

Research Report for the Master of Arts in Forced Migration Studies

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**Research Topic**

The Adoption and Ratification of the African Union's *Convention for the Protection and Assistance of Internally Displaced Persons in Africa*: An Analysis of the Discourse of States and the International Humanitarian Aid Community.

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# 1 Abstract

The phenomenon of internal displacement dwarfs the refugee crisis world-wide. Forced migration, and more specifically internal displacement, looms as one of the largest and most poorly understood humanitarian challenges currently facing states and the international humanitarian aid community in Africa. This research project aims to increase our understanding of internal displacement by factoring in the discourse of states and the international humanitarian aid community as a key contributing factor to our conceptualization of this phenomenon in Africa. Discourse analysis may demonstrate various “sites of struggle” as important messages and ideas from the various actors compete. The well-established notion of discourse framing and containing the responses of certain actors and institutions is at the heart of this research project. The international humanitarian aid community and Africa states have been described in various documents related to the 2009 Kampala Convention as playing leading roles in the provision of protection and assistance to internally displaced persons. This paper uses the Kampala Convention as its discursive locus, analyzing selected texts (documents) that are related to the production, adoption and ratification processes of the Convention. This research report will include diachronic and synchronic analyses of the ID discourse, in the form of documents, for the purpose of exploring the key messages and ideas, which will then be contextualized with the incorporation of academic literature and information related to the phenomenon of internal and forced displacement in Africa. This research report will attempt to demonstrate the various ways in which the limits of the internal displacement discourse are constructed and negotiated by states and the international humanitarian aid community, in order for us gain a better understanding of the role that is played by this growing platform for international deliberation.

## **2 Declaration**

I, Hilton William Eric Johnson, student number 478786, do hereby state that the work contained in this paper is wholly my own and that I am fully aware of the University of the Witwatersrand's ethics and plagiarism policies with regards to the production of this research report.

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### 3 Acronyms

AU	African Union
CSO	Civil Society Organization
ECOSOCC	Economic, Social and Cultural Committee of the African Union
FIDH	International Federation for Human Rights
FM	Forced Migration
GPID	Global Principles on Internal Displacement
ID	Internal Displacement
IDMC	Internal Displacement Monitoring Centre
IHAC	International Humanitarian Aid Community
NGO	Non-governmental Organization
NRC	Norwegian Refugee Council
OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees

## 4 Chapter 1: Introduction

The phenomenon of internal displacement dwarfs the refugee crisis world-wide. Global figures put the number of people internally displaced by conflict alone at around 26 million spanning approximately 35 countries, compared with 10 million people in refugee-like situations (UNHCR, 2009; Internal Displacement Monitoring Centre (IDMC), 2009b). Africa is the most affected continent with around 11.6 million internally displaced persons (IDPs) in 19 countries, the majority of whom are displaced through conflict in sub-Saharan Africa (SSA) (Internal Displacement Monitoring Centre (IDMC), 2009). In a region of increasingly scarce basic resources and escalating intra-state conflicts, forced migration<sup>1</sup>, and more specifically internal displacement, looms as one of the largest and most serious humanitarian challenges currently facing African states and the international humanitarian aid community (IHAC)<sup>2</sup>. Despite the number of people affected by this phenomenon on the continent, it remains relatively poorly understood (De Haan 1999). This research project aims to increase our understanding of internal displacement by factoring in the discourse of states and the IHAC as a key contributing factor to our conceptualization of this phenomenon in Africa.

Discourse analysis presents itself as an ideal method for exploring some of the major objectives and ideas of states and the IHAC in their responses to internal displacement. Parker refers to discourse as “*a system of statements which constructs an object*” (Parker, 1992:5). In this report, “the system of statements” refers to the discourse of states and the IHAC as it pertains to internal displacement in Africa. Phillips et al. state that discourse analysis is focused on the “relationship between discourse and social reality” (Phillips et al. 2004:636). The meaning attributed to our understanding of internal displacement emerges as a key research outcome in this

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<sup>1</sup> Forced displacement and forced migration will be referred to interchangeably throughout this research paper.

<sup>2</sup> Apart from AU and states, this analysis refers to the discourse and actions of prominent international organizations, agencies, institutions and other civil society organizations, as well as prominent research and academic institutions (see section 4.6.3 Text Selections). Collectively these entities will be treated as part of the IHAC seeing as they are, along with states and regional institutions, viewed as influential actors both from the perspective of the humanitarian aid regime, as well as from within the context of responding to the phenomenon of internal displacement in the region.

regard. Experts in the field of discourse analysis also point to the focus on a “body” of texts that may well contain links to several other discourses (see Phillips et al. 2004; Parker 1990; Hardy 2001). More pertinently, discourse analysis may demonstrate various “sites of struggle” as important messages and ideas compete for the right to speak, thereby fulfilling the function of assigning meaning to a given social reality (Hardy 2001). The well-established notion of discourse framing and containing the responses of certain actors and institutions (e.g. the state and IHAC), each of whom must contest the priority given to their own ideas and messages in the discourse, is at the heart of this research project.

This analysis attempts to group the discourse of African states and the IHAC in such a way as to ensure that selected texts are predominantly focused on their responses to internal displacement in the region. The African Union's Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) has been hailed globally as a significant step towards addressing major causes of displacement and securing the protection and rights of IDPs in Africa (Solomon, 2010). The Kampala Convention adoption and ratification process is one of the most visible examples of regional and, indeed, international co-operation aimed at addressing the causes of internal displacement and the co-ordination of responses by local states and the IHAC. This means that the Convention, as well as the bureaucratic processes linked to its adoption and ratification, represents a readily accessible global repository for the discourse of states and the IHAC pertaining to their responses to internal displacement<sup>3</sup>.

The IHAC and African states have been described in various documents related to the Convention as playing leading roles in the provision of protection and assistance to IDPs (OHCHR, 2010). Their response to internal displacement, as well as the discourse within which this response is framed, thus constitutes an important factor that impacts the lives of forcibly displaced persons. This paper uses the Kampala Convention as its discursive locus, analyzing selected texts

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<sup>3</sup> This will be referred to collectively as the internal displacement (ID) discourse throughout this paper. References to ID-related documents and texts that form part of the discourse analyzed for this research will also be utilized.

(documents) that are related to the production, adoption and ratification processes of the Convention. These include documents emanating from African states, international humanitarian agencies, civil society organizations and academic institutions. This research report will include diachronic and synchronic analyses of the ID discourse for the purpose of exploring the key messages and ideas of major actors, which will then be contextualized with the incorporation of academic literature and information related to the phenomenon of internal displacement in Africa. Analysis will also focus on the ways in which key actors and institutions are spoken about from the various sources of documents, allowing for the exploration of the manner in which their specific objectives are translated into the portrayal of roles and responsibilities within the ID discourse. Most of all, this research report will attempt to demonstrate the various ways in which the limits of the ID discourse are constructed and negotiated by states and the IHAC, in order for us gain a better understanding of the role that is played by this growing platform for international deliberation.

#### **4.1 Research Report Roadmap**

This research report begins by examining relevant literature for the purposes of constructing the conceptual framework for analysis. Sub-sections include discussions pertaining to the relationship between states and the IHAC, the Kampala Convention as an example of the ID discourse, the relationship between bureaucratic actions and documents, and links between the discourse and legitimacy. The aim of this section is to set the scene for analysis and discussions that emerge from the key findings.

Methodological considerations are then noted. Discourse analysis, and its suitability as a research method for this project, is discussed. Key aspects of the research approach are listed and important analytical concepts utilized in this project are unpacked (i.e. text selections, document producers). This section concludes by taking note of the limitations of this research project.

The first chapter of analysis begins by investigating the origins and development of the ID

discourse. The use of preceding documents and the projection of legitimacy are discussed. Key concepts originating from the well-established refugee discourse are then investigated, with a particular focus on the use of migrant categorizations and the conceptualization of forced migration as a cycle. This section concludes by examining the utilization of references to the past and future within the ID discourse. Key themes emerging from this section include the construction of legitimacy and the portrayal of bureaucratic progress through document production processes. Important differences between the documents originating from the AU and IHAC are also discussed.

The final chapter of this research report investigates key actors and the construction of their roles and responsibilities within the ID discourse. This section places a stronger emphasis on the distinctions that emerge between the various document and text producers and begins to unpack the key objectives of African states and the AU, as well as the IHAC. Discursive tactics and the responses that they elicit from the various key actors in the ID discourse are explored. The chapter concludes with a summary of the most important distinctions emerging from the messages of states and the AU, and the IHAC.

This research report concludes with a discussion that brings together the key findings of this analysis. It demonstrates that the ID discourse is to a large degree reproduced from the well-established refugee discourse, and that this mainly impacts African states who respond to the conceptual paradigms that are imposed by the ID discourse by ensuring the pursuit of their own, sometimes conflicting, interests.

## **4.2 Research Question**

This research report seeks to answer the following question: “What can be discovered regarding the development and utilization of the discourse of internal displacement by African states and the IHAC through an examination of texts related to and emanating from the adoption of

the Kampala Convention?”

Sub-questions emerging from this question include:

1. What are the key mediums and channels used to disseminate this discourse?
2. What are the origins of the ID discourse and how has it developed leading up to its contemporary utilization?
3. Who are the leading actors and institutions within the ID discourse and how are their roles and responsibilities constructed?
4. What can be derived regarding the key objectives and discursive tactics of the various actors contained in the discourse?
5. What are possible implications for the way forced migration is conceptualized within the ID discourse?

### **4.3 Rationale**

Internal displacement, especially in Africa, is arguably more relevant today than at any other time in recent history due to the significant numbers of displaced persons and populations in the region and the deeply embedded socio-political factors which contribute to this phenomenon. As a result, there is a real need for more research aimed at better understanding internal displacement. Millions are affected by conflict and displacement every day and this phenomenon appears likely to continue well into the future (Crisp, 2006). Yet, displacement on the African continent is still relatively poorly understood (De Haan 1999). There are a number of reasons for this, not least of which is the general lack of accessibility to displaced populations and the many actors involved, especially in the context of intra-state conflict (Crisp, 2006).

The discourse of states and the IHAC must be seen as a critical component in the larger process of internal displacement. Currently the discourse of states and the IHAC is often conceptualized as existing outside of the process of forced migration. Ignoring the role of the ID

discourse in our conceptualization of forced displacement does not take into consideration the ways in which this discourse 1) shapes the responses of states and the IHAC, and 2) acts as a vehicle for many of the state and IHAC's bureaucratic actions (see Phillips et al. 2004; Riles 2006). An analysis of the ID discourse, therefore, provides us with an opportunity to better understand the myriad of factors pertaining to internal displacement as a phenomenon.

In addition to the above, there is also a need for more research which distances, but does not disconnect itself, from the discourse of states and the IHAC related to internal displacement in Africa. This allows for the discourse to be challenged, and therefore shifted, due to an increased understanding of its impact on the conceptualization of forced migration. Landau speaks of the need for researchers to increasingly politicize their research (Landau 2009), and this paper attempts to accomplish this objective through its effort to more closely associate the ID discourse with the phenomenon of internal displacement.

The adoption of the Kampala Convention during the AU Special Summit in Kampala, Uganda from the 19th to the 23rd of October 2009 has been hailed by African states and broad section of the international community as a landmark event. Andrew Solomon from the Brookings-Bern Project on Internal Displacement described the Convention as

*“the first instrument intended to legally bind an entire region on matters related to preventing situations of mass displacement and to resolving the vulnerabilities and needs of those who have been displaced.”* (Solomon, 2010:1)

A large body of organizational, media, state and research documents and texts have been produced which echo these assertions. It is thus important for this paper to compare the Convention's, as well as the various related texts', conceptualizations and core assertions surrounding internal displacement in the region. This will provide a more nuanced understanding of the Convention's key messages and the level to which these accurately reflect the phenomenon of internal displacement in Africa. Furthermore, this research will allow for a more detailed interrogation of the

process of adopting and ratifying the Kampala Convention as a measure of bureaucratic action on the part of states and the IHAC.

Finally, the works of Riles and Phillips et al. mentions the role that preceding documents play in bureaucratic processes such as the Kampala Convention's adoption (Phillips et al. 2004; Riles 2006). These documents allow for the meaning of key terms, messages and bureaucratic processes to be rendered as "settled" or non-negotiable history, enabling their non-contested reproduction in new documents. The close links between the conceptualization of forced migration and well-established discursive themes pertaining to refugee crises world-wide, provide a powerful incentive for an investigation into the manner and level to which these themes are reproduced within the ID discourse. The global significance of the adoption and ratification of the Kampala Convention, as well as the amount of discourse generated by states and the IHAC with regards to this process, presents an ideal opportunity for research that investigates the inner workings of the ID discourse.

#### **4.4 Research Objectives**

The main purpose of this research is to analyze the discourse of states and the IHAC as it relates to the adoption and ratification of the Kampala Convention. The following sub-points therefore emerge as key objectives of this research report:

First, the selection of relevant documents (texts) will be conducted based on their links to the process of adoption and ratification of the Kampala Convention. This collection of documents should accurately reflect the discourse of states and the IHAC.

Second, this analysis will attempt to show the development of discourse over time (i.e. diachronic analysis). This allows for an examination of emerging trends and the formation of discursive concepts, objects and institutions in the selected documents.

Third, this research will demonstrate the synchronic configuration of the ID discourse in the contemporary context. This includes the identification and examination of roles and responsibilities

constructed through the discourse for key actors and institutions, truth claims, target audiences and the socially organized settings in which the discourse is reproduced.

Fourth, this research seeks to contextualize discourse analysis findings using literature and data connected to the themes being uncovered and interrogated.

Fifth, analysis will attempt to demonstrate parts of the discourse that are open to contestation by the states and the IHAC. In so doing, the competing sub-discourses will be highlighted for the purposes of further deepening our understanding of the key messages and ideas contained in the discourse.

Finally, this analysis will attempt to demonstrate the causal factors, inner workings, contemporary settings and limits of the dominant discourse on internal displacement. The intention is to add to emerging research that is influencing global debates and the construction of the humanitarian agenda by focusing on: 1) the distinct nature of forced migration in Africa; and 2) the applicability of much of the related humanitarian responses.

## **4.5 Literature Review**

According to globally reported and prominent research literature, Africa is the continent with the largest of number of IDPs (11.6 million according to the Internal Displacement Monitoring Centre (IDMC)), the majority of which are displaced through conflict and generalized violence (Internal Displacement Monitoring Centre (IDMC), 2009). The rise in ethnic conflict and intra-state wars during the post-Cold War era has greatly contributed to an increase in internal displacement globally, and especially in Africa (Ayata and Yüksekler, 2005; Barnett, 2001; Deng, 1998). The current extent of the phenomenon and the factors contributing to its occurrence, suggest that widespread internal displacement will persist for years to come (Crisp, 2006).

Landau refers to the *“legacies of colonialism, uneven development, and institutional fragility [which] serve to continually generate the violence and deprivation that force people to move”*

(Landau, 2009:75). Many African states in the post-Cold War period are also in a constant battle to project their authority to the borders of their territories (Herbst, 2000). The institutional fragility of many African states frequently results in an increased contestation of power (see Chabal and Daloz, 1999, Herbst, 2000). Consequent power-struggles often exacerbate the conflict and violence which plagues the region, and has led to some of the highest numbers of forcibly displaced people in the world (Crisp, 2006, Landau, 2009, UNHCR, 2009).

There currently exists a body of literature that, in some form or another, examines international humanitarian and policy discourse (see Barnett, 2001, Buonfino, 2004, Chandler, 2001, Collinson et al., 2009, Gasper, 2005, Illich, 1992, Moore, 2000, Polzer, 2008, Rajaram, 2002, etc.). This literature helps to explore the constructed roles and responsibilities of actors such as the state and international humanitarian agencies within the discourse. It also provides some background to the various factors, both humanitarian and non-humanitarian, that might shape this discourse.

An emerging analysis has also begun to focus on the various types of states whose interests are represented in some form or another by an increasingly politicized and often state-like international humanitarian aid regime (Barnett, 2001, Chandler, 2001, Das and Pool, 2004, Hansen and Stepputat, 2001). Factors such as state institutional fragility, internationally vested interests in Africa, and the increasingly interventionist and state-like role of international humanitarian actors all contribute to the construction of a humanitarian aid regime with complex subtexts that frequently extend far beyond basic concepts of humanitarianism and development (Landau 2009); subtexts which are most often manifested in the discourse of states and the IHAC.

#### **4.5.1 States, the International Humanitarian Aid Community and Their Links to Discourse**

It is important to note that the international humanitarian aid regime is, according to the dominant discourse of states and the IHAC, primarily concerned with providing protection and

assistance to persons or groups in need (Vaux, 2004). This paper does not deny the strong universal motivations amongst African states and the IHAC that are grounded in principles of compassion and care for those in need. Nonetheless, Landau, in his conference paper examining the stakeholders and the scope of action for dealing with internal displacement in sub-Saharan Africa, implores the research community to:

*“recognize that in many cases, humanitarianism is deeply embedded in systems of meaning and structures far wider than humanitarians’ claims suggest” (Landau, 2009:76).*

These systems of meaning frequently manifest themselves in the international humanitarian discourse, which is predominantly constructed by states and the IHAC. This paper questions the existence and potential manifestation within the ID discourse of other “extra-humanitarian” factors that may also motivate the construction of the humanitarian agenda.

International humanitarian discourse places a strong emphasis on the role of states in providing protection and assistance to people classified within the discourse as internally displaced. According to prominent documents such as the GPIDs, the primary responsibility for the promotion and provision of durable solutions to internal displacement resides with national authorities, in other words, the state (OHCHR, 2010). The ID discourse thus plays a vital role in the construction of the states’ roles and responsibilities in dealing with forced displacement.

A large amount of research and literature has pointed to the absence or complicity of the state in situations of internal displacement, especially in Africa (see Crisp, 2006, Sanford, 2003, Ayata and Yükeker, 2005, Assal 2006). Sanford, in her analysis of the Colombian Peace Communities and internal displacement in Latin America, makes mention of the contradictory roles of the state in domestic conflict and the resultant questions of neutrality and impartiality that arise from international humanitarian aid projects that aim to strengthen the state (Sanford, 2003). This phenomenon is not unique to the Latin American context, as can be seen through the involvement of many African states in conflicts that have resulted in large scale internal displacement (Crisp, 2006).

The Framework on Durable Solutions for Internally Displaced Persons also mentions the important complementary role of international humanitarian and development actors (OHCHR, 2010). The UNHCR is chief among these, although it lists only around 14 million IDPs currently enjoying its protection or assistance out of a total that is reported to be in excess of 26 million worldwide (UNHCR, 2009). The level of this protection and assistance is questionable, along with the numbers themselves, due to the well-documented problems in accessing accurate data with respect to IDPs, especially in Africa. The most alarming aspect of this statistic, when compared to the total number of IDPs worldwide, is that there are nearly 12 million IDPs that do not currently have any form of protection or assistance from the UNHCR. This figure is also limited to the numbers of IDPs that the UNHCR and other humanitarian agencies are aware of. It is clear that forced displacement occurs in many places which these agencies and their information sources do not have access to (Polzer 2008). The above assertions and statistics therefore make for important tools that may be used to interrogate the portrayal of the state and IHAC's roles and responsibilities in the ID discourse.

The above points regarding the role of states and the IHAC reinforce the notion that a large number of IDPs are forced to fend for themselves. It is thus important to examine and question the veracity of an ID discourse which often places the state and IHAC at the forefront of the provision of protection, assistance and durable solutions to displaced populations.

Furthermore, it is well known that the relationship between African states and the IHAC is a complex one, due mainly to the myriad of factors that may influence the collective humanitarian approach adopted by these entities. Barnett speaks of a “confluence of considerations” confronting states that must decide how to deal with domestic issues of internal displacement (Barnett 2001). He and Kibreab refer to factors motivating poorer states such as the incentives created by a large influx of aid or “burden sharing mechanisms” (Kibreab, 1993, Barnett, 2001).

