third aspect – **parallel systems** – in most host countries humanitarian services are provided in parallel to services for surrounding population. Attempts to merge services – not fully integrated. Where there are services provided to refugees, they are better than the services for the overall population.

What model will address these problems? Should we do away with camps? We have to come up with alternative. She is not opposed to camps. When we look at evidence on how people survive in camps – people do better, more secure than refugees not living in camps, reason is protection by presence. If you have an international community, aid workers, they are present – their presence can act as a form of protection. It is hardly true that people who are outside of camps are safer than people in camps.

She suggests an alternative to camps – 3 principles.

1. Place of residence. Designated zone for refugees, not a new idea, zone of legal residence for asylum seekers, dignified place, near the border, within range of a town (in order to pursue economic activities), could include camps of settlements

for refugees. Asylum seekers should live there but should not be restricted to these areas.

2. Rights and obligations for refugees in host countries. All seekers should be assigned the rights, freedom of movement, legal documentation, right to work, right to remain in the country as long as it is safe, and to live within the law.
3. Provision of services. In designated zone there should be no separate services, they should be provided by local government.

Bo Cooper -

After 9/11, the issue of security was raised and it was normal to expect improvements in security/ the immigration system. How can governmental action be altered when security is first and most important issue?

1. Temptation – First - governments can work to cut corners in order to protect people: convention against torture – not to return people to a place where they face torture signed in 1998, even if that person was a risk to national security. Second – US had most easily accessed system for people facing torture. Since 9/11 there are significant indications that government may have lapsed in context of immigration removal system. Tensions after 9/11 – it makes sense that US uses its power and is willing to enforce immigration laws. So long as it is a carefully chosen group of people. Fairly clear that US did not carefully choose people before 9/11. Nor was it close to the law about the different circumstances. There are counterexamples as well, but as a general matter the temptations can become great opportunity for the government to cut corners.
2. Longer term effect – given that there is a debate how is it going to be carried out. There is serious damage if security becomes the foremost issue in this debate. This prevents a more detailed debate. Example. 1. Bill that just passed the house of Rep – called “the real id act” – much stricter requirements to states, driver’s licenses, waive application of environmental or other laws with US - Mexico border and alter decisions made regarding asylum. How does the system perform? Does it protect refugees? There is a lot of fraud in the asylum system. There should be a debate. If it is a provision of law, there will be no debate. Security is the banner under which the law is debated. “Clear act” – proposal that would require law enforcement at the state level to enforce the civil provisions of the immigration laws. Also, a lot of damage that costs the system will be made. It is too bad that discussions regarding refugees and immigration start with stories of 9/11. That is an inadequate and irresponsible way of engaging in policy debate.

Lessons: We seem to have a short memory in this country. You didn’t see debate on these issues in the confirmation of Condoleezza Rice and Secretary General – our country does not demand much from issues like torture and detention. Also, as debate goes forward, one should not just criticize but also join the debate in a productive way that offers real solutions. Security and protection are treated as two different issues– they should be discussed together.

Q&A:

Karen: There are many examples that the local government authority will not work in refugee areas. How are you going to respond to that? It is a trade off that can only work at certain places. There are political reasons for her model. It is not a subdivision line. The zone will have local authority and local government problems. In Lebanon government is much opposed to dealing with some of these refugees. In some cases however, we have evidence that refugees are not regarded as bad people. Local populations want them – they bring humanitarian assistance, they bring workers.

Joel: The question is not no camps or camps – it is how we solve a protracted refugee situation. The fundamental problem is the political action that is needed and is lacking. Southern Sudan – despite Darfur we have a peace agreement b/w north and south. Is there going to be an adequate peacekeeping mission? If yes, the problem is solved.

Response from Karen: No question that we need politics, protracted situations are caused by insecurity. What are we going to do about it in the meantime, though? It is a question of strategy.

Joel – response to Karen: We don't have a luxury to spend so many resources on meantime solutions rather than on dealing with the fundamentals, political problems.

Q: Safe space/regions – how can the media coverage become more easily accessible? How can we help education in those countries? What are the ways of reframing the security debate in terms of immigration? Speak on Oakdale, Louisiana issue? What is the US role in causing some of the problems that we are discussing? What is its role in protecting people and causing more problems, conflict?

A: How do we reframe the public debate? How do we get the immigration and security debated together? By not treating issues as black or white. These are complicated issues. Immigrants have their own ways of advocating for their rights. The way to bridge that is for either side to realize that the other side has some points.

Oakdale – small place in Louisiana, where the DHS – Department of homeland security has a detention security – jail. Reason – it is cheaper there, also it does have the consequence for making it much more difficult to get legal representation. There are many complications with the detention policy – these problems predated 9/11.

Q: What is the status of the need of adequate peacekeeping in Sudan?

A: The framework was that there was a seize fire between the government and the movements – people were there to stop that. It wasn't dealing with the fundamental human rights issues. Started with 300, now there are about 3000 African Union troops in Darfur. They are in a supportive and reactive role. It is not a true peacekeeping mission. Ideally, there are 20-25,000 troops who can protect civilians. That is completely utopian in this environment. It is a Muslim country. There is no way in which any military can get involved in this. The African Union is trying to respond to a conflict within Africa – that is great! They are professional, they care, but it is simply inadequate.