International humanitarian agencies have also been seen to act according to a complex set of

interests that include factors pertaining to their core humanitarian principles, the priorities of globally powerful donor states, as well as their own self-preservation motives (Barnett, 2001, Misago, 2005, Polzer, 2008). These complex dynamics often appear within the humanitarian aid regime's discourse (Barnett, 2001). The literature notes the changing and increasingly politicized role of international NGOs in the post-Cold War period (Chandler, 2001). Barnett mentions that organizations like the UNHCR are now involved in domestic politics on “both sides of the border” (Barnett 2001:270) in reference to responses to refugee situations that are increasingly conducted by international NGOs within host countries, as well as the countries of origin. Davila adds to the possible IHAC motives that fuel this behavior by stating:

*“the notion of IDPs has been endorsed by powerful countries of the UN system, not as a humanitarian gesture, but as an anti-immigration strategy” (DAVILA 2009:22)*

Chandler also mentions the need for the UNHCR to balance the moral dilemmas inherent in complex emergencies with its own interests in “protecting the agency's reputation and cultivating the largess of patrons”, the latter in reference to funds contributed by influential Western states (Chandler, 2001:270, see also Vaux, 2004). These conflated interests have contributed to states and the international community's legitimization of humanitarian agencies' interventionist involvement in local politics (Chandler, 2001).

In the contemporary context, humanitarian agencies often find themselves battling to balance their humanitarian principles with survival instincts. Polzer, in her paper examining the negotiation of rights amongst refugees in the context of local integration, mentions “institutional self-preservation rather than service” as one of the factors motivating agencies (Polzer, 2008:3). She expands on this notion through the assertions of Harrell-Bond who refers to a refugee protection industry specialized and bureaucratized around the desire of international, national and non-governmental organizations to “recreate interventions for themselves” (Polzer, 2008).

Whilst Polzer's critique might refer to a situation pertaining to refugees specifically, it alludes

to some important considerations for the analysis of the key objectives of the IHAC. The interests of states must be viewed as veiled within, and inextricable connected to, the key objectives of international humanitarian agencies. Furthermore, international humanitarian agencies' motivation to preserve their own existence and promote their involvement in humanitarian crises is a potential contributing factor to the construction of international humanitarian agencies' role as the provider of resources to the displaced.

The above points demonstrate that the lines between sovereignty, humanitarianism, good governance and global politics are increasingly blurred within the international humanitarian aid regime. This contributes strongly to the need for a closer examination of the discourse which frames the humanitarian agenda and frequently acts as a clear indicator of the actions of states and the IHAC. This research will therefore examine claims that the ID discourse, whilst a potentially important factor in the alleviation of this phenomenon, warrants further scrutiny from researchers and is still largely limited by the proclivity of states and the international community to promote their own agendas through its construction and reproduction. The tension that exists between the role of local African states and the state-like behavior of international humanitarian agencies also warrants further exploration through the selected discourse. This research project explores some of these complexities through an examination of the manner in which states and humanitarian agencies' roles and responsibilities are constructed within the ID discourse.

The interests of states and international humanitarian agencies listed here merely touch on the inherent complexity of this relationship. It is not the purpose of this report to uncover and speculate over the extent of the non-humanitarian motives of states and the IHAC that might exist in the contemporary context. Rather this report tries to demonstrate an awareness of these factors, whilst at the same time confining its analysis to that which is able to be derived directly from the ID discourse. In so doing, this analysis hopes to demonstrate the possible transition from motivating factors to their manifestation within the discourse under discussion.

A broad body of literature examines the dynamics and relationships mentioned above.

However, a perspective delivered through an analysis of the discourse related to internal displacement may shed new light on our understanding of these dynamics and their manifestation within the broader phenomenon of forced migration.

#### **4.5.2 The Kampala Convention as an Example of Internal Displacement Discourse**

As previously mentioned, the Kampala Convention has been hailed globally as a significant step towards addressing major causes of displacement and securing the protection and rights of IDPs in Africa (Solomon, 2010). A vast body of organizational, media, state and research documents have been produced which reinforce or comment on these assertions. The Kampala Convention is therefore, one of the best examples of regional and indeed international co-operation aimed at addressing the causes of internal displacement and the coordination of responses by states and the IHAC.

The combination of the bureaucratic processes related to the Convention presents an ideal opportunity to access and examine the language that talks about the Convention as a repository for the contemporary discourse pertaining to internal displacement in the region. Most often these processes take the form of actions aimed at document production, as well as the transmission of international commentary and support by way of countless articles and papers. This paper uses the Kampala Convention as its discursive locus; analyzing selected documents that are related to the production, adoption and ratification processes of the Convention. These include documents emanating from African states, international humanitarian agencies, civil society organizations and academic institutions.

Noting the global depiction of the Kampala Convention as a significant step towards securing the protection and rights of IDPs in Africa (Solomon, 2010), three important questions emerge for

the purposes of this research, namely: 1) How relevant is the discourse of states and the IHAC related to this event, and within the broader context of internal displacement in the region?; 2) To what extent are the objectives and priorities of states and the IHAC projected through the formation and reproduction of this discourse?; and, 3) What are the possible theoretical implications for the study of forced migration within the region?

#### 4.5.3 Actions, Texts, Documents and Artifacts

One of the motivating factors for this research report's focus on discourse analysis is the hope to illustrate the strong links between discourse and action (Phillips et al. 2004), especially in the context of the Kampala Convention adoption and ratification process. The analysis of discourse and institutions by Phillips et al. does well to draw attention to the interplay between actions, texts, discourse and institutions. In their analysis, they argue that the production of texts (frequently contained in documents) is a key bureaucratic action, constrained and enabled by institutions. In turn, institutions are most often produced and maintained by a discourse within which those self same texts are embedded, reflecting a circular relationship between these various components (Phillips et al. 2004). This view further promotes a conceptualization of discourse that is internally correlated to the actions of states and the IHAC, as opposed to an outward projection of the key priorities of these actors. Cooren et al. describe this accurately when they refer to analysis of “*the intersection of the discourse versus discourse paradigms*” (Cooren, Matte, Taylor, & Vasquez, 2007:181)<sup>4</sup>. For the purposes of this research it is important to clarify our understanding of these links and the discursive products (e.g. documents) that result at the various intersections between these components.

As previously mentioned, this research is centered on the (re) production and dissemination of

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<sup>4</sup> Cooren et al. elaborate by stating that this entails, “*an approach [that] requires that we pay attention to the fine detail of what is said in naturally occurring interaction (the realm of discourse, lower case) while simultaneously remaining sensitive to the endurable character of a specific Discourse, upper case – a discourse that might appear to transcend the hic and nunc of locally situated interaction.*” (Cooren et al. 2007:181)

texts. This is because discourse is viewed as the production of meaning, hence its conceptualization as a field of study focused on the construction of social reality. Meaning is shown to endure mainly through the “residue” of texts (Phillips et al. 2004). The texts most often reproduced in the case of the ID discourse are documents that range from press releases to conference background papers, as well as the various legal papers, protocols and conventions attributed to the process of adoption and ratification. It therefore becomes important for us to contextualize the role of documents in terms of their inclusion and utilization within this research report<sup>5</sup>.

Phillips et al. list written documents as some of the key artifacts that make up a discourse (Phillips et al. 2004). Riles expands on the notion of discursive artifacts by describing documents as “paradigmatic artifacts of modern knowledge production processes” (Riles 2006:7). She further expands on this notion by referring to documents as “artifacts” of institutional activity, drawing our attention to the use of the word “document” as a verb denoting action (Riles 2000:xiv,6). Riles utilizes the “conference” (bureaucratic process) and its production of resolutions, agreements, conventions, etc. as the focus of her investigations, making her findings well-suited to a discussion of the documents connected to the Kampala Convention. Her focus on modern knowledge production processes and its links to documents are well summarized in the following statement.

*“modern knowledge is characterized by a persistent endeavor reflexively to seek further knowledge about itself. One of the Principle instruments of this self-knowledge has no doubt been the document. Many of the buzzwords of the moment – from transparency to accountability – are in practical terms calls to documentation (Rosga 2005)” (Riles, 2006:6).*

Transparency and accountability aside, these “calls to documentation” are particularly relevant in the case of the Kampala Convention because they reflect the strong cognitive links between the production of this specific document (and others) and the projection of agency and progress by the AU, member states and major IHAC institutions.

In her own analysis of documents, Riles begins by stating that “[t]he ability to create and

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<sup>5</sup> Documents therefore, also constitute the primary containing body for this research's units of analysis (i.e. texts). Excerpts from selected documents will therefore be referred to as texts throughout this paper.

*maintain files is the emblem of modern bureaucracy*” (Riles, 2006:5). In other words, the Kampala Convention, both as a bureaucratic process and a document artifact, reflects a clear response to the “calls to documentation”. This, in turn, highlights the assertions of Phillips et al. in terms of their emphasis on the links between actions, texts and discourse. Document artifacts thus emerge as physical indicators of knowledge production processes that also frequently demonstrate bureaucratic action.

Finally, in her study of the anthropological analysis of bureaucratic knowledge production, Riles mentions the important role that preceding or historically connected documents play in the production of contemporary and official documents (that contain texts in the discursive sense), especially those produced by states and other large bureaucratic institutions (Riles 2006). This role includes the production of legitimacy and consensus for bureaucratic processes in order to promote the accomplishment of key bureaucratic imperatives. She frequently refers to these collective groups of preceding documents as “*chains*”.

Riles expands on the significance of these document chain's function by mentioning:

*“The ‘meaning’ of terms rendered to settled history, and that history was the history of the documents, and of procedure” (Riles 2006:78)*

Phillips et al. expand on this notion by noting how this process of “recontextualization” gives rise to the meaning of key terms being “*taken for granted and black-boxed*” (Phillips et al. 2004:640). The utilization of these preceding documents and of the procedures employed for purposes of producing them, therefore, allows bureaucratic processes to confine large parts of the discursive meaning of key terms to a widely-accepted, ‘*settled*’ and non-negotiable space, accelerating the bureaucratic processes that are also frequently associated with progress. In many ways, the construction and utilization of preceding documents may be seen as a process of bureaucratic fact-making; one that is particularly relevant to the adoption and ratification of the Kampala Convention. This particular function and its effects are carefully analyzed and discussed below.

#### 4.5.4 Discourse and Legitimacy

One of the most important functions of the international humanitarian discourse is the construction of legitimacy for the actions of states and international humanitarian agencies. In his examination of the legitimation of international governance, Steffek draws on the well-known literature of Weber, to demonstrate that the detailed analysis of what he refers to as the “rational discourse” of states is an ideal method for exploring the various ways in which the key objectives of these actors are projected through texts (contained in documents) (Steffek, 2003).

As we will see in the analysis of the ID discourse, the links between bureaucratic actions and production of legitimacy for key actors emerges as a key theme. The production of documents is frequently acts as a key marker of the actions specifically associated with legitimacy:

*“Actions that lead actors to gain, maintain, or repair legitimacy are likely to result in the production of texts that leave traces [documents]. In such cases, texts are produced in order to establish, verify or change the meaning associated with the action.”* (Phillips et al. 2004:642)

“*Texts that leave traces*” once again alludes to the substantive nature of the use of documents in this context. Riles adds to the interpretation of meaning in this context by stating that “[t]o study documents is to study how people know” (Riles 2006:7). In other words, documents also function as a key channel for the interpretation of bureaucratic action. The analysis of documents therefore allows us to further explore the methods employed for the transmission of meaning.

Interesting in this case is the legitimizing function of documents in terms of their ability to affect the construction of meaning associated with actions. As we will see in subsequent chapters, this is particularly relevant to the Kampala Convention due to the speculation surrounding its potential impact in facilitating the prevention of and response to internal displacement in the region.

The previous section draws our attention to some of the methods used to establish legitimacy for key documents. It is important to note here that the process of utilizing a document to grant legitimacy to an actor, institution or process also requires the document to possess a required level

of legitimacy itself in order to perform this function. This is why the assertions of Riles and Phillips et al. (e.g. document chains and settled texts) are so critical to our understanding of the process by which legitimacy is constructed for documents and projected in the ID discourse.

## **4.6 Methodological Considerations**

This section will discuss the methodological approach of this research report. The research has two independent variables namely, 1) the social, political and economic context of internal (forced) displacement in Africa; and 2) an analysis of the discourse of states and the IHAC, related specifically to the adoption and ratification of the Kampala Convention by African states, and with a particular focus on the discursive contestation that occurs for the purposes of achieving key objectives for these major groupings of actors. These two variables produce the dependent variables for this research which can be viewed conceptually as an interrogation of the combined outcomes of the independent variables (i.e. socio-economic and political context of internal displacement, and the discourse analysis), and the emerging findings (discoveries) and conclusions of this research report. The qualitative analysis of discourse forms a core component of this study and will be discussed in more detail below.

### **4.6.1 Discourse Analysis and Discussions of Methodology**

As mentioned previously, this research will examine a variety of documents related to the discourse of states and the IHAC, pertaining specifically to the formation and adoption of the Kampala Convention by African states. It is important to examine some of the key terms used in the literature pertaining to discourse analysis before moving onto a more in-depth discussion regarding the applicability of the methodology selected for this research.

The term “discourse” is defined by Parker as being:

*“used to refer to patterns of meaning which organize the various symbolic systems human beings inhabit, and which are necessary for us to make sense to each other.” (Parker,*

1999:3).

Importantly, he points out that we must not confine this definition to language. Although I concur with this notion, it must be noted that the scope of my research does not extend beyond the realms of language. By focusing on the ID discourse produced by states and the IHAC, as well as the content of what this discourse is talking *about*, I am compelled to confine the analysis to texts (mostly contained in documents) that are mainly rooted in language.

On the matter of texts as the object of analysis, Parker defines these as: “*any tissue of meaning which is symbolically significant for a reader.*” (Parker, 1999:3) What he refers to as “signification” therefore extends the concept of “representation” through a conceptual and methodological account of that representation that constructs the implied reality (Parker, 1999). The reader, in this instance, refers to the “consumer” or audience of the text. The potential consumers of texts (or bureaucratic process related documents) will be referred to frequently in this research report due to the important influence that they have on the production of a discourse that often attempts to elicit very specific responses from them. Discourse analysis also includes the examination of the texts' audience because this has critical implications for the meaning or “reality” derived from the discourse.

The consumption and reproduction of discourse takes place through the translation or interpretation of texts. Translation is a necessary step in the process of discursive reproduction, but is also required to perform the analysis of texts. Parker describes “translation” as the process by which we convert texts into writing (e.g. documents) in reference to the methodological requirements of discourse analysis. This is a key requirement for discourse analysis and is viewed as the model form for research using this methodology. However, it is important to note that the researcher must also reflect on the broader process of translation of meaning by the various intended audiences and mediums in the analysis of discourse. This reflection forms a vital aspect of this analysis.

Parker describes discourse analysis as an ideal method for displaying the ideological power, meanings, structures and patterns of language (Parker, 2004). Indeed, “history, institutions and power” have been examined through the discourse and its patterns of meaning (ibid, 156). This examination of institutions and power can be especially useful in the analysis of the international humanitarian or ID discourse. It provides insight into how meaning is formed through the various factors that contribute to and motivate the discourse’s formation.

When discussing critical text-work, Parker emphasizes the importance of power in discourse by stating that “as we use language we are also used by it” (Parker, 1999:6). He draws attention to the ways that the meanings of texts are used to form systems and institutions. This thinking is further contextualised through his reference to the importance of analysing discourse against a cultural backdrop, i.e. different social worlds, cultures and languages (Parker, 1999). In both cases, Parker refers to the multi-dimensional nature of discourse by referring to context and history. These assertions motivate the inclusion of both synchronic and diachronic analysis components for this research in order to tease out the meaning and key ideas of the ID discourse.

Hardy echoes these assertions in her analysis of organizational discourse by demonstrating the applicability of discourse analysis as a research methodology to the examination of texts or documents that are reproduced in different contexts, often for the purposes of institutionalizing organizational structures (Hardy, 2001). This is a point that is extremely relevant to the process of adopting and ratifying the Kampala Convention, due to the strong institutional underpinnings present in this process. Hardy also explores the related theme of dominance, by stating that organizational discourse analysis holds that:

*“some discourses may dominate, but it maintains that such dominance is an ongoing struggle among competing discourses, continually reproduced or transformed through day-to-day communicative practice.”* (Hardy, 2001:28)

Therefore, the selected methodology for this research serves to provide the base from which to note the relevant “sites of struggle”, particularly as they pertain to the key messages of African

states and the IHAC.

The work of Vivienne Schmidt on what she refers to as Discursive Institutionalism (DI) is also included in the methodological approach and theoretical background upon which this research report is based. This is due to the key role that major IHAC and regional institutions play in the construction and reproduction of the ID discourse. Schmidt effectively summarizes the central tenets of DI by stating that:

*“The institutions of discursive institutionalism...are not external-rule-following structures but rather are simultaneously structures and constructs internal to agents whose “background ideational abilities” within a given “meaning context” explain how institutions are created and exist and whose “foreground discursive abilities,” following a “logic of communication,” explain how institutions change or persist.” (Schmidt 2008a:1)*

This paper focuses particularly on the “foreground discursive abilities” and the “logic of communication” derived from an analysis of the documents related to the Kampala Convention as a bureaucratic process. Furthermore, the inclusion of contextual information for the purposes of supplementing and interrogating the findings of the discourse analysis allows for the exploration of the “meaning context” mentioned above. In other words, research findings contrast the discourse analysis with the some of the broader political and socio-economic configurations within which the related ID discourse is constructed and proliferated, and which are related to forced migration in the region.

The research takes note of the DI approach to explaining institutional change – or lack thereof – through the endogenization of agency and ideas by showing how various actors “may (re)shape their macro historical institutions” (Schmidt 2008b:3). DI does lend itself to a detailed examination of change, whether that be actively (how did institutional change come about?), or passively (why has institutional change not occurred?). Essentially, it describes how change can occur “*incrementally, through layering, conversion, or reinterpretation.*” (Schmidt 2008b:8).

The DI approach includes a focus on two different *forms* of “*interaction through which*

*agents gain power through their ideas*”, namely: *coordinative* and *communicative* discourse (Schmidt 2008b:13). In the context of the Kampala Convention this signifies the 1) “*discursive interactions regarding who spoke to whom where, when, and why in the process of generating those ideas in a ‘coordinative discourse’ of policy construction*” (e.g. conferences leading up to the AU summit, seminars held with subject matter and government experts, etc.), and 2) “*articulating [ideas] in a ‘communicative’ discourse of public deliberation and legitimization.*” (i.e. the state use of discursive constructs for purpose of legitimization) (Schmidt 2008b:3).

DI also takes note of the different levels of generality, namely: policy, program and philosophy. These levels of generality have been used in the selection, categorization and analysis of texts contained in key institutional documents. This has proven useful in that it provides further levels at which the purpose and effect of the ID discourse may be analyzed and understood. To this end, this analysis takes note of the DI focus on the possible ideas of actors, but will be limited to questioning these ideas as they emerge from the discourse and through contextual information used to complement and contrast the analysis of documents related to the Kampala Convention.

At this point it is also important to discuss the use of the term “ideas” in the DI approach and within this research report generally. In previous sections, the objectives or interests of states and the IHAC have been mentioned repeatedly. This analysis demonstrates the connection between ideas and interests within the research’s broader methodological approach. Schmidt defines ideas as “the substantive content of discourse” (Schmidt 2008a:1). Campbell goes a little further by defining ideas as “theories, conceptual models, norms, world views, frames, principled beliefs, and the like, rather than self-interests, affect policy making”(Campbell 2002:1). This is important to note because much of the ID discourse under examination revolves around the key objective of “policy-making”, especially with regards to responding to internal displacement. Policy making processes may therefore be seen as vehicle for the projection of ideas from the states and IHAC.

The complexity inherent in the role played by ideas within discourse is important to note at

this stage. The DI approach, as it is derived from the work of Schmidt, divides ideas into two types, namely *cognitive* and *normative* (Schmidt 2008a). Cognitive ideas, as is the case with coordinative discourse, do seem to play a stronger role in the discourse that takes place *between* policy makers and other bureaucrats, because they speak to a more empirically derived line of thinking based on “principles and norms of relevant scientific disciplines or technical practices.” (Schmidt 2008a). Normative ideas, on the other hand, are more concerned with “right and wrong” and are thus more often employed with the communicative discourse that seeks to appeal to a wider audience whose consumption of the discourse is more “value-based”. Campbell additionally states that:

*“ideas facilitate policy-making action not just by serving as road maps, but also by providing symbols and other discursive schema that actors can use to make these maps appealing, convincing, and legitimate.”* (Campbell 1998:381)

This paper will examine all of these assertions by examining the “discursive schema” of the ID discourse in detail, whilst simultaneously focusing on the ways in which the ideational content is made legitimate or appealing.

A large body of literature delves extensively into what has been termed as “the interests” of various actors such as the state and the IHAC (Barnett 2001; Chandler 2001; Das & Poole 2004; Hansen & Stepputat 2001; etc.). This analysis finds that despite the distinction between ideas and interests from the various schools of thought, the two are inextricably linked. Ideas, as stated previously, do form the building blocks of the ID discourse, but they are themselves built on and constituted by underlying interests. The connection between ideas and interests is well summarized by Campbell: *“ideas have profound effects on the course of events, serving like switchmen who direct interest-based action down one track or another.”* (Campbell 2002:1) This paper will focus on the ideas emerging from the ID discourse, whilst at the same time acknowledging the interests that might be driving these ideas and the construction of the broader ID discourse.

Analysis of the discourse of the AU and African states generally has started to emerge only recently (see Smith 2006; Murithi 2005; Griggs 2003). Therefore the global significance of a

discursive focal point such as the Kampala Convention makes this research report highly relevant and an important base from which to further explore the role that discourse plays within the African context. This paper also attempts to conceptualize the ID discourse as an important factor in the larger conceptualization of forced migration as a phenomenon, i.e. as a macro-level factor which may have an impact on several other factors ranging from the causes of, to the responses to, displacement.

#### **4.6.2 Important Considerations for the Methodological Approach**

There are a number of methodological limitations and important considerations for conducting a discourse analysis. In fact, Parker and Burman mention a number of critiques of discourse analysis as a methodology (Burman and Parker, 1993). For example, discourse analysis has been criticized for not being sufficiently rigorous enough due to the subjective nature of “reading texts”. Findings are often unable to be generalized, further strengthening this critique. However, these concerns are mitigated by the objectives and outputs of this research analysis. Rigor-related aspects in particular are at least partially addressed through the construction of a clear thematic analysis derived from a highly-reproduced discourse. This analysis, whilst understandably subjective in its formation from the author's personal analysis, is presented in a manner that allows for facile and general interpretation. The generalize-able nature of research findings is not a key objective of this study. Rather, this research report serves as a tool for the discovery of outcomes that will motivate further studies into the discursive “sites of struggle” and responses of various actors to the discourse surrounding the phenomenon of internal displacement and more generally, forced migration.

The DI approach to analysis, which forms part of the methodology for this research, cannot explain all change “from the inside” because not all actions are intended or derived from within the discourse (Schmidt 2008b). External consequences and responses to the discourse are beyond the scope of this paper. Basic measures are used to ascertain the accessibility and level of reproduction

of the analyzed discourse, but this cannot take the place of an ethnographic analysis, for instance, of the external discursive effects and responses.

Grant et al. mention two powerful critiques of discourse analysis, namely 1) “accusations of intellectual self-indulgence with no practical pay-off”; and, 2) the common occurrence of sampling problems and limitations (Grant et al., 2001:10). In reference to the former, this research seeks to confront this critique by including tangible research objectives which may motivate further analysis in the field of forced migration studies. This study actively seeks to create the framework from which dynamics of and the responses to the ID discourse may be examined in the future. This approach also addresses the second critique because it accurately directs the sampling of texts (documents) towards the analysis of discourse which is relevant through its purported significance to focused and pre-defined audiences and social settings (i.e. settings which are related to the construction and reproduction of the discourse of states and IHAC, specifically related to the adoption and ratification of the Kampala Convention). As may be noted in the limitations section of this research report (below), exclusions in terms of the sample size and scope may well occur, but as mentioned previously, the objective of this research is directed more towards the discovery of findings which may motivate and inform future analyses of more generalize-able samples and responses to discourse.

#### **4.6.3 Text selections**

The selection of texts for this analysis has been confined to key sources and documentation specifically related to the adoption of Kampala Convention. As stated in the objectives above, this selection must “accurately reflect the discourse of states and the IHAC as it pertains to the phenomenon of internal displacement in the region”. This analysis refers to and includes selected documents emanating from African regional institutions (such as the AU), international organizations, and other international civil society organizations, as well as prominent research and academic institutions.

Note also, that the AU-produced discourse has been chosen as representative for African states for a number of reasons. Preliminary research conducted for purposes of this analysis indicated that the much of the AU-produced discourse appeared to be fairly representative of the views of its member states. This makes sense because the AU is mandated to frequently speak on their behalf. Furthermore, the Kampala Convention adoption and ratification process represents a regionally-focused action from member states that is coordinated by the AU, making it a primary source of documents related to the process. In this way, the AU may be seen as a mouth-piece for African states, especially in the context of the regionally coordinated response to internal displacement.

Academic or research literature is used both as a source of documents in the field of ID discourse and for the purposes of interrogating and discussing analysis findings. This is important to note because the texts contained within these documents selected for this analysis, and the literature used for discussion purposes, might otherwise seem to overlap and in actual fact they often do. This paper does not aim to focus on drawing lines between the texts and literature per se. Rather texts selected for this paper are grouped based on who is speaking and what they are discussing.

The body of documents that are in some way related to the adoption and ratification of the Kampala Convention is significant. It would be impossible for them all to be analyzed as part of this research project. Documents have therefore been selected based on a number of key factors that include questioning whether they: 1) represent the ID discourse of states, the IHAC and the various institutions and groups that may speak on their behalf; 2) relate to the key themes mentioned above; 3) relate to the Kampala Convention adoption and ratification process; and 4) are easily accessible, allowing for their reproduction and utilization in a wide range of contexts. The above factors are seen as vital to ensure that the documents and contained texts selected for this analysis are relevant and conform to the broader objectives of this research. A diachronic component to the research has also been ensured by ordering the selection of documents historically and dividing them into those

produced before and leading up to the AU special summit, those produced as the summit took place, and those produced after the summit<sup>6</sup>.

#### **4.6.4 Document producers**

It is important to note some key points regarding references to document producers in this research report. Clear distinctions are shown to emerge between the various major producers of discourse (documents or texts) contained in this analysis, namely the AU and states, and the IHAC. In fact, this research is strongly influenced by the distinctions that emerge between these major groupings of document producers. As mentioned above, and for the purposes of this research, the IHAC is seen as comprising prominent international organizations, agencies, institutions and other civil society organizations, as well as prominent research and academic institutions. Critical for the purposes of this analysis is that, apart from states and the AU, the IHAC grouping, as it is utilized in this paper, is responsible for the construction and utilization of the majority of the international and regional discourse pertaining to internal displacement in Africa.

In the context of bureaucratic knowledge production processes, such as the Kampala Convention, references to the various major producers of documents (the AU (states) and IHAC) are important for the purposes of analyzing the distinct messages and ideas emerging from the ID discourse. After all, the producers of documents play a critical role in representing the views of the bodies or institutions that they represent. Furthermore, their inclusion in this category is also partially influenced by their involvement in the production of documents and other key texts that form part of the ID discourse selected for the purposes of this analysis. This allows for the research to include the examination of objectives and interests that are particular to specific groups of actors such as states and the IHAC. It also facilitates a discussion of what the “*discursive acrobatics on the high-wire of discourse*” entails for each of the major groups of document (or text) producers (see Cooren et al. 2007:183). There will be numerous references to “document/text producers” in

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<sup>6</sup> Appendix A contains a full list of the texts selected for this research report.

this research report and the above points should be taken heed of in this regard.

#### **4.6.5 Limitations**

A research report based on the type of quantitative analysis contained here will invariably require taking careful note of certain limitations. The topic for analysis is nuanced and contains several potentially large areas of focus, each one of which could make up the bulk of a research paper. It is therefore important for us to take cognizance of what this paper is able to include and what falls outside of the scope of analysis.

A paper of this sort will always be confined by the texts (documents) selected for the purposes of analysis, for two reasons. First, the range of discourse, which includes documents produced by regional institutions, states and the IHAC, is vast. Even though every effort was made to ensure the representation of a broad cross section of the key producers of documents, some notable sources may still have been excluded. Interviews with international NGO and state representatives, and visual texts developed by the media were, for instance, not included in this analysis.

A group of texts may also be seen as containing multiple discursive subsets simultaneously. This is no different in the case of the ID discourse documents selected for this research report because, as can be seen from the selected groupings chosen for each chapter, much justification may exist for a stand-alone analyses of each of these various document selection subsets in their own right (e.g. the construction of the roles and responsibilities of the state and the IHAC, the conceptualization of forced migration, etc.). This paper does attempt to provide sound empirical reasoning for its document/text selections, hopefully allowing for a contribution to the relevant literature that is both useful and clear. This paper sets out to prove the existence of certain key discursive dynamics that are commonly found in most documents contained within the chosen set of discourse. However, findings cannot be viewed as exhaustive, and this research rather attempts to focus on the discussion of exploratory findings. Key assertions will hopefully be able to prompt

further quantitative research to compliment the findings discussed here, allowing for a greater level of detail and generalize-ability.

Second, the implications of the changing nature of discourse and the various text sources included in this analysis should be noted. Many of the key sources of documents were websites that changed from time to time, even during the analysis phase of this project. Discourse, as mentioned by Phillips et al., also contains an element of struggle and deliberations as sub-discourses compete for the right to speak (see Phillips et al. 2004, Schmidt 2008a). This means that an analysis of this kind is effectively working with a moving data target, and contains elements that should be seen as a snapshot in time.

A further note on the scope of this research report is touched on by Phillips et al.:

*“discourse analysis includes the systematic study of texts – including their production, dissemination and consumption – in order to explore the relationship between discourse and social reality” (Phillips et al. 2004:636).*

Whilst this research report will, to some degree, be focusing on all three of the above components, the former two – production and dissemination – make up the majority of the analysis. This is because this analysis attempts to uncover the ID discourse dynamics as they emerge specifically from the production and dissemination stages. This analysis does include discussions pertaining to the effects of the ID discourse, but these effects are limited to the discourse itself. This paper cannot speculate as to the wider effects of the discourse because it is not always clear how and to what level the discourse is consumed. A body of literature exists regarding the effects – politically, socially, institutionally, etc. - of discourse emanating from states and the IHAC, but it is not within the scope of this research report to move beyond that which may be derived from the discourse itself. However, it is possible that this research may be used in the future to analyze the wider effects of the discourse on the various actors and institutions affected by the phenomenon of internal displacement and forced migration.

Finally, a research project of this kind will invariably be constrained by the time limitations

that are part-and-parcel of a one-year full-time masters programme that includes large coursework components. Whilst every effort has been made to ensure an acceptable level of academic rigor, more time may well have assisted in the process of producing a paper that contains size-able research and analysis components.

## **5 Chapter 2: The Historical Development and the Utilization of History Within the ID Discourse**

This chapter focuses on the origins and development of the ID discourse associated with the Kampala Conventions, as well as the utilization of history to convey key discursive messages and ideas.

It is important to commence a discourse analysis of this kind by exploring the origins and development of the discourse for two reasons. First, analysis into the historical development of discourse provides us with important information on the form and trajectory of contemporary discursive texts (Riles, 2006). Viewed in contemporary isolation, one is able to learn little of the direction and developmental path taken by the discourse. The use and meaning of key concepts are often unapparent when a diachronic view of their development is disregarded. Second, much of the ID discourse pertains to the development and interactions of various institutions, bodies and entities, that are deeply affected by the circumstances and dynamics pertaining to their initial formation. Discursive institutionalism, amongst other analysis techniques, provides us with a platform for explaining the presentation of ideas within the discourse (see Schmidt, 2008a).

The work of Ebrahim, in his analysis of the “embeddedness of NGO behavior” in the “development discourse” demonstrates how a historical view of the discourse provides us with an improved understanding of the formation and contemporary interactions between institutions (Ebrahim, 2001). By incorporating a historical perspective of the discourse, we are able to produce multi-layered findings that not only present the discourse as a manifestation of the interactions between discursive entities/institutions, but also as a key variable in the formation and contemporary behavior of these entities/institutions.

This historical development of the ID discourse ties in well with an exploration of the use of

history and time-based references in the selected documents, and a clear transfer of common themes emerges. In other words, themes emerging from the historical analysis of the discourse frequently also appear to form the basis of many historical references. As we will see, these references, and others specific to the time-based references, are used for the transmission of specific ideas and key messages.

This chapter develops key themes related to concepts of legitimacy, progress and evaluation, roles and responsibilities of key actors, and the negotiation of truth claims and tensions within the ID discourse.

The analysis contained in this chapter is divided into three main sections. The first section builds on the assertions of Riles by investigating the role of documents and settled texts within the document production processes central to the ID discourse. This section focuses particularly on the development of legitimacy both for the documents themselves as well as the objects and entities referred to in the documents. The second section demonstrates and discusses the origins of the ID discourse within the well-established refugee discourse by establishing the effect of the reproduction of key concepts and themes. The third section examines time-based references to the past or future and the functions that these references fulfill for different document and text producers within the ID discourse.

## **5.1 Documents Production as Bureaucratic Action and the “Career of Documents”**

Document production is a key marker for the fulfillment of bureaucratic action, as we will see throughout this paper. By looking at the discursive connections between documents produced before and during the Kampala Convention, we can see a clear trend emerging that confirms this tendency to create new document “*chains*” during the AU summit (Riles, 2006). The selected excerpts below allow for an investigation into the role that the document production process as well

as the “chains” play within the ID discourse. The discussion below is divided into sections that analyze the production and utilization of documents and “*settled texts*” firstly by states and regional bodies or institutions (e.g. AU) , and then the IHAC (Riles, 2006:81). The form or nature of the document is noted in each section for the purposes of clarifying the possible messages and functions contained therein.

### **5.1.1 Document Production and Utilization by African Regional Institutions and States**

Two major documents are analyzed in this section: the explanatory note compiled by the AU for the Kampala Convention (African Union (AU), 2009), and the conference background paper provided for the expert's meeting at the Special Summit on Refugees, Returnees and Displaced Persons in Africa held in Addis Ababa in November 2008 (African Union (AU), 2008). The latter summit is seen as a key precursor to the Kampala Convention, whilst the conference background paper provides a number of texts that lay the foundation for the AU-produced ID discourse pertaining to the Kampala Convention.

Let us begin by examining the prevalence of preceding documents in both of these documents. In the explanatory note compiled by the AU for the Kampala Convention a “*summary of major steps leading to the development of the AU convention on IDPs [Kampala Convention]*” is provided (African Union (AU), 2009:1). The table presented lists eleven major steps undertaken by the AU or member states, in no particular order. There are three headings, namely: “*Timeline*”, “*Action*”, and “*Major Outcome*”. Of the actions noted for the eleven steps, six refer to documents that either record decisions, are presented as “actions” in their own right, or that refer to “progress” on other documents, such as preparation and signing. Within the eleven Major Outcomes listed, eight include documents either preceding, or drafts of, the Kampala Convention.

The reference to these document-laden “major steps” clearly affirms what Riles terms as the use of “*documents as a form of chain*”, and demonstrates the important function that these

documents play in the discursive projection of progress by the AU in the text (Riles, 2006:80). The documents also serve to bolster the legitimacy of the processes being undertaken at the Kampala Convention.

This “form of chain” function is well depicted in the conference background paper from the 2008 AU Special Summit. The key objectives listed at the beginning of this document state that:

*“The [conference background] paper identifies pertinent questions that the African Union Summit could pay particular attention to during its deliberations. On the whole, the paper not only contextualizes the main conference topics, but also outlines the framework for future policy and implementation strategies in regard to the critical issue of forced displacement.”(African Union (AU), 2008:5)*

This excerpt shows the function of this document in the determination of the “trajectory” to be followed and the conceptual boundaries (also known as discursive paradigms (see Campbell, 1998) to be adhered to, not only at the summit but as “*framework for future policy and implementation strategies*”. The chain is reinforced through the paper's reference to multiple preceding documents including the 1951 UN Convention, 1969 OAU Refugee Convention, the African Union Constitutive Act and the Guiding Principles on Internal Displacement (GPIDs) (United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 1998).

This leads us to a discussion surrounding the development and projection of legitimacy through the use of preceding documents. As previously mentioned, the production of legitimacy for states and major institutions (e.g. the AU and large international agencies) is a core function emerging from the ID discourse. Yet, this is predominantly due to the legitimacy afforded to the documents themselves and the bureaucratic processes – portrayed as evidence of action - that produced such documents.

The various producers of key documents seem to acknowledge their inherent legitimizing force for certain actors and institutions mentioned within those documents (see section on non-state actors and their contentious inclusion in the Kampala Convention). Noteworthy here, and as

previously discussed, is how legitimacy is first established for the documents themselves, frequently through the utilization of, and reference to, preceding documents or document chains.

Legitimacy for documents is also established in other ways, such as through references to the authors/producers. This occurs, for example, in a number of documents in which the producers are noted as “government experts” or “civil society leaders” (see African Union (AU), 2009b and International Federation for Human Rights (FIDH), 2009). Therefore, the assumption can be made – and will be further investigated in upcoming sections – that in order for a document to perform the many functions assigned to it by the producer, including the provision of legitimacy, it must first be constructed and accepted as legitimate in its own right.

Returning to the above text selections, a number of other points emerge strongly. First, the synonymy of various summits and meetings with the production of documents (e.g. the 2006 Ouagadougou ministerial meeting and the Ouagadougou Declaration and various AU special summit with their concomitant conventions, protocols, etc.) confirms the link made by Riles between “conferences” and bureaucratic knowledge production processes. Knowledge production is frequently quantified through the production of documents; and the ideal site for this production emerges as the frequently referred to summits, conventions and conferences. In other words, summits may be seen as a marker for the construction of bureaucratic knowledge. This process takes place mainly through the production of key documents at those events.

This synonymy is further emphasized through the links that emerge *between* the various “conferences”, reinforcing the idea of a chain that is comprised both of documents and conferences. The combination of the two seems to reflect a conceptualization of bureaucratic action and progress, although the documents emerge as the clearest marker that these actions have been “fulfilled”. This demonstrates how critical these “conferences” and their related documents are in strengthening the “chain”, a point clearly depicted in the text below:

*“In the light of this, the African Union Ministerial meeting on Refugees, Returnees and Internally Displaced Persons in Ouagadougou, Burkina Faso (2006) recommended a special AU Summit [Special Summit on Refugees, Returnees and Displaced Persons in Africa held in Addis Ababa in November 2008] to deliberate on these matters.” (African Union (AU) 2008:4)*

The association of terms such as “vision”, “strategy” and “response”, frequently employed in the documents by states and institutions such as the AU in reference to these events appears to reinforce notions of an “upward” trajectory, action and progress for the bureaucratic processes that produced these documents. This reinforcement, in turn, generates legitimacy for those actors and institutions represented by these bureaucratic processes. Those actors and institutions are then able to make use of the associated, well-established precedents and frequently reproduced concepts that solidify the boundaries and trajectory of the ideas discursively transmitted through these processes.

Riles pertinently refers to phenomenon as “[t]he “meaning” of terms rendered to settled history, and that history was the history of the documents” (Riles, 2006:78). This is will depicted in the following extracts from the conference background paper:

*“The paper is anchored on two pillars. The first is the vision of the African Union as elaborated in various basic documents, in particular the Constitutive Act (2000).” (African Union (AU) 2008:5)*

and

*“Beyond the politics of legality, the OAU Convention encapsulated Africa’s response to a multi-faceted crisis of displacement.” (African Union (AU), 2008:9).*

Both excerpts again associate concepts such as “vision” (related to ideas of a certain trajectory, progress and optimism) and “response” (related to ideas pertaining to action) to the production of documents. Thus, the texts above utilize the legitimacy afforded them for the purposes of transmitting their core message, in this case a demonstration of bureaucratic action. Below is a further example of the utilization of legitimate preceding documents for the purposes of lending focus to internal displacement as a phenomenon:

*“Internal displacement has gained considerable international attention in the last decade, especially in the context of the 1998 Guiding Principles on Internal Displacement.”(Amoa, B. Fischer, C. & Vollmer 2009:105)*

This particular utilization of preceding documents also ensures that the key ideas contained in the discourse are rarely open to scrutiny or negotiation due to their belonging to “settled text” (see literature review). The idea of settled text refers simultaneously to the documents and the concepts contained within these documents that are reproduced in current knowledge production processes (Riles, 2006). When statements are made such as “...*the OAU Convention has been deservedly praised as the most comprehensive, relevant, progressive, and generous refugee instrument.*” (African Union (AU), 2008:9), it helps to effectively shift this document and its key messages to a broadly accepted settled history that functions as a rarely-questioned reference point to the deliberations at hand. This facilitates the document’s repeated utilization by states and regional institutions when they produce new documents, and therefore discourse.

Returning to the discursive projection of progress and agency, we find that the production of documents is conceptualized within the discourse as constituting a key form of action by states and the IHAC. This is important to note because the legitimacy established for the documents is once again utilized to “prove” (bureaucratic) action on the part of key actors:

*“...the adoption of the Guiding Principles on Internal Displacement in 2000....was in response to the escalating numbers of IDPs and growing public concern over their plight.”(African Union (AU), 2008:8)*

leading to

*“The African Union has therefore tried to fill this gap by embarking on an exercise of developing an AU Convention on the protection and assistance to IDPs in Africa.” (African Union (AU), 2008:8).*

In this instance, the action or notion of progress is projected directly onto the production of documents (GPIDs or the AU Convention). The action itself is therefore rarely questioned in the process of being transposed onto the production of new documents, due mostly to the legitimacy

already afforded to these documents. In the context of responding to the phenomenon of forced displacement in Africa, this might seem somewhat strange due to the history of limited success associated with many of these documents or conventions (Landau 2009).

Settled texts are not always referred to explicitly. Most often they appear in the re-use of terms, concepts and themes. Even though the following text refers explicitly to the GPIDs, many similar texts may even omit this reference entirely, so frequently reproduced are the “definition of IDPs” referred to below:

*“According to the UN guiding principles on IDPs [GPIDs], these are people [IDPs] or groups of people forced or obliged to flee or leave their homes or places of habitual residence, “in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed internationally recognised borders”.<sup>7</sup>” (African Union (AU) 2008:6)*

The reproduction and re-use of concepts and messages (a definition of IDPs in this case) is one of many identical examples to be found in a number of AU-produced documents related to the Kampala Convention. This functions to add legitimacy to the ideas and truth claims that the text attempts to convey. From a DI perspective, it appears that the text takes the form of a communicative discourse because it attempts to convey key concepts that are clearly marked for re-use in the document (see Schmidt, 2008). This message is primarily built on the reproduction of normative ideas commonly utilized in communicative discourses that are meant for mass reproduction, which is somewhat curious due to the fact that the purported primary audience of this document is a relatively closed group (i.e. government experts and policy makers). This may of course merely reflect the re-use of concepts commonly utilized *within* communicative discourse, for the purposes of producing more effective coordinative and bureaucratic outcomes in this context.

The aim of the text therefore appears to be to create broad-based consensus (as in the examples above) on certain key definitions, thus allowing for easier decision-making and quicker

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<sup>7</sup> UN, *Guiding Principles for the Protection of the Internally Displaced Persons*, New York: UN 1998

progress on other, possibly more contentious, concepts and the efficient production of required outcomes from the conference. In other words, texts that take the form of the above extract are often utilized to minimize negotiations around the key concepts that the related bureaucratic processes are built on. This in turn provides these processes with the best chance to achieve their primary objectives: the production of tangible outcomes, often in the form of documents. In subsequent sections, the generation of legitimacy and ideas of progress discussed in the above analysis of AU-produced documents will be expanded on by discussing specific messages and trajectories for which these functions are utilized within the ID discourse.

### **5.1.2 Document Production and Utilization by the International Humanitarian Aid Community**

The texts analyzed in this section are taken from a concept note by the UNHCR produced for a panel discussion that acted as a side event to the Kampala Convention (United Nations High Commissioner For Refugees (UNHCR), 2009a), and a collective statement by the International Federation for Human Rights (FIDH) summarizing its recommendations for the Kampala Convention (International Federation for Human Rights (FIDH), 2009).<sup>8</sup>

Once again, let us examine how prevalent references to preceding documents are in both of these documents, and for what purpose. As will become clear from the analysis of texts below, similar “settled texts” seem to be used, but to a lesser degree and for slightly different purposes in the case of the IHAC. In the document produced by the UNHCR, we can observe three functions being performed by the use of preceding documents. First, references to preceding documents are used to add some sense of formality and importance to the process being undertaken by states and the AU convention. Precedents are used to draw parallels with the current process that serve to amplify the conceptualization of the event. We can see this in a text entitled “*The role of the*

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<sup>8</sup> The FIDH is made up of key international agencies and organizations including Amnesty International, Human Rights Watch and Refugees International. Texts emanating from this organization may therefore provide us with some widely reproduced messages and ideas from the IHAC.

*African Union in the protection of forcibly displaced persons in Africa*” below:

“During the Summit, Heads of State and Government are expected to debate pertinent issues affecting uprooted people on the continent and to adopt the historic AU Convention on the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa. The year 2009 also marks the 40<sup>th</sup> Anniversary of the 1969 OAU Convention [on the eve of the Kampala Convention.]” (United Nations High Commissioner For Refugees (UNHCR), 2009a:2)

What emerges from this text is the use of preceding documents – and other historical references - by the IHAC for the purposes of emphasizing the need for action from the AU and member states. As we have already seen, this action is often synonymous with the production of documents. Historical references either create positive precedents that should be continued – in this case the production of the 1969 OAU Convention – or, as we will see in subsequent sections and chapters, they emphasize the need to break from a negative past. Here, the IHAC seeks to add to the gravity/seriousness of the current process being undertaken by African states and regional institutions to *compel* them to act by adopting and ratifying the Kampala Convention.

The UN text also serves to reinforce the role that preceding documents play in the production of the Kampala Convention:

“The Convention was inspired by the Guiding Principles on Internal Displacement and incorporates relevant provisions of international humanitarian law and international and regional human rights law. The latter includes: the African Charter on Human and Peoples' Rights, 1986; the Declaration on Gender Equality, July 2004; the Protocol to the African Charter on Human and People's Rights, on the Rights of Women, July 2003; and the African Charter on the Rights and Welfare of the Child, 1999.” (United Nations High Commissioner For Refugees (UNHCR), 2009a:1)

First, the text emphasizes the role that the GPIDs played in the production of the Kampala Convention by using emotive language such as “*inspired*”. This language may be used in an effort to depict the GPIDs as a marker of *the ideal*, an idea that is further reinforced through references to the incorporation of “international” humanitarian and human rights law. This importantly appears to conceptualize the origins of the Kampala Convention firmly within the ambit of the IHAC. It is

interesting to note the producers of the two documents in question, namely the UN for the GPIDs and the AU for the Kampala Convention. The above text appears to convey a message that GPIDs and other “*relevant provisions of international humanitarian law and international and regional human rights law*” form the key building blocks for the production of a host of AU documents, which indirectly emphasizes the important role that the IHAC has played in many of the AU bureaucratic processes and markers of progress.

Second, the text lengthens the document chain, referred to in the previous section, by including an even longer list of references to previously analyzed AU texts and explicitly stating the role of these documents in the production of the new ones. This reinforces the legitimacy of the Kampala Convention and ensures that the source of this legitimacy, namely the IHAC, is also clearly noted. These trends will be further examined in subsequent sections and chapters.

From the recommendations produced by the FIDH, we witness two more reasons for referring to preceding documents, namely to construct the role of the FIDH as evaluator and to reinforce the importance of the FIDH's role. The increasingly familiar construction of roles and responsibilities for the IHAC is also touched upon indirectly.

In the first instance, the FIDH text mentions that the Kampala Convention has weaknesses, needs to more accurately “*mirror*” the GPIDs and “*lacks the positive assertion of Guiding Principle 1...*” (International Federation for Human Rights (FIDH), 2009:1). The GPIDs are used here as a yard stick by which to evaluate and comment on the Kampala Convention. “Weaknesses” are directly linked to non-conformity to the GPIDs. This tendency to create positions from which to comment and evaluate AU and state actions (documents) is common in many of the IHAC-produced documents and will be returned to frequently in the subsequent analysis.

The second extract from the FIDH mentions a new kind of preceding document:

*“See, for example, the public statement, Internally Displaced Persons in Africa need a strong IDPs Convention, endorsed by Amnesty International, IDP Action, International*

*Federation for Human Rights and Refugees International, 6 June 2008; <http://www.fidh.org/spip.php?article5600>.“ (International Federation for Human Rights (FIDH), 2009:1)*

This text is interesting for a number of reasons. It inserts a separate and self-produced preceding document for the specific purpose of commenting on the Kampala Convention. The FIDH text itself already comments and provides recommendations so the introduction of this additional document adds emphasis to this process/idea. The text contrasts this document directly with the point about the Convention's weakness through the use of the word “strong” in the name of the new document, thus portraying this text as offering potential solutions to the shortcomings of the Convention. The fact that this self-produced document is portrayed as offering potential solutions logically leads to the construction of the FIDH's role in the same vein and reinforces its position as an evaluator (even supervisor) or object of authority in this regards. Emphasis and legitimacy are produced for the preceding document by listing a number of IOs that have endorsed it. These organizations also form part of the FIDH, thus further embedding it in the role of providing resolution to the Convention's “weaknesses”. We can see how the IHAC text's production and utilization of preceding documents and settled texts are focused on delivering commentary on the Kampala Convention and emphasizing on the importance of the role of the IHAC.

In concluding this section, it is interesting to note that even though preceding documents are used in texts produced by both the AU and IHAC, the purposes often differ markedly. In both cases the legitimacy afforded by these documents and document chains plays a key role. However, AU produced documents appear to use this legitimacy mainly to engender confidence in the projected trajectory of the bureaucratic processes, promoting ideas of progress and to minimize the possible deliberation of key concepts and messages. IHAC-produced documents, on the other hand, appear to utilize this legitimacy for the purposes of compelling the AU and member states to action, reinforcing their own role, and delivering commentary and evaluative messages directed at the bureaucratic processes and actions undertaken by the AU. These are important functions that will be

further unpacked in subsequent chapters, culminating in an analysis of the possible motives for their inclusion in the ID discourse.

## **5.2 Refugee to IDP: reuse and overlap of the discourse**

*“As the late President of Tanzania, Dr. Julius Nyerere, rightly observed, “If one looks at what are called African tribal migrations over recent centuries many of the movements would today be defined as ‘refugee problems’.”(African Union (AU), 2008:9)*

This section focuses on the origins of the ID discourse within the older and more established refugee discourse. This analysis does not attempt to uncover the full dimensions of the refugee discourse as this falls outside the scope of this paper. It does, however, demonstrate that much of the ID discourse analyzed in the paper has its origins in the refugee discourse. The text above alludes to the complicated consequences that may arise when concepts from a separate and distinct discourse are reproduced within a completely different context. This and subsequent chapters will continue to develop the analysis of the overlap and functions of the re-used refugee discourse within ID-related documents (texts) in more detail.

This section begins by pointing out some prominent sources of refugee discourse within the ID documents selected for this research, before discussing some of the re-used concepts and themes in an effort to expose the ways in which the refugee discourse shapes the ID discourse. The most common concepts that are re-used within the ID discourse relate to the conceptualization of forced migration as a cycle, and the re-use of definitions that serve to define migrants as “regular” and “irregular”. This analysis will focus on the consequences of reproducing refugee concepts and ideas within the context of internal displacement, whilst also focusing on the possible exclusions of certain individuals and groups within the re-used migrant category definitions. Implications for the discursive depiction of the roles and responsibilities of key actors such as states and institutions (like the AU and major international agencies) are examined in the next chapter by building on the discussions initiated here.

Analysis is divided into three sub-sections that investigate the origins of the reproduced refugee discourse, the conceptualization of the forced migration, and the adoption of refugee definitions within the ID discourse. This section argues that the reuse of refugee discourse plays a vital role in generating legitimacy for the broader conceptualization of ID, thereby determining the discursive boundaries and trajectory of ID messages and ideas. Settled texts and their associated concepts are, once again, shown to play a key role in the seldom-questioned reproduction of key messages and ideas. This analysis also demonstrates that the reproduction of concepts from other discourses, that originate from other contexts, may restrict the ability to negotiate their use and meaning in the ID discourse.

### **5.2.1 Origins of the most commonly reproduced refugee discourse**

A number of key points emerge when looking at the sources of refugee discourse utilized within the ID discourse related to the Kampala Convention. To begin with, the sources referenced are often repeated and from a fairly narrow selection of key documents. As can be seen from a number of the documents analyzed in previous sections, the 1951 UN Refugee Convention (United Nations (UN), 1951) and the 1969 OAU Refugee Convention (The Organization of African Unity (OAU), 1969) are used frequently. The latter OAU text is portrayed as particularly important to the Kampala Convention, not just because of the overlap in the key concepts contained therein, but also due to the perceived similarities between the processes undertaken to develop and bring the two Conventions “into force”. References to this document in ID-related documents are thus discursively used to perform various functions that include adding legitimacy through the settled memory of precedents, as well as providing added emphasis to, and compelling action on the bureaucratic process undertaken at the Kampala Convention.

The assertions of Riles are once again particularly relevant in terms of the role played by settled refugee texts in “*socializing terms as “progress” in order to have them legitimized*” (Riles,

2006:80) and determining the discursive trajectory of work through the embeddedness of key terms in the ID-related documents. It is interesting to note that there is not merely a re-use of refugee discourse concepts and themes in the ID discourse, but that actual excerpts from refugee documents or texts are frequently used *alongside* ID concepts, thereby reinforcing the connection between the two. This can be seen in the excerpts below:

*“Like refugees, IDPs have the right to seek safety, to leave their country and seek asylum in another country and the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health could be at risk.”(African Union (AU) 2008:7)”*

and

*“Refugees and people displaced internally by conflict or natural disasters often live side by side, facing the same hardship, misery and threats to their security and basic human dignity.” (Guterres, 2009:1)*

Texts such as these reinforce the idea of comparability – or likeness - between the conceptualization of the factors that lead to the “production” of refugees and IDPs. This tendency appears to confine many key concepts within the ID discourse to “settled history”, adding legitimacy to the message and firmly directing the trajectory of the discourse. In other words, IDPs should be thought of in much the same way as refugees. The trajectory is determined by the attributes associated with the discursive origins, which guides the consumer of the text's conceptualization of the core message portrayed through the text.

The construction of the trajectory of the ID discourse emerges as a key finding from this research. In many ways, it allows the producers to control the “direction” of the discourse by ensuring that certain ideas are also excluded from the message. In the above examples, the ways in which IDPs might not be like refugees are excluded from the message. In other instances, only certain ideas are carried over to the ID discourse with little or no acknowledgement of the reasons for this selective transfer. Once these ideas have been exposed through this analysis, we may be in a better position to consider some of the possible motives for these selective inclusions or exclusions.

Note that the tendency to liken IDPs to refugees appears in both AU and IHAC-produced documents. This is due mainly to the “settled text” legitimacy which is afforded to the messages conveyed by both document producers, even when these messages are different.

Another point of interest concerns the actual ratio of refugee to ID texts in key documents that examine the phenomenon of forced migration (see African Union (AU), 2008; Fischer & Vollmer, 2009, etc.). The above-mentioned conference paper on “*refugees, returnees and displaced persons in Africa*” shows a huge disparity between the amount of added information provided in the appendices of the document for refugees and IDPs. Twenty-one out of twenty-two graphics provided for the purposes of contextualizing internal displacement and refugee situations in Africa are focused on refugee data. The only graph containing IDP numbers is presented as the “*concentration of IDPs assisted by UNHCR*” (African Union (AU), 2008:28:46). Based on what we know regarding the percentage of IDPs actually assisted by the UNHCR, this seems to be a fairly limited view of IDPs within the region. Whilst this may be partly a result of the well-publicized lack of reliable data for IDPs (see Internal Displacement Monitoring Centre (IDMC), 2009), it is a common trend in texts concerned with the phenomenon of forced migration to include references to both migrant categories (refugees and IDPs). This occurs, despite the fact that IDP numbers are more than double refugee numbers in Africa and the rest of the world (Internal Displacement Monitoring Centre (IDMC), 2009). This suggests that the refugee discourse is a more established discourse that frequently appears to be reproduced in the broader humanitarian aid discourse, lending some credence to assertions related to its legitimacy and re-use within the ID discourse. The ID discourse does appear to be developing, and is considered to be in relative infancy when compared to the refugee discourse that has featured prominently for at least the last three decades. It therefore makes sense for ID document producers to use the legitimacy that the refugee discourse has obtained over this period of time, despite some of the issues that this re-use entails.

## 5.2.2 The Conceptualization of Force Migration

An idea frequently re-used in the ID discourse, that has its roots within the refugee discourse, is the conceptualization of forced migration as a cycle with a well-defined beginning (“*displacement*”), middle (“*transit*”) and end (“*return*”). This is a broad theme that encapsulates various sub-concepts such as causes, responses, facilitating return and durable solutions. Importantly, the conceptualization of this cycle informs much of the refugee and ID discourse because it 1) provides a large number of the settled concepts and ideas upon which these discourses are built; and 2) it allows for the facile connection of key actors to distinct parts of the FM cycle.

This means that ideas related to this cycle are continuously reproduced within much of the ID discourse. Note the text below as an example:

*“For IDPs the three [durable] solutions would mean return to areas of origin, integration in areas of displacement or resettlement to other areas within the same country.” (African Union (AU), 2008:20)*

Here we see how a concept that originated in the refugee discourse (durable solutions) is “translated” for use in the ID discourse through the portrayal of IDP equivalents to the refugee concept. The idea is adopted and adapted to ensure its simple insertion and utilization in the ID text. To further examine the existence and form of this discursive re-use, let us examine another example that demonstrates the legitimacy afforded to the idea of the FM cycle:

*“The [Kampala] Convention will provide a comprehensive regional framework governing the protection and assistance of IDPs - before, during and after displacement.” (United Nations High Commissioner For Refugees (UNHCR), 2009b:1)*

In this case, we see how the established FM cycle is used to extol the virtues of the Kampala Convention by linking its ability to care for IDPs to all the major – and settled - “stages” of displacement. In other words, if individuals or groups conform to the rules for migrant categorization as IDPs, then they experience these predetermined stages of displacement and will also therefore fall under the provisions of the Kampala Convention. The legitimacy granted to the

Kampala Convention through the establishment of discursive links to the FM cycle is also important in this regard.

Important too is that the re-use of FM cycle ideas does not just happen at the level of re-using concepts, but also at the level of re-using constructs and ways of thinking about the forced displacement and its portrayal in the discourse. What this means is that the refugee discourse and its ideas about the FM cycle also impacts on the ID discourse by compelling document producers to think in the same way. This can be seen through repeated references to the need for “*identifying the causes and patterns of internal displacement.*” (*Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:9*). Well-established thinking about forced displacement having to conform to patterns and cycles results in the portrayal of ideas that attempt to imply the need for an almost positivist perspective of a phenomenon that is increasingly understood to rarely conform to these kinds of constructs (see Bakewell 2001; Crisp 2006).

This kind of re-use of thinking can be seen to appear in a number of different ways within the ID-related documentation, from references to IDP movements as “flows” (Turton 2003), to the tendency to criminalize human movement:

*“forcibly displaced persons are associated with criminal activities and violence in their host areas. A repeated explanation for xenophobic attacks against refugees, asylum seekers and migrants anywhere in the globe is the allegation that they engage in criminal activities and therefore contribute to deteriorating security.” (African Union (AU), 2008:18)*

The threat to “security and stability” is a commonly reproduced theme within the ID discourse and appears alongside the use of other refugee concepts such as the construction of migrant categories as well. In this case, human movement is criminalized, or at the very least acknowledged as being frequently associated with criminal behavior. This thinking often serves as a justification for the repressive actions of government forces and the increased patrol of borders (Landau, 2006; Landau, 2009). Landau adds that this propensity serves to “*stigmatize and criminalize the migration of the poor*” (Landau 2009:78). As mentioned in the text above, it also leads to the spread of xenophobic

sentiments towards migrants, most of whom are discursively defined as “irregular”, i.e. nonconforming to common migrant categories. This suspicious and sometimes violent tendency is not confined to behavior directed at refugees but is found to occur within many migrant communities (Landau 2006), and could be as a result of the frequently reproduced ideas such as those in the above text. Interestingly the criminalization of human movement is adopted within the ID discourse as a more generalized phenomenon (i.e. not directed just at refugees), due to the fact that the internally displaced are “categorized” as not having crossed international borders. The form of “othering” usually associated with this phenomenon is most often derived from fears associated with “foreigners” i.e. people who *have* crossed borders.

This different application of criminalization of migrants is classic example of the reproduction of a concept or idea from the refugee discourse that has quite different implications in the context of internal displacement due to the fact that IDPs are of the same nationality and often the same ethnicity as host communities. What is interesting is that the ID discourse does not appear to create the space for the renegotiation of this thinking within the ID-related documents and texts. The ways in which these concepts do not completely fit within the context of their reuse are conveniently glossed over.

One of the consequences of the reproduction of these ideas is that it highlights the fact that the contemporary negative conceptualization of human movement in the ID discourse of states and the IHAC is in contrast to the history of many African groups and populations (see Chabal & Daloz 1999; Crisp 2006; Herbst 2000). Many groups' tendency to migrate is a deeply ingrained survival strategy, but only “Forced Migration” is negatively conceptualized and not forced immobility. Migration and the decision to move, as a response to challenges that may range from violence to famine, might be deeply embedded in social practices that are more threatened by the negative conceptualization of migration than the actual causes of it.

The re-use of refugee and FM concepts in the ID discourse serves a number of different

purposes for the major producers of documents i.e. the IHAC and the AU/states. These may range from the construction of roles and responsibilities to the delivery of evaluative messages related to the actions that are directly linked with these concepts. The analysis of the ways in which these concepts are utilized will be more carefully analyzed in the next chapter that focuses on the portrayal of the state and the IHAC. This section merely serves to highlight the origins of these concepts and the consequences when the key tenets that are reproduced within the ID discourse either exclude certain groups/contexts or cease to apply altogether.

### 5.2.3 The Definition of Migrants as “Regular” or “Irregular” within the ID Discourse

Turning our attention to some of the other refugee concepts and themes most commonly re-used within the ID discourse, we find that the use of migrant categorizations emerges as one of the most common functions. Let us examine this in a text:

*“People who have been forced to flee their homes and communities fall into different legal and political categories. The most discussed are people who flee to other countries in search of protection from persecution - refugees and asylum seekers. The vast majority of forcibly displaced people remain within the boundaries of their own countries, thus becoming internally displaced persons (IDPs). Both the repatriated refugees and IDPs constitute the category of returnees. Many people also move to other countries in search of better socio-economic opportunities.”(African Union (AU), 2008:5)*

From the above text we can see how conforming to certain requirements results in individuals or groups “becoming” a certain migrant category. Additionally, this text supports previous assertions in this section, stating that the refugee category is the “*most discussed*”. Non-conformity (people who “*move to other countries in search of better socio-economic opportunities*”) and overlaps between the migrant categories (“*Both the repatriated refugees and IDPs constitute the category of returnees*”) are presented in this excerpt, thus creating clear rules for the imposition of the migrant categories on individuals or groups.

This kind of language also reinforces the links between refugee and IDP concepts and

themes. In this particular instance, it actually appears as if a discursive space is created for the ID discourse to be inserted into a broader and already well-entrenched refugee discourse. In other words, document producers appear to be attempting the insertion of as many of the IDP concepts into existing refugee concepts as possible; a point that is further emphasized through the attempts to categorize migrants in the first place – a trait long associated with refugee documents and texts (see De Haan 1999; Zetter 1991; Hovil 2007). It is important to note that these documents/texts therefore function to establish rules that govern the qualification of individuals for the adoption of migrant categories.

This particular trend is further explored by Maru:

*“The 1969 OAU Refugee Convention has defined ‘refugee’ in an expansive manner to include almost all people crossing international border due to generalized and massive violence and persecution due to anti-colonial struggle, civil war or disasters. The status determination of refugee in the 1969 OAU Refugee Convention, consequently, is rather on a collective than on an individual basis. Hence, can we say that the draft AU IDPs Convention is following this trend of having an expansive and broad definition of IDPs?” (Maru, 2009:93)*

His questioning of whether the IDP convention is following an “expansive”, “collective” and “broad” status definition [migrant categorization] trend alludes to the propensity for reuse and connection between the two discourses even in terms of the ideas associated with the *construction* of documents and texts. In this case, the propensity to group and speak collectively rather than on an individual basis is questioned as a means of constructing the definition of the IDP migrant category. The IDP migrant definition eventually included in the Kampala Convention does appear to be amongst the most expansive utilized with the broader ID discourse, thus mirroring the construction of the refugee migrant definition used in the *1969 OAU Refugee Convention*.

Let us conclude this sub-section with a discussion related to the exclusions from the above migrant categorizations. A number of examples exist of migrating groups who do not conform to the constructed FM cycles associated with major migrant categories of displaced people. These are groups incapable of moving, and even groups who are not able to be reached or assisted by states

and major IHAC institutions (see Polzer 2008). The implications for these groups are discussed below. Let us therefore examine groups who are reputed to “move irregularly”:

*“...due to lack of access to legal avenues of migration [the groups] resort to irregular movements.” Refugees and asylum seekers could also be caught in such mixed migratory movements in their flight to refuge or for lack of any other alternative; asylum seekers may also use such illegal migration routes to safety.”(African Union (AU) 2008:8)*

The use of the terms “irregular movements” – and the use of a wide range of other terms such as ‘failed asylum seekers’ and ‘economic migrants’ in other documents or texts – is perhaps the clearest indication of the discursive exclusion of those who do not fit the constructed migrant categories of internal displacement and refugee discourses and their conceptualization of the FM cycle. The text demonstrates the exclusionary effect of the discourse towards migrants who do not neatly fit into pre-defined categories. The ID discourse, due to the re-use of discursive practices from the refugee discourse, attempts to create clear boundaries between “regular” and “irregular” migrants, solidifying the conceptualization of what conformity means within the context of forced migration. We also see how “irregular movements” are seen as something which other groups, who more clearly conform to categorization, may be “*caught in*”, further emphasizing the non-conformative, and somewhat pathological, associations with “*mixed migratory movements*“. Irregular movements are treated as a kind of symptom of the affliction of being an illegal (irregular) immigrant.

In addition to the above, it is important to note here that non-conformity often elicits various consequential responses within the ID discourse, including the reproduction of the “*threat to security*” message that we witnessed in previous discussions. In this case, “*illegal immigrants*” are seen to “*present critical security, protection and assistance challenges [to states]*”(African Union (AU), 2008:17). These messages reinforce the image of the “irregular” migrant as a threatening concept.

This leads to a second point highlighted by both Landau and Maru (Landau, 2009; Maru, 2009). The conceptualization of human movement takes focus away from other groups who do not

have the means to move but who might be at even more risk than groups who are mobile. These groups cannot easily be considered part of the contemporary and discursively constructed phenomenon of forced migration and its rules for qualification within the mainstream migrant categories. Depending on the evolution of the ID discourse and the consequences of falling within or outside of migrant categories, there are complicated consequences that might impact on individual's or group's decision to move as a response to survival needs. Maru sums this up well when he states that:

*“The assumption that people are displaced when they are not rooted in one place is wrong. First it presupposes that all people are rooted disregarding the pastoralists communities, second, it implicitly assumes that all displacements are bad.”(Maru 2009:92)*

There is a growing body of literature that attempts to show cause for greater care being taken in the reproduction of migrant categories and refugee concepts within the ID discourse. These range from concerns related to the different actors involved (i.e. international community vs. African states and host communities) and the responses required, to the consequences of constructing legal migrant categories for the different groups affected by internal displacement. This analysis adds to these assertions by exposing the appearance and extent of these ideas within the ID discourse. For example, the re-use of refugee discourse in the ID discourse has been shown here to occur at more than one level. Refugee migrant categorizations are re-deployed as straightforward concepts in the ID discourse, whilst the *idea* of migrant group categorization is also adopted within the structure of much of the ID-related documentation, demonstrating how this trend manifests at multiple levels of the discourse. As we will see in the next chapter, reproduced refugee concepts, especially those related to the conceptualization of forced migration, also have important consequences for the construction of roles and responsibilities of states and the IHAC within the ID discourse. The outcomes from this combined analysis will show that greater scope exists for an increased interrogation of frequently reproduced concepts and ideas.

### **5.3 References to History and Connections to Key Messages in the Discourse**

This section examines the use of language in the ID discourse that refers to the past or future, i.e. time-based references. The different ways in which these references are used by the major document-producers (AU and the IHAC) are analyzed. This section demonstrates the distinct and important role that references to the past and future play in the projection of some of the most common discursive messages to emerge from the ID discourse. Major exclusions and tensions within the ID discourse are discussed as they allude to key characteristics of a language that is not as uniform or coherent as might be expected. This section also attempts to look at the possible motives for some of the key analysis findings and particularly focuses on how references to the past or future may act as vehicles for the transmission of ideas pertaining to optimism, confidence, blame and responsibility, all within the ambit of forced displacement.

Africa and similarly utilized concepts of the continent as a whole are frequently referred to in the ID discourse, within messages that talk about the past and/or future. In other words, references to the continent are often mentioned within documents and texts that contain strong references to the dimension of time. The use of “Africa-related” concepts appears to fulfill a number of functions within the discourse. The ways in which these concepts are depicted will be examined, along with the key terms that they are discursively associated with, before moving onto a discussion that includes the various functions of the discourse.

First, the concept of “Africa” is most often invoked within the ID discourse as an adjective (i.e. African) that is commonly associated with broad inclusivity and terms such as commitment, leadership, determination, hospitality, heritage, solutions, renewal, regeneration and frameworks (African Union (AU), 2008; 2009a; 2010; Guterres, 2009; Integrated Regional Information Networks (IRIN), 2009; Maga, 2010; Moon, 2009; Solomon, 2009; United Nations High Commissioner For Refugees (UNHCR), 2009a; 2009b). Likewise, use of “the continent” is

associated with extensive and highlight inclusive coverage, as can be seen through its employment in terms like “*continent-wide*” and “*across the continent*”. We therefore see a propensity in the discourse to speak somewhat sweepingly and uniformly when using the concepts related to Africa and the continent. On occasion the discourse reinforces this ability to speak uniformly by promoting concepts such as “pan-Africanism” and “African solidarity”.

Second, as the terms used in conjunction with the concepts above suggest, this particular discursive utilization often evokes aspirational imagery that is conveyed on top of strong references to a broadly accepted history. The above concepts either refer directly to historically accepted “African” traits, or are in reference to aspirations for the future. In either case, the presence of an accepted history is critical. This is best summed up in the following statements by the AU:

*“Africa has taken positive steps and had learned positive lessons which it should build upon for the future...On the whole, Africa has improved the protection and assistance regimes for displaced populations.”* (African Union (AU), 2008:19);

and, in this excerpt from the Secretary-General of the UN, Ban-Ki Moon: “*Once again, Africa is leading the way forward.*” (Moon, 2009:2). In the lead up to this statement, Moon utilizes references to the 1969 OAU Refugee Convention to build on established historical precedents. These kinds of statements often link the past to wishes for the future; a strong theme in the texts that refer to Africa-related concepts, and one that utilizes both positive and negative historical references to strengthen its message. Sometimes texts adopt only one of these roles – referring to the past or expressing hopes for a “better future” - but the discursive connection between the two is still evident.

### **5.3.1 Documents and Texts Produced by the African Union**

Positive historical references can be found in multiple AU Special Summit texts stating that “*Africa has led the way in terms of a demonstrated commitment...*” (African Union (AU), 2008:5), whilst elsewhere we see references to “*Africa’s long history and culture of generosity towards*

*victims of displacement*” (African Union (AU), 2008:4), *“Africa’s heritage of hospitality and humanitarianism*” (African Union (AU), 2008:5) and *“reinforcing Africa’s humanitarian culture.”* (African Union (AU), 2008:23).

These AU-produced messages serve to promote confidence and optimism in the future and simultaneously exclude negative historical events or precedents. Of interest is the use of language that alludes to a positive trajectory for the continent within the discourse. The messages above serve to transmit images of a well-established path that is pointed in the right direction and that has developed from a positive history.

On the other hand, an excerpt from the same document demonstrates the use of negative historical references:

*“...the continent has turned-around from being conflict ridden to one seeking to consolidate the numerous peace agreements that ended some of Africa’s most protracted civil wars. Without exception, peace processes have reversed numbers of people seeking asylum and refugee status.”* (African Union (AU), 2008:16)

Here we find the history of individual states discursively subsumed into a collective assessment of the implied positive direction taken by the continent. The focus is firmly on positive actions and the concrete proof *“without exception”* that is provided of the *“constructive”* outcomes that these actions are directly linked to. We can see allusions to a clear break from the negative past, i.e. references to *“turned-around”* and *“reversed”*. Note the simultaneous utilization of negative historical references with the action-oriented positives that relate to the reinforcement of the trajectory-focused message of the text. Negative references to history are often used in the construction of messages that attempt to convey an image of progress and improvement. As was the case with the positive references referred to above, this leads to the transmission of themes aimed at engendering ideas of confidence and optimism in the consumer of the text. Interestingly, the manner in which both positive and negative historical references are used above appears to be common throughout many of the AU-produced documents.

A number of additional points are important to note regarding the aspirational language utilized in the ID discourse specifically related to AU-produced documents. First, the aspirational ideas are often built on references to a collective history beset by problems and suffering that lead to the imagination of concepts associated with weight and heaviness. This is well illustrated in the following excerpt:

*“In spite of challenges relating to resources and other capacities, Africa continues to bear a disproportionate burden in hosting, protecting and assisting displaced persons....[and] compared to the rest of the world, Africa has led the way in terms of a demonstrated commitment to reflect its realities...”*(African Union (AU), 2008:5)

The word “*continues*” implies negative references to hardship that are conceptually depicted as perpetual, weighted and borne out of negative historical precedents. The use of the word “*burden*” clearly demonstrates this point. The connection of these types of references to the discursive conceptualization of Africa is widespread in almost all the documents analyzed and further supports negative assertions related to the continent's history and current predicament (the need to respond to forced displacement).

It is also important to explore the ideas of resilience and generosity repeated throughout these texts. These themes may even be interpreted as somewhat martyr-like within this context, because documents emanating from the AU also attempt to apportion some part of the responsibility for this “*burden*” elsewhere. This can be seen from the excerpts below:

*“Africa has borne, and continues to bear, a disproportionate burden in the forced displacement of populations.”* (African Union (AU), 2008:21)

and

*“On their part, Africa’s partners have tended to focus on measures that contain displaced persons in the developing world in general and Africa in particular...Europe has systematically adopted restrictive measures eschewing, rather than applying, the principle and practice of burden sharing.”* (African Union (AU), 2008:22)

and

*“...the burden [of displacement] could be alleviated through increased responsibility sharing...”* (African Union (AU), 2008:22)

References to words like “*eschewing*” and “*disproportionate*” speak clearly to the apportionment of responsibility elsewhere for the “*burden*”. The use of concepts related to images of heaviness and weight draws the reader's focus towards the focal entity's – in this case Africa's – seemingly quantifiable and limited ability to carry this “*burden*”. The obvious argument being made is that this weight [responsibility] must be shared, especially when presented in conjunction with an alternative. In this case, the alternative for blame, and the provision of support, is the IHAC. This text illustrates a strong emphasis on the idea of shared responsibility when responding to forced displacement. Indeed, AU-produced documents strongly promote this idea which serves to exempt them of taking full responsibility for responding to the phenomenon of forced displacement. Note also, the pointed silence or exclusion of any discursive allusion to the causes of displacement that may be attributable to local factors. This is interesting because it may allude to a strategic omission in the documentation. This omission emphasizes the idea of forced displacement as a burden and the need for this burden to be shared due to the role that multiple states play in accounting for this phenomenon, both directly and indirectly in their inability to prevent causes of displacement.

This is not to say that certain locally originating causes of displacement are not addressed in AU documents. However, what we find is that these causes are portrayed in a way that still fulfills the discursive function of exempting African states from taking full responsibility for the phenomenon. This is accomplished through the use of a number of discursive techniques. For example, references to problems associated with leadership and governance are usually “blanketed” in language that does not apportion blame to specific actors or entities. This creates a conceptual separation or distance between the consumer of the text and specific actors such as the state or African leaders. Let us examine an example of this:

*“This escalation in IDPs is attributed mainly to the spread of ‘internal’ conflict, civil wars, bad governance and human rights violations across the continent as well as increasing vulnerability to natural hazards and man made disasters.” (African Union (AU), 2008:11)*

Once again the employment of concepts such as “*across the continent*” allows for a discursive construct that covers (i.e. blankets) and prevents the exposure of, and conceptually distances itself from specific countries, states or leaders. In other words, these references are all sufficiently broad to avoid specific apportionment.

In the documents produced by the AU, internal problems are sometimes portrayed alongside issues that are presented explicitly as having originated externally:

*“This situation is complicated by a mix of weak capabilities, shrinking international support, the strain of burden-sharing and emerging global security threats. These factors combine variously to pose critical challenges to the protection and assistance of refugees, returnees and internally displaced populations.” (African Union (AU) 2008:4)*

By listing these issues alongside each other, no cognitive distinction is possible as to the proportion to which each of these issues contributes to the problem of “forced displacement”. The parallel presentation of these issues further dilutes possible blame – adding to the conceptual distancing - that may be apportioned to any of them. This is a function of the ID discourse that repeats itself at multiple levels.

Taking the discussion regarding ways of avoiding responsibility a little further, we find that in many of the AU-produced documents, forced displacement is also cast as a direct impediment to the realization of the vision for Africa's future. For example:

*“...the growing complexity in the patterns, trends and challenges relating to forced displacement are impeding the realization of Africa’s vision for sustainable development.” (African Union (AU), 2008:4)*

Ownership is taken in this AU text for “*the vision*” (in this case, analogous with the continent's future) but not necessarily for the resolution of the “impediment” (forced displacement). The adoption of this “forced migration vs. bright future” message by multiple AU-generated documents

adds further emphasis to the discursively linked messages related to burden-sharing and the need for support. Reasons for this may include the conceptual utilization of forced displacement as a focus for blame by states and regional institutions who, in the face of countless other issues ranging from institutional fragility to the inability to project power, might find it convenient to normatively attribute a wide range of problems to a phenomenon that does not appear to be decreasing and that currently requires a high-level of material support from the IHAC.<sup>9</sup>

A final point regarding the use of the “blanketing” methods within AU-produced documents warrants mentioning. Emerging from the texts, we find that these methods are not merely confined to efforts aimed at the avoidance of blame for causes of forced displacement. They are also employed when achievements are noted. This appears to avoid veracity-related questions that may arise from providing more specific details:

*“the Pan-African peace and security agenda has undergone commendable changes particularly with respect to the parameters of sovereignty and intervention for human protection purposes.”(African Union (AU), 2008:21)*

The discursive entity utilized in this instance is the “*Pan-African peace and security agenda*”. It appears to be delivered in the text as a sufficiently abstract concept to fulfill its function of providing distance from questions pertaining to the attributes assigned to it. At the same time, this allows for broad accessibility and adoption by specific actors and institutions that may be linked to its broad definition.

To summarize the utilization of time-based references within AU-produced documents, we can note a number of key findings. References to Africa's history and visions for the future are common. Most often they are used to portray ideas associated with progress and optimism. The depiction of the direction that the continent is currently moving in is strongly linked to the

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<sup>9</sup> It is also interesting to note that, despite the superficial support and anticipation from African states surrounding the adoption of the Kampala Convention, to date only three have ratified the Convention (Internal Displacement Monitoring Centre (IDMC), 2010). The Convention requires at least fifteen states to ratify it for it to become legally binding. This raises many questions not least of which relate to the possible reasons for the delay. This will be discussed in greater details in upcoming sections.

utilization of historical references – both good and bad. History is also used to apportion blame for the various causes of forced displacement outside of the internal factors often associated with the phenomenon. Finally, the past is often used to project an image of burdens and resilience, thus further appealing to ideas of shared responsibility for responding to forced displacement.

### 5.3.2 Documents and Texts Produced by the International Humanitarian Aid Community

Let us now move to an examination of the above themes of historical references, blame, progress, and responsibilities as they emerge from IHAC-produced documentation. The United Nations High Commissioner for Refugees, Antonio Guterres, in his opening statement at the AU Special Summit in Kampala makes multiple references to the bright future that awaits Africa (Guterres, 2009). As mentioned previously, a point that emerges regarding the aspirational aspects of the ID discourse is the conceptual linking of Africa's future with the need to “deal with the problem of forced migration”. In few examples is this idea more clearly presented than in this statement by the UN High Commissioner for Refugees:

*“Africa's future depends upon meeting the challenge of forced displacement in all its dimensions and finding lasting solutions.” (Guterres, 2009:2)*

The message is clear: eliminate forced displacement in order for the continent to successfully follow the envisaged upward trajectory – regeneration, a brighter future, etc. - alluded to in the ID discourse. We can see that the ID discourse, both in the form of AU and IHAC-produced documents, frequently appeals to the textual consumer's ability to *imagine* Africa's future as a positive one. However, the motives for the emphasis on this imagination may be different in the case of documents produced by the IHAC. AU-produced documents tend to promote messages of shared blame (related to causes) and responsibility (linked to the required responses) before depicting forced displacement as an impediment to the future of the continent. IHAC documents, on the other hand, often appear to link forced displacement to the future of the continent in an effort to

*compel* African states to action and to promote their acceptance of responsibility for dealing with the phenomenon.

What we find in IHAC-produced documents is the conflation of time-focused messages with compelling messages directed at African leadership and individual heads of state. In many instances the documents from various IHAC sources appeal to leadership figures gathered to adopt the Kampala Convention and clearly depict them as having a large influence on an envisaged future of Africa that will be markedly different from its past. The messages are compelling for a number of reasons. African leaders are often “*called upon*”, “*encouraged*” or even “*implored*” in the documents, reflecting a core function of the discourse to positively and powerfully appealing to the *actions* of states and African leaders through inclusive references to Africa. The relative strength of the language used to conceptualize that which is needed from African leaders indirectly implies the scale of the change in behavior or action that is required according to the discourse. It reflects a strong focus on the idea of agency. The themes of appealing to history, the enormity of the change/action required and a sense of responsibility are transmitted in the following statement by the UN High Commissioner for Refugees:

*“Let us draw inspiration from those African leaders who have refused to accept perpetual displacement as an inevitable reality in their countries and have acted boldly to bring it to an end.” (Guterres, 2009:1)*

The word “*inspiration*” is strongly linked to the example of certain African leaders, acting as a notional reference point within this text. The use of the word “*boldly*” adds emphasis and draws a clear distinction from that which is characterized discursively as “*an inevitable reality*” - in this case “*perpetual displacement*”. As was the case with some of the AU-produced documents, we can see a clear break with the past emphasized in this text. The effect is different, however. In this case, the message does not promote ideas of optimism or progress, but rather the need for action from leaders. The scale of the change is also portrayed through the discursive reference to emphatic behavior-related concepts like “*acted boldly*”. A large amount of responsibility is thus placed on

African leaders by this text because bringing an end to “*perpetual displacement*” is directly linked to the leaders’ refusal to accept the need for action. This conceptually places the onus to “end displacement” squarely on the actions of African leaders; it is up to *them* to break the norm and demonstrate agency. In other words, states, through an appeal to their leadership, are compelled to action through powerful encouragements to break from a negative past and utilize their own agency.

As we have already seen, this section involves an examination of the connection between concepts of the state and individual leadership figures. There is a clear overlap in the way that each of these entities is portrayed, which may be an acknowledgement of the role that individual leaders play in the affairs of the state in Africa. The terms used to refer to leadership figures that feature most prominently in the discourse include “*African leaders*”, “*Heads of States*” and abstract terms such as “*leadership*”. An IRIN News message speaks to the connection between states and leadership figures on a number of levels:

*“Civil society leaders, attending a parallel event, insisted political will and demonstrated commitment were key to progress. The fact that only five top officials came to Kampala, they said, called for an urgent strategy to bring on board more states.” (Integrated Regional Information Networks (IRIN), 2009:1)*

Familiar concepts are such as “*political will*”, “*commitment*” and “*progress*” are used, reproducing ideas that are often also conveyed at the level of states, the continent and regions. A theme of synonymy between states and leadership figures is emphasized through the text's association of the attendance of top officials at the Kampala Convention and the evaluative notion of “*bringing more states on board* “.We see the emergence of a fairly strong acknowledgement of the influence that individual leadership figures may have on the governance of African states.

The concept of “*leadership*” and its associations with states are some of the most frequently utilized in the ID discourse, which demonstrates the high-priority that this concept occupies at all the levels of discourse associated with Africa and governance. This may be why we see similar aspirational and emphatic language, as utilized in previously analyzed texts, employed in this

instance:

*“...the Heads of States of the African Union have set a global precedent” (United Nations Office of the High Commissioner for Human Rights (OHCHR), 2009:1)*

Several other documents make references to similarly arresting concepts such as *“historical gathering”*, *“dedicated and committed leaders”* and *“landmark decisions”* in part, to emphasize the important role played by leaders and the responsibility associated with this role. Other concepts that appeal to this idea of responsibility, such as *“continued commitment”* (again, a past reference), *“courage”*, *“dedication”* and *“determination”*, are also common, especially in documents produced by IOs and CSOs. Therefore, in addition to concepts of the negative past and agency, we can see an appeal to the responsibility of leaders emerging from these documents.

Interestingly in the case of leadership figures, the vision of Africa's future and its links to what the IHAC views as concomitant responsibilities, seems to be taken a little further by including language that speaks to notions of ambition and personal prestige:

*“I am sure this will not be just another convention. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa will be a human rights landmark achievement, giving this Summit and all of you a place in history.” (Guterres, 2009:2)*

This statement by the United Nations High Commissioner for Refugees appears to convey his confidence in the leaders, whilst simultaneously appealing to possible personal ambitions by emphasizing the importance of the occasion as a *“human rights landmark achievement”*, and mentioning the *“place in history”* that beckons to leaders in attendance. It is interesting to note that certain well-known negative concepts such as corruption and authoritarianism that are often associated with African leadership figures in the broader humanitarian discourse appear to be largely excluded from the ID discourse related to the Kampala Convention. This could be due to the important role that African leadership is thought to play by prominent IHAC document producers in the process of adopting and ratifying the Convention. Instead, factor-like concepts that relate to capacity and other impersonal constraints are sometimes associated with leadership figures,

possibly due to their less incriminating or negative tone.

In concluding this discussion pertaining to the depiction of time-based references and the differences between AU and IHAC-produced documents, it is important to note certain key points. First, documents that originate from African institutions like the AU often convey messages that invoke ideas of confidence, optimism and progress. Confidence is projected through references to positive historical traits and the recollection of positive actions that denote progress. Optimism is most powerfully portrayed through the construction of messages that denote an “upward” trajectory for the continent through references to the past. Historical references are also used to promote an idea of shared blame (related to causes of forced displacement) and responsibility (for responses to forced displacement), whilst at the same time linking the future of Africa to the elimination of this phenomenon. Where causes are attributable to factors emanating from the continent, they are often presented alongside external factors. Distancing and abstractive discursive techniques are used to ensure little or no culpability for individual leaders or states in the portrayal of the causes of forced displacement. This technique is also demonstrated in positive references to progress, thereby ensuring accessibility for sub-entities and a certain degree of exemption from questions related to positive accounts of progress.

IHAC-produced documents tend to use historical references in conjunction with appeals to the leadership or heads of state within messages that *compel* states to action. These documents accomplish this by, appealing to a break from the negative past and the “need for action”, reinforcing the idea of agency. They also appear to acknowledge a strong link between the governance of states and individual leaders. States are compelled through a “sense of responsibility”; a message that is frequently conveyed alongside notions of personal ambition and prestige for leaders.

## 5.4 Discussion – Chapter 2

This chapter began by noting the particularities related to the origins and development of the ID discourse. The importance and theoretical underpinnings of document production, as well as emerging links to notions of progress were first established, followed by some examples of the importance attached to document production as a marker for bureaucratic action, with particular reference to the ID discourse.

The use of settled texts and concepts were discussed and their origins in various preceding documents, also referred to as document chains, were emphasized. In the case of the ID discourse, the establishment of legitimacy for texts (documents) that, in turn, allows for the construction of legitimacy for key actors was discussed, pointing to the importance of this concept in the documents selected for the purposes of this research.

Refugee discourse was then analyzed as one of the best known sources of settled texts and concepts within the ID discourse. Major themes and concepts from this source of discourse include the conceptualization of the forced migration cycle and its importance for the construction of roles and responsibilities, as well as the reproduction of migrant categorizations. Both of these themes were shown to play a critical role in the ID discourse, although the analysis proves that their reproduction may result in certain exclusions as well. In some cases, the reproduced discourse seems to have little relevance to the context in which it is being reapplied. The negative depiction of human movement was also discussed along with a brief examination of some of the potential consequences of this tendency within the ID discourse.

This chapter starts to draw distinctions between the various major producers of documents selected for the purposes of this research. From the findings, we can see that AU-produced documents often display a level of avoidance when it comes to accepting blame for the causes of displacement and demonstrate a level of reticence to respond to the phenomenon. This could be

because the messages portrayed in these documents are geared towards providing legitimacy in the face of widespread institutional fragility and the inability to guarantee the fulfillment of “African” roles and responsibilities that are more overtly transmitted in the IHAC-produced documents. Other discursive tactics employed by the AU were discussed with particular reference to the tendency to use broad concepts of the continent for the purposes of simultaneously constructing distance between individual states and the apportionment of blame for the causes of forced displacement, as well as to ensure broad inclusivity when positive concepts and notions of progress are conveyed.

IHAC documents appear to emphasize the need for action and the need to make clear break from the past. Underlying these messages appears to be a strong intent to appeal to and even enforce a sense of responsibility amongst African states and the AU. The tactics employed by the IHAC are further analyzed in reference to the use of a conceptual synonymy between states and leadership figures. Leadership figures appear to be spoken of in similar ways to states, but with the inclusion of messages that appeal to notions of individual ambition and prestige

In conclusion, it is important to note that the key findings discussed in this chapter point towards the reproduction of well-established messages and ideas that are closely linked to the origins of the ID discourse. The next chapter will explore the ways in which these themes are utilized in an analysis of the key actors and constructs emerging from the selected documents. In many ways, this will demonstrate the impact of the text's discursive origins and development on the contemporary utilization and navigation of the ID discourse by major actors and institutions. In addition, the following chapter will continue to elaborate on the conceptual limits of the ID discourse and the manner in which these limits are negotiated by states, the AU and IHAC.

## **6 Chapter 3: Key Actors and Constructs: A Synchronic Analysis of the ID Discourse**

The previous chapter analyzed the utilization of time-based references, as well as various diachronic aspects of the ID discourse documents (texts) selected for this research report. This chapter turns its focus to an examination of the key actors and discursive constructs viewed from a synchronic perspective. Several familiar themes such as the use and projection of legitimacy, as well as the possible functions of the discursive construction of roles and responsibilities are added to in this chapter. At the same time, the emergence of tensions and the contestation of ideas within the ID discourse are uncovered in various documents. The construction and utilization of device-like objects such as the Kampala Convention, along with various other instruments, frameworks and policies are investigated here due to the important role that they play in conveying some of the ID discourse's key messages and ideas. Major actors such as states, the AU, and IHAC institutions feature prominently in this chapter, as much of the analysis is built on the construction of roles and responsibilities for these key actors. That being said, exclusions and silences are also noted when discussions are undertaken that compare discursive messages with contextual information from the field of forced migration studies. This chapter further demonstrates the responses to various truth claims from major document producers such as the IHAC and AU, thereby exposing parts of the discourse that lack coherence and that point to a contestation of ideas and messages. The analysis and discussion of these remaining elements within the ID discourse provides the foundations from which the main conclusions of this research report are drawn.

### **6.1 The Concept of Sovereignty: Exploring its Links to Legitimacy and the Construction of Roles and Responsibilities**

This chapter's analysis begins with an examination of the concept of state sovereignty as it

appears in the ID discourse. This concept is commonly referred to in documents from all the sources included in this analysis. Sovereignty is portrayed as highly valued amongst the discursive messages emerging at the African state or region levels. This section will examine some of the key messages associated with the use of the concept of sovereignty and its links to major themes such as responsibility and legitimacy.

Let us begin by analyzing a previously discussed text from the AU but with a renewed focus on sovereignty:

*“...the Pan-African peace and security agenda has undergone commendable changes particularly with respect to the parameters of sovereignty and intervention for human protection purposes.” (African Union (AU), 2008:21)*

This excerpt from an AU-produced document demonstrates a number of important points. First, it presents the idea of sovereignty at the continental, or Pan-African, level, thus ensuring its conceptualization as a theme that is significant in the broadest sense. Second, it is emphasized within the concept of “*parameters of sovereignty*”, and alongside “*intervention for human protection purposes*” as a key reference to the positive changes taking place within the regional peace and security agenda, thereby portraying it as central to the core factors associated with responses to forced displacement in the discourse. The various ways that the mention of parameters may be abstractly interpreted in this case do not detract from the precedence afforded sovereignty as an important concept in this and other documents. In other words, sovereignty is consistently included amongst the top priorities listed within the ID discourse.

Interestingly, we can also find similar traits emerging from IHAC-produced documents. Let us now investigate an example from the UN:

*“The [Kampala] Convention you will consider establishes a new equilibrium between the dignity of human beings and the sovereignty of the State.” (Guterres, 2009:2)*

This text is taken from a statement by the UN High Commissioner for Refugees, Antonio Guterres. It is distinct from the previous text because it positions “*sovereignty of the State*” as a concept that

somehow competes with the “*the dignity of human beings*”. This is a strong message because it alludes to the idea that the unequal and possibly unfair promotion of the former may directly and negatively impact the latter. This message may be constructed in an effort to promote the position of the Kampala Convention as a mediating instrument in this regard. The idea of promoting a “*new equilibrium*” between these two concepts is most interesting because it appears to allay fears associated with the potential ascendancy of either of these concepts, thereby also acknowledging the importance of sovereignty to the heads of states to whom this message is addressed. This particular statement may therefore be seen as an acknowledgement of the importance of state sovereignty to the audience that the Commissioner is addressing, namely heads of state and other representatives at the AU summit, while simultaneously serving as a reminder of the UN's stance towards its dominance in the face of other competing priorities in the broader ID discourse. We should also note that sovereignty is referred to in a very specific manner. In other words, its conceptualization refers to ideas associated with international relations as opposed to other ways that sovereignty may be depicted, such as the sovereignty to act in certain contexts, or the sovereignty related to a particular role or responsibility.

In both of the excerpts above we can see that references to sovereignty may be seen to be incorporated as a reinforcement of the concept's importance and relevance in the discourse. As we will see in further examples though, the reproduction within the AU and IHAC documents often differs slightly. Both document producers place an emphasis on the concept, but the former's manner of discursive utilization is more inclined towards promoting the importance of the concept as it is portrayed within the ID discourse, while the latter's utilization can be seen as fulfilling a more placatory role, i.e. providing assurances as to the importance afforded to the concept of state sovereignty by the IHAC. As we will see in later analysis, IHAC documents also use the concept of sovereignty to reinforce ideas pertaining to state responsibilities by emphasizing a link between the two concepts. What is clear from the above excerpts is that the concept of sovereignty of the state is

a crucial one for states, and it is also increasingly important for the IHAC, albeit in terms of the required acknowledgement of the concept when partaking in a discourse with states or regional institutions like the AU.

This leads us to a discussion of the role played by the Kampala Convention specifically in promoting the idea of sovereignty. The Convention is linked to the concept of sovereignty in a number of different ways, and as with the above examples, this often depends on who is producing or consuming the discourse. The following excerpt accurately portrays some of the alternative links between the Convention and state sovereignty:

*“Nothing in the [Kampala] Convention shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State”* (African Union (AU), 2009a:2)

This text speaks to a different kind of relationship between the Convention and sovereignty - one that is most prevalent amongst documents emanating from African states or the AU: to reinforce local state legitimacy through the acknowledgement and promotion of sovereignty through the Kampala Convention. In this case, the reference is negatively related in terms of establishing clear boundaries that the Convention may not infringe upon. The text clearly emphasizes the significance of the concept alongside the already established legitimacy afforded to the Convention. This particular message is often utilized in AU-produced documentation, frequently commanding important spaces even in short documents that contain relatively few core messages, and thus emphasizing its priority to the producers of the documents. Several other positively reinforcing examples also exist where the function of the text remains the same: to highlight the importance of state sovereignty by utilizing the legitimacy afforded to the Convention and other related official documentation to convey this message.

Notice the distinction with the previous IHAC-produced documents that attempted to promote an idea of the Convention as a means through which the importance of sovereignty may be

assured. In the former, the importance of sovereignty is used by the IHAC to promote the Kampala Convention, whereas in this case, the Kampala Convention – seemingly already legitimate in the eyes of the AU – is used to promote the idea of state sovereignty. These conflicting messages and the possible motives behind them are further explored below.

Note again the importance of the function of legitimacy. It can only be afforded to a discursive concept, such as state sovereignty, once it has been established for the document or text that produces it; in this case, the explanatory note for Kampala Convention or the Convention itself. The text requires legitimacy for it to be afforded the ability to speak, thereby producing legitimacy for its key messages.

Let us now consider another connection between the Convention and state sovereignty -- one that is to be found more frequently in documents emanating from the IHAC. The text below is written by Andrew Solomon, the deputy director of the Brookings-Bern Project on Internal Displacement, a prominent think tank that has commented extensively on the Kampala Convention and issues of forced displacement in Africa:

*“the [Kampala] Convention strengthens the principle of “sovereignty as responsibility,” which asserts that national sovereignty includes the responsibility of a state to provide for the welfare of its citizens and to relieve the humanitarian consequences of conflict.*  
(Solomon, 2010:1)

What emerges most clearly from this text and many similar IHAC-produced discourse is the emphasis placed on the link between sovereignty and responsibility. It is important to note that, as was the case with the AU-produced document discussed above, the importance of sovereignty is reinforced through links with the Kampala Convention. In addition, we also find a caveat inserted into the texts that link the discursive acknowledgment of state sovereignty to the acceptance of responsibility. In some ways, the Kampala Convention is used here to attach some measure of conditionality, in the form of recognition of responsibility, to the conferral of sovereignty through the discourse. This text begins to expose the IHAC-produced document's connection between the

reinforcement of the Convention's role and state responsibility. In the sections below this link will be further explored.

## **6.2 Roles and Responsibilities of Key Actors: How are they Constructed and for Whom?**

The above analysis leads to a more careful examination of the portrayal of the roles and responsibilities of key actors such as the state and IHAC within the ID documents. We have seen how the Kampala Convention acts as a device to promote what appears to be the major priority for African states (state sovereignty) and the IHAC (state responsibilities). This section will examine the conceptualization of state responsibilities in order to discover the possible motives for promoting this concept within the IHAC-produced documents. Unsurprisingly, the majority of selected documents and texts deliver commentary, either directly or indirectly, on the responsibility and obligations of states, although some also tend to focus on leaders and heads of state due to the previously discussed discursive synonymy between these entities. That said, the portrayal of the IHAC's responsibilities often takes place indirectly and in reference to the primary responsibilities of the state. Other non-state actors are also mentioned; their connections to the IHAC and state's roles and responsibilities remain auxiliary in the ID discourse, adding insight into the various ways in which these messages are constructed. In this context, and as in previous sections, there are also clear distinctions to be made between the language employed by African regional and state-like institutions, and the broader IHAC. Indeed, in many cases, the central AU and IHAC messages appear to respond to each other, revealing some of the discursive contestation and tensions that may exist within the ID discourse, underscoring the need to analyze these messages thoroughly.

### **6.2.1 The African Union in Relation to States and the IHAC**

The AU is commonly referred to in the majority of documents included in the ID discourse. In the selected documents, we find that the AU, as an entity, is utilized in a number of ways, some of

which overlap with the concepts related to Africa and the continent that were discussed in the previous chapter. For example, entities are constructed that incorporate the AU, such as “ *the African Union Ministerial meeting*”, “*AU officials*” and “*the AU Commission*” (see African Union (AU), 2008; Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010; Integrated Regional Information Networks (IRIN), 2009; International Federation for Human Rights (FIDH), 2009). This illustrates the bureaucratic nature of this institution, whilst at the same time providing clues as to the use of the institution as a discursive entity that allows for the association of a separate set of attributes in contrast to those frequently attributed to subsumed entities (i.e. states). Macro-entities, such as the AU, are credited with a large amount of responsibility and agency within the selected documents, in sharp contrast to the actions frequently attributed to individual sub-entities (or “sub-regional structures”) that often make up these bodies. In many ways, it is as if the AU, as an entity, is spoken of as something originating and operating independently from African states.

The discourse demonstrates a tendency of imbuing the macro-entities with the ability to speak on behalf of a many sub-entities. For example:

*“...the African Union Ministerial meeting on Refugees, Returnees and Internally Displaced Persons in Ouagadougou, Burkina Faso (2006) recommended a special AU Summit to deliberate on these matters. This was adopted as a decision of the Executive Council during its Ninth Ordinary Session in Banjul, the Gambia.”* (African Union (AU), 2008:4)

Noteworthy is the discursive representation of these macro-entities as standalone bodies that demonstrate their own agency and behavior. This distances them in some ways from the nature or even existence of the sub-entities of which they are comprised. It also indicates a key purpose emerging from the discursive utilization of these entities: to function as a body that is able to distance itself from certain negative attributes that may be associated with sub-entities, and simultaneously establishes the required legitimacy to speak on their behalf.

This ability strategically positions the AU as a body that can deliver messages in contexts that

may not be afforded to sub-entities. For example, the AU may convey messages of progress and optimism that would be more contested if they were to emanate from states directly.

This point is further developed through a more careful examination of the interaction of the AU with what is referred to in the ID discourse as “*member states*”. In some cases the AU can be seen to speak on behalf of member states, whilst at other times it is portrayed as separate, depending on the message that the text is trying to convey. Some examples of this include the following:

*“AU officials in Kampala were cautiously upbeat, urging member states to remain engaged. ‘It is the responsibility of member states that the convention becomes a binding instrument,’ Jean Ping, AU Commission President, said. ‘At this point, it is an achievement, but not an end in itself.’”* (Integrated Regional Information Networks (IRIN), 2009:1)

and

*“‘It is a question of a progressive [AU] Commission versus [conservative] member states,’ [Jean Ping] told IRIN in Kampala.”* (Integrated Regional Information Networks (IRIN), 2009:1)

The first excerpt can be seen as establishing the role of the larger AU body as an authoritative entity to member states in its capacity to “*urge them to remain engaged*”. This language can also be described as somewhat state-like, or even paternal, due to its cognitive appeal to a depiction of the AU as somehow representing the best interests of the sub-entities. This idea is reinforced through statements by Jean Ping that speak directly to the responsibility of member states, whilst simultaneously establishing a clear measure of success for the action urged by the AU. The second text above positions the AU body in direct conflict with member states, reflecting what may be perceived as a contestation of power. It is important to note that this contestation is still subsumed within the broader theme of a cajoling and occasionally parental AU's interaction with member states. This tendency is common within the ID discourse and extends to references pertaining to this body's frustration with the sub-entities' disregard for the wishes of the “parent”. The enforceability of the AU's wishes for member states is a glaring omission in the various messages conveyed through the discourse, reflecting a relationship that is based more on good faith than rigid authority.

Documents that refer to the AU that are produced by the IHAC tend to focus more on the construction and affirmation of the role played by both entities and their connection to each other. This is the opening statement by the Secretary General (SG) of the UN at the Kampala Convention:

*“In seeking to bring peace and prevent conflict across the continent, the African Union is an indispensable partner of the United Nations.”* (Moon, 2009:1)

It is interesting that even though the AU is referred to as a “*partner*”, the UN is discursively depicted as the primary agent in “*seeking to bring peace and prevent conflict*” due to the direct cognitive link that is established between the action and the UN, as well as the portrayed need to reinforce the role of the AU as “*indispensable*”. Moon’s statement implies that the AU is the partner of the UN and not the other way around. This is in sharp contrast to AU-produced documents that often refer to the IHAC and bodies such as the UN in terms of the broader “international community”, discursively linking this idea to pleas for support from them in order to deal with the problem of forced displacement. Most importantly in the above text, as in many other documents and texts produced by the IHAC, no scenario related to the resolution of the problem can be imagined without the involvement of the UN. This speaks to an alternative utilization of references to the AU within IHAC documents: reinforcing the centrality of the UN's role (or that of any other major IHAC institution).

Documents produced by CSOs and group-like bodies often tend to focus on constructing and reinforcing the perceived role of the AU and the institutions which are linked to them discursively, thereby establishing their legitimacy as important authoritative bodies. This is demonstrated by a text from the FIDH:

*The AU Commission should solicit regular updates from States Parties and itself conduct or commission research into the effects of the [Kampala] Convention. The African Commission on Human and Peoples’ Rights Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa should maintain an overview of implementation of the Convention across Africa and be enabled and better resourced to undertake regular country visits.*

*Finally, in parallel with ratification of the Convention itself, AU member states should also ratify the Protocol on the Statute of the African Court of Justice and Human Rights: where states have ratified both this Protocol and the Convention, the African Court of Justice and Human Rights would become a key mechanism for ensuring compliance with the Convention. “ (International Federation for Human Rights (FIDH), 2009:1)*

The above text is entirely based on the presentation of hypothetical actions and scenarios that are presented in the subjunctive and emphasized through the manner of their discursive presentation. We can see this through the repeated use of words such as “should”, “would” and various other past participles. This text, as is often the case with the use of the subjunctive, delivers strong notions of judgment and opinion related to the actions of the AU and other bodies, even though they are presented as necessities. This echoes some of the discussions from Chapter One where preceding documents and chains were shown to act as a legitimizing agent for the delivery of evaluative messages by major international CSOs such as the FIDH.

Here, we again see the construction of the AU bureaucracy as an overseer to member states. The message is delivered in such a way as to leave little or no room for alternatives to those presented in the text. In other words, the messages in the texts are not conveyed in a negotiable manner. Finally, the producer of the text (or document) is clearly depicted as authoritative due to the delivery of the message as factual, and because the ideas conveyed are frequently evaluative. This speaks once more to the role of CSOs and the IHAC in providing direction to the resolution of the issues presented in the documents produced by these entities.

In concluding this section, let us take note of the differences between the various depictions of the AU in ID documents: The AU/state-produced documents appear in a manner that projects an ability to speak on behalf of “member states”, whilst at the same time being conceptualized separately and free from many of the attributes associated with states. IHAC-related documents, on the other hand, appear to utilize references to the AU for purposes of, firstly emphasizing the importance of their own role, and secondly elaborating on the conceptualization of that role as

authoritative and evaluative towards the actions of the AU and African states.

## 6.2.2 Common Discursive Methods used for the Construction of State Responsibilities

Next, let us consider the various ways in which that the responsibilities of states are constructed within the ID discourse. This takes place through a number of different discursive means, and this section will examine some of the key channels utilized in this regard. Once these distinct methods are exposed, we will be in a better position to analyze the reasons for their utilization within the ID-related documents. Let us therefore commence this discussion by looking at a commonly reproduced text that emanates from an ECOSOCC document. It speaks directly to the state responsibilities as set out in the Kampala Convention:

*“States undertake to prevent arbitrary displacement, to protect IDPs’ fundamental human rights during displacement, and to find durable solutions. States also commit to identify a national authority or body responsible for responding to internal displacement.”* (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:13)

The above extract summarizes what are perceived by many document-producers to be the salient points of the Convention. These points are expanded upon in much of the ID discourse included in this research. In other words, they are frequently reproduced in an almost identical manner. This text seeks to reinforce these points by using language that is set in the present tense, with the effect that the ratification of the Convention is spoken of as if it has taken place already. This type of language is particularly common in texts that refer to legal instruments or conventions, and the reasons for this will be unpacked as the section unfolds. In this case, however, the use of words such as *“undertake”* and *“commit”* should be emphasized because they denote a sense of assuredness in their presentation of the text's key message, i.e. the responsibilities of the state. Themes that are common in many such documents and texts allude to concepts of responsibility related to prevention, protection and responses to forced displacement, echoing some of the FM concepts discussed in the previous chapter.

Other documents and texts focus specifically on the idea of IDPs as citizens by underscoring the notion that “...*their protection is the responsibility of the national government.*” (African Union (AU), 2008:7). This idea is often strongly associated with frequently reproduced concepts such as the “responsibility to protect” (R2P). Academics such as Maru define and link R2P to the key principles of the Kampala Convention, by affirming that they encapsulate the “[state's responsibility for] *ensuring effective prevention of displacement, protection during displacement and provision of assistance to IDPs.*” (Maru, 2009:91). It is clear that the encapsulation of these ideas in concepts such as R2P functions to reinforce key discursive messages related to state responsibilities and obligations.

It is also apparent that the responsibility for the displaced, at all stages of displacement, emerges as predominantly that of the state. These sentiments are reproduced in the discourse in a number of different ways. Solomon talks about measures borne out of the Convention “*fulfilling each state party's national responsibility to address internal displacement and respond to the needs of those displaced.*” (Solomon, 2009:1), thus simultaneously speaking to ideas associated with sovereignty, as well as so-called internationally accepted norms. Frequently reproduced “global” concepts such as R2P are often presented through concepts with established legitimacy such as “international law” and the Convention itself (e.g. see Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:9). In other words, the state's responsibilities are firstly constructed through references to, and their reproduction within, legitimized documents, texts and concepts (e.g. international law) that are often connected to or directly reference the Kampala Convention.

A subtly different way of constructing the responsibilities of the state is through the reproduction of texts that use legitimized mechanisms or instruments (device-like concepts), such as the Kampala Convention and various other instruments or policies, to *speak* directly. As we have already seen, the Kampala Convention is frequently used in the discourse to “speak” in various contexts, whether about sovereignty or the responsibilities of key actors. This propensity of a

mechanism-type entity to speak and even assume key attributes is common through the ID discourse. It therefore warrants some examination, especially as far as the discursive depiction of device-like concepts relates to the construction of responsibilities for key actors like the state and the IHAC. See for example:

*“As a protection instrument, the Convention is focused first and foremost on elaborating the obligations of state parties.”* (Solomon, 2010:1)

and

*“The Kampala Convention underlines that states have the primary responsibility for providing protection and humanitarian assistance to IDPs. In order to meet that obligation, they have to develop appropriate laws, policies and strategies.”* (Internal Displacement Monitoring Centre (IDMC), 2010:1)

In the above cases, the Kampala Convention acts as a device that reinforces the responsibilities of the state in the ID discourse. Again we see that the legitimacy afforded to the Convention, as well as other similar device-like concepts, is frequently used to reinforce the responsibilities of key actors, especially the state. In this way, these devices act very much like scorecards that indicate precisely what performance entails and what priorities should be.

It is important to note the distinction between utilization of texts that construct state responsibilities by referencing instruments (devices), as opposed to using these devices to speak directly. The latter discursive technique is used in many different ways as will be discussed later in the chapter. In the former case, the established legitimacy of these instruments is utilized to reinforce the key messages of the text, whilst at the same time granting added legitimacy to the instrument that is speaking. Portraying the Kampala Convention in this way makes it real, thereby willing it into existence (e.g. “the Kampala Convention ensures the protection and assistance of internally displaced persons.”). As we see above, many of the documents or texts that speak to state responsibilities, either directly or indirectly through references to device-like concepts, are also IHAC-produced. Note here the IHAC propensity to discursively link the Kampala Convention with

the construction and reinforcement of state responsibilities. This idea will be unpacked throughout this chapter.

Next we examine attempts to strengthen the message contained in the ID discourse through links to other established and external discourses that may possess a high level of legitimacy. Examples of this tendency have already been discussed in the previous chapter (i.e. refugee discourse), and we find its utilization with regard to the depiction of the state's responsibilities too. Below is an excerpt taken from the FIDH that employs this method:

*“Implementing the [Kampala] Convention demands that signatory states are: prepared and equipped to intervene to prevent displacement, to respond to situations of displacement by providing protection and assistance and to enable the return, resettlement and reintegration of those who have been internally displaced. “ (International Federation for Human Rights (FIDH), 2009:)*

It is noticeable, in the above text that responsibilities assigned to “signatory states” are presented in the form of messages reproduced from well known refugee concepts such as “return, resettlement and reintegration”. The text concludes by directly associating these ideas of state responsibility to the internally displaced. However, the piece initially speaks of displacement in more general terms, thereby indirectly incorporating other categories of displaced persons/groups too. This serves to allow for the entry and reproduction of refugee concepts in a text that is purporting to speak about internal displacement. Again, we are confronted with settled text concepts that are used to construct the responsibilities of states, mostly due to the legitimacy afforded to these concepts in other discourses. As mentioned previously, this tactic negates the negotiation of the truth claims contained in these messages that incorporate refugee concepts because their established legitimacy means that they are already “accepted”.

This demonstrates once more the re-use of frequently reproduced concepts, even ones that originate outside of the ID discourse. More importantly, it also shows the application of these discursive concepts to contexts that may be seen as entirely different from those that they originated from in the first place. The “plight” of refugees, for example, has historically been cast as an issue

that is, in many respects, the responsibility of the IHAC -- or at least an issue that is shared evenly between the IHAC and states. The response to refugee crises world-wide has historically been owned and coordinated by the UNHCR: an international UN agency specifically mandated to deal with the plight of refugees globally. While this organization may increasingly include IDPs within its “people of concern” categorizations, it is not formally mandated with assuming primary responsibility for the protection and assistance of this “category” of displaced persons. Note the exclusionary function of categorizations in this regard; this responsibility is left to states. It is therefore somewhat curious that refugee discourse concepts are so easily re-used in the ID discourse, where responsibility for dealing with forced displacement is assigned almost exclusively to the state in which the displacement occurs. This is especially curious in light of the fact that intra-state conflicts, often involving the state apparatus, are the most common cause of this displacement (Crisp, 2006). These concepts are transferred to the ID discourse without the ideas of international support that are normally associated with their use in the refugee discourse. This is made possible because these concepts are already “accepted” and the ways in which their re-use might be inapplicable to the context of internal displacement are therefore generally not negotiated.

### **6.2.3 IHAC Construction of State Responsibilities**

Having distinguished between some of the ways in which state responsibilities are constructed within the ID discourse, let us now turn our attention to their portrayal in IHAC documents and related texts specifically. This section will utilize the analysis from the previous section to point out and elaborate the various methods used by IHAC document and text producers. Analysis of texts will first be preceded by a discussion regarding the possible motives for the IHAC emphasis on state responsibilities, as well as the key IHAC objectives emerging from the discourse. This will allow for a more thorough examination of the messages conveyed in the IHAC documents and texts selected for analysis in this section. AU discursive responses to these messages conclude this

section, allowing for an investigation of the tension that exists within the ID discourse.

### **6.2.3.1 Possible Reasons for the IHAC Construction of State Responsibilities**

Returning to the notion that many of the documents and texts that discuss state responsibility are constructed by the IHAC, let us note some important points. IHAC-produced documents tend to convey and reinforce ideas around a state's responsibility to prevent and respond to forced displacement. These documents also show an inclination towards positioning the IHAC as the entity most capable of keeping states accountable in this regard. A number of possible motives exist on the part of IHAC for taking such a stance through the ID discourse. It is worth noting that a large body of literature comments on the contemporary shift towards more restrictive global immigration policies that may also influence the emphasis on state responsibility in the ID discourse (See Barnett, 2001; Buonfino, 2004; Lindstrom, 2005). It stands to reason that the primary method of achieving this purported IHAC objective – increased state responsibility with the IHAC as overseer - would be through the ratification of the Kampala Convention, which mirrors much of the IHAC-produced discourse pertaining to state responsibility. Increased state-responsibility allows the IHAC, most often at the behest of wealthier Western donors and states, to pursue more restrictive immigration policies because, by containing displaced populations in their own countries, the IHAC's responsibility to respond to their displacement is greatly reduced. Recall here the distinctions already drawn between the refugee protection and assistance regime and the emerging IDP equivalent, in terms of the role that the international community usually plays in the protection and assistance of refugees.

### **6.2.3.2 Key objectives for the IHAC Regarding the Construction of State Responsibilities**

Even though successful ratification of the Convention would in itself represent a major step

forward for the IHAC, in terms of their discursively-emergent state responsibility ambitions, there is some acknowledgement in IHAC-produced documents that this may not be enough to ensure compliance from states. A number of documents mention the “lack of enforceability” in the Convention as a potential weakness that directly impedes implementation (see Integrated Regional Information Networks (IRIN), 2009; FIDH, 2009; Solomon, 2009), and this emerges from the ID discourse as a second key priority for the IHAC. Indeed, IHAC documents and texts appear to project two key objectives, namely 1) to promote the ratification of the Kampala Convention as a first step towards institutionalizing the responsibility of states; and 2) to construct various mechanisms for the enforcement of the provisions contained in the Kampala Convention. These assertions are illustrated by the IDMC web page dedicated to the Kampala Convention (see Internal Displacement Monitoring Centre (IDMC), 2010:1). The page is entitled “Making the Kampala Convention real: from paper to action” and it lists as the only two priorities for the Convention: 1) “Pushing for ratification”, and 2) “Adopting National Laws and Policies “(Internal Displacement Monitoring Centre (IDMC), 2010:1). This mirrors the objectives noted above.

### ***6.2.3.3 Discursive Tactics Employed for the Purpose of Accomplishing Key IHAC Objectives***

Let us now turn our attention to the various tactics employed by the IHAC to accomplish these key objectives. Three distinct methods are employed within IHAC-produced documents, each of which speaks to one or both of the key objectives outlined above. A detailed investigation of these methods will allow for a more informed view of the key messages contained in the ID discourse, and set the scene for an analysis of possible responses contained with AU documents.

#### **The IHAC as Evaluator and Authority Figure**

It appears that lack of enforceability may often compel the IHAC to construct its own role in a

way that provides some measure of evaluative authority in order to achieve this objective. This relates to the use of the ID discourse to deliver commentary and evaluate state performance, a function that is mostly employed by IHAC-produced documents. Let us look at some examples from IRIN News and academic papers:

*“The basic question of impunity also needed to be addressed. Until African countries learn to respect the law, participants said, the continent would “remain at rock bottom” in its attempts to address the problems of the displaced.”* (Integrated Regional Information Networks (IRIN), 2009:1)

and

*“Progress would require member states to demonstrate greater political will to implement the convention and address concerns about sovereignty and enforcement.”* (Integrated Regional Information Networks (IRIN), 2009:1)

and

*“In almost no cases do African governments have the capacity to measure, predict, and proactively respond to human mobility in ways that will contribute to the public good.”* (Landau 2009:79)

In the above texts different “problems” are highlighted and commented on. These problems are mostly attributed to states and issues pertaining to governance. We see references to “*respect for the law*”, “*political will*” and “*capacity*” raised in relation to either direct responses to forced displacement or indirect references through the perceived need for the “*enforcement*” of the Convention. These documents and texts all emphasize what the producers regard as necessary actions for states to take to be able to achieve success. In other words, the texts firstly identify the problem, then comment – sometimes indirectly – on what needs to be done to resolve it and finally, convey ideas about what success looks like or the trajectory required to achieve it. These messages are reinforced by positive references to “*progress*”, or negative ones such as “*remain[ing] at rock bottom*” that emphasize the consequences of not adhering to recommendations contained in the text.

In the above examples we also see the use of broad continental groupings – “*African countries*”, “*member states*” and “*African governments*” – that are used as the focus of the commentary or evaluation. This raises the question of why almost all of these groupings refer to African states or similar concepts, and for what purpose. The answer may be better understood by noting a number of key points from the analysis thus far. First, the frequently repeated messages in the ID discourse surrounding the responsibility of states, including the emphasis placed on their provision of access to the displaced as well as keeping non-state actors accountable, all contribute to a conceptualization of a state's position that is open to external scrutiny in almost all circumstances related to the causes of and response to forced displacement. It is up to the state to act and those actions are the most readily visible response to forced displacement. Second, the role of prominent IHAC institutions is, in contrast, often conceptualized as supervisory and secondary to the role of the state. This places IHAC institutions in an ideal position to comment and evaluate a state's performance in dealing with forced displacement. In addition, IHAC bodies are frequently portrayed as authoritatively knowledgeable regarding the true needs of the displaced and ideally installed as the supervisors of the prescribed remedies to forced displacement<sup>10</sup>, reinforcing their ability to comment on these issues. Therefore, the discursive conceptualization of the roles and responsibilities of the state, in relation to prominent IHAC institutions, allows the latter to frequently utilize the ID discourse as a tool for the evaluation of wider issues of governance that are normatively linked to forced displacement. This, in turn, produces the kind of authority that might well strengthen the IHAC's ambitions to enforce the responsibilities of the state.

### **Discursively Positioning the IHAC as Legitimately Intervening in the Responsibilities of States**

An analysis of the responsibilities of African states as they are depicted through the discourse must include an examination of the allowances made for cases in which states are “*unable or*

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<sup>10</sup> See commentary regarding the assessment of needs by Illich, 1992.

*unwilling*” to fulfill the responsibilities assigned to them. It is strange that in the context of Africa this particular issue is given comparatively little space in the discourse. Nevertheless, the message is fairly consistent across the various sources and is well summed up by a text taken from the FIDH:

*“For each stage of their response to situations of internal displacement, states must ensure the adequate resourcing of the various agencies involved. When states are unable or unwilling themselves to protect and assist IDPs, they must enable others to do so on their behalf, be they international (AU or UN) agencies or non-governmental organisations.”*  
(International Federation for Human Rights (FIDH), 2009:1)

In other words, states must at all times grant access to displaced populations especially when they themselves are unable or unwilling to protect and assist them. There is a noticeable emphasis on a “back-up” role fulfilled by international agencies or NGOs, clearly imagined through the discourse as prominent members of the IHAC , which often discursively excludes other civil society organizations and/or local actors and communities. It is also noticeable that this message serves to reinforce the legitimacy of IHAC institutions to intervene, and in many cases assume a state-like role, when it (not the state) sees fit. This is in part made possible through the IHAC's construction of its own role as authoritatively knowledgeable of the “needs” of the displaced.

This tendency to imbue the IHAC institutions with authoritative knowledge is further reinforced in the text below. The IHAC is frequently portrayed as the only other major discursive entity capable of “assisting and responding to internal displacement”, even when mention is made of other actors in the ID discourse:

*“States should adopt a cooperative attitude to national and international NGOs involved in providing services to IDPs. Entering into regular dialogue with NGOs allows better identification of IDPs’ needs and develops good practice in meeting such needs.”*  
(International Federation for Human Rights (FIDH), 2009:1)

Some documents and texts, as in the above example, do mention the need for states to co-operate with “national” entities, but these references are often vague and more infrequent than those that discursively emphasize the role played by international organizations and agencies. These texts also

tend to express the wishes of major IHAC bodies even when referring to “national” or “local” entities, as above – a point that will be further explored in the next example below. , as mentioned in the literature review of this paper, not only is input from local actors, host communities and CSOs largely ignored in the discourse, but this disproportionate focus on the wishes of major IHAC actors tends to ignore the fact that the displaced are predominantly unable to be reached or assisted by either the state or major international agencies and NGOs (Misago, 2005; Polzer, 2008). Above all, what the documents and texts in this section portray is the construction of the IHAC's role as one able to evaluate and intervene in the role of the state, which places it in a position of control and enables it to police states’ responsibilities.

### **The Portrayal of CSOs and Other Local Actors for the Purposes of Reinforcing the IHAC's Role and Priorities**

The text in the previous section emphasizes the need to “co-operate” with local NGOs but does little to speak about potential roles and responsibilities for these entities within the ID discourse. This section explores the construction of roles and responsibilities for CSOs and other local actors as a further mechanism for the achievement of IHAC objectives.

Civil society organizations and many of the other non-state groups mentioned here are less frequently included in the ID discourse, due to the emphasis afforded regional, state and major IHAC actors. However, some notable exceptions exist. Their absence becomes particularly apparent through an examination of instances in key documents and texts. Below is an excerpt from an article posted on the United Nations Office of the High Commissioner for Human Rights (OHCHR) website that was published shortly after the adoption of the Kampala Convention, entitled “A global first: a Convention for the displaced”:

*“Where States do not have sufficient resources to provide the necessary protection and assistance required by IDP populations then they must seek the assistance of international*

*organizations and humanitarian agencies.* “ (United Nations Office of the High Commissioner for Human Rights (OHCHR), 2009:1)

Note that there is no reference made to CSOs (or any of the actors referred to in the ECOSOCC article) in this text nor throughout the entire publication by the OHCHR. The publication talks about the scale of the problem and the responsibilities of states and the “*international community*” to respond to “*internal displacement*”. Notwithstanding earlier discussions and texts that emphasize the importance of other actors, who are usually the first and only actors to respond to situations of forced displacement, states are once again tasked with the primary responsibility of responding. “[I]nternational organizations and humanitarian agencies” are presented as the only other alternative, which ignores the role that CSOs and local actors could play completely. Also, this message is especially noteworthy because of OHCHR’s position as a fairly influential source of the mainstream ID discourse.

This begs the question: is the role of local NGOs and other CSOs featured within the ID discourse, and if so, in what context? Indeed, they do play a role in the discourse, but it is worth noting the circumstances where this occurs. Let us therefore examine the portrayal of these actors in various ECOSOCC texts. The ECOSOCC texts are taken from the “Guide for civil society on supporting the ratification and implementation of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa: Making the Kampala Convention Work” (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010). Just from the title, note here again the theme of “willing” the Convention into existence.

This document was jointly produced by ECOSOCC, an AU body, and the IDMC, one of the most well-recognized international agencies focused on the phenomenon of internal displacement. As the name suggests, the guide's primary function is to reinforce efforts to ratify and implement the Convention (objective 1 of the IHAC), through the “guided” mobilization of local civil society. It does this firstly through several statements that promote the role of civil society, not just in the

ratification-implementation process, but also in the content of the Convention itself, for example:

*The Kampala Convention is unique in another aspect too, in that it recognises the crucial role of civil society in providing protection and assistance to IDPs.*” (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:1)

The guide acknowledges the space for the role of “*civil society*” before elaborating on its own translation of what this role entails.

Part of the “guiding” function that the ECOSOCC text fulfills incorporates the construction of roles and responsibilities for CSOs and “*host communities*”:

*“...the Guide provides CSOs with background information about the causes and impact of internal displacement, about their roles and those of host communities in helping IDPs, and practical information”* (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:8)

The guide therefore not only fulfills the role of conceptualizing the phenomenon of forced displacement, but goes further to construct the roles of CSOs and host communities within the context of this phenomenon, and through the interpretation – and legitimization - of the Kampala Convention. What should also be emphasized here is the role that is constructed for organizations such as ECOSOCC and the IDMC through the promotion of this guide. For example:

*“ECOSOCC is one of the principal mechanisms for African civil society organisations to interact with the AU Commission and AU member states.”* (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:1)

This text constructs the role of ECOSOCC as a coordinating body that is representative of “*African civil society organisations*”. It affirms the discursive role constructed for, and by, the ECOSOCC and IDMC by positioning them as knowledgeable about the needs of the displaced and the roles and responsibilities of the actors tasked with responding to this phenomenon. Illich astutely reflects on this discursive role for ECOSOCC and IDMC in his essay examining the construction of *needs* within the broader humanitarian discourse. He states in reference to welfare and its connection to needs:

*“It is an unprecedented mediation of scarce resources through agents who not only define what need is, and certify where it exists, but also closely supervise its remedy – with or without the needy's approval” (Illich, 1992:96).*

These assertions are clearly demonstrated in the ECOSOCC/IDMC Guide's objectives and interpretations above. ECOSOCC claims to speak on behalf of “African” civil society, whilst simultaneously acting as a mouthpiece. It is installed in a supervisory role through the ID discourse that purports to “highlight” the role of CSOs, host communities, etc. We can assume that the IDMC, through its involvement in the production of the guide and collaboration with ECOSOCC is also constructed as a “supervisor” in this process.

This leads back to the discussion that previously analyzed construction of the legitimacy of documents. In order for the technical guide to perform its core function of coordinating and constructing local responses to forced displacement, its “legitimacy” must first be established. Let us begin by further exploring the assertions of Illich. He notes Marianne Gronemeyer's contribution to the literature by stating that she:

*“shows that needs defined in terms of ostensibly scientific criteria, permit a redefinition of human nature according to the convenience and interests of the professionals who administer and serve these needs.” (Illich, 1992:97).*

This “*redefinition of human nature*” – in this case the conceptualization of forced migration – through “*ostensibly scientific criteria*” - the technical guide, Kampala Convention, etc. - is conveyed in the text below:

*“The Kampala Convention recognises the important roles that host communities play in protecting and assisting IDPs, and the burden this places on them....the Convention calls for assessments of the needs of host communities as well as those of IDPs, and the extension of assistance to host and local communities where appropriate. These provisions are important to ensure that governments and aid organisations take steps to reinforce local infrastructures and social services to meet the needs of IDPs and host communities alike.” (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:7)*

Both the “needs” of host/local communities and IDPs are referred to in this example. They must be

assessed and attended to by “*governments and aid organisations*”, thereby echoing the assertions of Gronemeyer.

In the context of the IHAC's pursuit of its key objectives within the ID discourse, these findings point, more than anything else, to the IHAC's reinforcement of its own role. As discussed in the first two examples, it attempts to achieve its previously stated objectives *through* the construction of the roles and responsibilities of “secondary” actors such as local NGOs, other CSOs and host communities. It promotes the achievement of its first objective to ratify the Kampala Convention through the mobilization of local NGOs, CSOs and host communities to exert pressure on the state in this regard, and achieves its second objective by inserting itself as the supervisor for these actors and, by implication, the “assessor” of the needs of the displaced. The IHAC, therefore, builds on its role as the enforcer of responsibilities, indirectly including those of the state.

#### **6.2.3.4 AU and State Responses to IHAC Messages**

States and regional institutions appear to show an awareness of the IHAC objectives in the ID discourse. AU documents convey various ideas and messages that often seem to preempt or react to IHAC objectives. We have seen references to “*shrinking international support*”, “*burden shifting*”, “*restrictive immigration policies*” and “*global emerging security threats*” in the documents previously analyzed. These themes are commonly used in AU-produced documents. The analysis of AU and state responses below explore the patterns and utilization of these themes.

#### **Promoting Ideas of Shared Blame for the Causes of Forced Displacement**

First, we examine a historical reference that is employed in the AU Special Summit conference background paper:

*“In the 1990s Europe was promoting restrictions on asylum and developed a new lexicon of terms like “interdiction”, “humane deterrence,” “carrier sanctions”, “safe first country”, and “economic refugees” to justify them. Soon African countries began to emulate these*

*practices, constricting the once lauded ‘open door’ policy that was hitherto associated with the continent.” (African Union (AU), 2008:16)*

This text speaks to some of the causes of forced displacement by grounding these causes in historical references to restrictive policies originating in Europe. The text maintains that these restrictive policies have been “emulated” by African countries. Africa, as is the case in many other AU-produced documents, is imagined as homogeneous: concepts of “*African countries*” and “*continent*” are again utilized. This homogeneity is used to apply the frequently-repeated hospitable – in this case “*open door*” – attribute universally. In other words, Europe is accused of negatively influencing Africa by causing it to lose some of its 'positive' attributes in favor of Europe’s “*lexicon of terms*”.

In texts such as the one above, Africa is often portrayed as a victim that succumbs to a corrupting Western influence due to its own naiveté. When this kind of idea is promoted, historical references to colonialism and associated themes of abuse are often employed. The following excerpt allows us to examine some other commonalities in these types of texts:

*“Characterised by arbitrary borders, the newly independent states were confronted by demands of irredentism and sub-nationalist movements that sought secession. In spite of the OAU commitment to retain colonial borders, the 1960s and 1970s saw numerous efforts at secession by Somalis in Ethiopia, Kenya and Djibouti, the Ewe in Togo, Ibos in Nigeria and Cassamance in Senegal. All these led to the outflow of people into exile. The problem was accentuated by the failure of governance with the spread of one party States, which restricted the space for dissent. Externally, the displacement crisis was linked to the imperatives of the Cold War, especially the geo-strategic calculations of the Super powers, as both the Communist East and Capitalist West aided allies in Africa, with those considered as “enemy” populations forced into exile. Combined these factors lead to what has been theorised as the African refugee crisis—the steady growth in the numbers of displaced and the crisis of protection and assistance.” (African Union (AU), 2008:11)*

Once again, this text focuses predominantly on causes of forced displacement, or what it terms the “African refugee crisis”. The message blurs the lines between generalized forced displacement and more specifically-constructed categories of the displaced such as refugees, thus further affirming the applicability of its connections to the ID discourse. Interestingly, this particular excerpt displays

what might be seen as an unusually high level of objectivity and even self-criticism (e.g. references to “*failure of governance with the spread of one party States*”). We are once again presented with historical references that lend a high degree of legitimacy to the message conveyed in the text; one that is reinforced through the adoption of a factual tone throughout. More pertinent, however, are the often subtle references to concepts such as “*colonial borders*” and “*the geo-strategic calculations of the Super powers*”. These images indirectly allude to the points made earlier regarding the victim-like conceptualization of Africa. To some degree, Africa can even be said to be portrayed as child-like in the discourse due to the references made to its 'age' ( in global state-formation terms), naiveté, and general victim-hood. This could explain why AU and state responses to commentary and evaluation-type messages from the IHAC often take the form of blame-shifting references to causes of displacement that are frequently rooted in the above ideas. Shared blame for the causes of forced displacement must therefore lead to shared responsibility for the requisite responses. It is an interesting example of the first type of response to IHAC discursive tactics from AU-produced documents and texts.

### **Shifting Responsibility for the Response to Forced Displacement**

As we saw in the previous section, AU documents and texts occasionally focus more on historical and somewhat abstract causes of displacement, apportioning blame evenly between local and international factors and actors. Concepts of sovereignty are also frequently emphasized, but there appears to be a reluctance to assume full responsibility for dealing with the issue of forced displacement, which inserts a distinction between the conceptualization of responsibility and sovereignty. This is in sharp contrast to the portrayal of these two concepts in the various IHAC documents and texts where these concepts are frequently linked. The AU depiction of responsibility as a shared concept can be seen in the text below:

*“Cooperation between states and multilateral actors is also necessary to provide an*

*enabling environment for upholding the principle of responsibility to protect.”* (African Union (AU), 2008:23)

The “*responsibility to protect*” principle (R2P), so widely linked to the role of the state in the IHAC documents and texts analyzed previously, is used here to highlight the importance of “*cooperation between states and multilateral actors*”. The reference to an “*enabling environment*” alludes to a possible indirect message from the AU that a duty such as the “*responsibility to protect*” can only be “*upheld*” if it is shared. This denotes a common tendency in many of the AU-produced documents. States and African regional institutions through the ID discourse appear to avoid taking full responsibility for dealing with forced displacement, apportioning blame widely and frequently appealing for increased international support. This may, in part, also be understood as an effort to reinforce their often precarious grip on power, through the material support they may gain from the IHAC. They seek the global and local reinforcement, support and legitimacy provided by the ID discourse because it may lead to an increased capacity to govern through the consolidation and expansion of their authority. Responsibility for responding to forced displacement is directly portrayed as a shared idea, the reasons for which will be further explored as this chapter unfolds.

Another way of shifting responsibilities occurs through the utilization of mechanism/device-like concepts, often of the variety discussed in previous sections. These mechanisms are portrayed within the ID discourse as possessing key attributes or responsibilities often attributed to the state. For example:

*“The Kampala Convention puts in place an African legal framework to prevent internal displacement, to protect and assist people during displacement, and to provide durable solutions for displaced people.”* (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:1)

This text mentions two mechanisms, the Kampala Convention and “*an African legal framework*”. Both mechanisms are imbued with the ability to “prevent”, “protect”, “assist” and “provide”. These are responsibilities commonly associated with states in the context of the ID discourse. Note also

that the present tense is used to portray a sense of the mechanisms already possessing these attributes, even though these attributes may only come into existence once the Convention has been ratified. This again reflects the “willing to reality” of the circumstances that might realize these attributes.

The reasons for this tactic in IHAC documents and texts were previously discussed, but it is curious why these same methods are applied to a device-like concept within AU documents. Let us examine some other texts in order to answer this question:

*“Solutions to displacement therefore require complex frameworks...The African Union Convention on the Protection and Assistance of Internally Displaced Persons [Kampala Convention] is one such framework. “ (Solomon, 2010)*

and

*“The Convention also recognizes the right of displaced persons to make informed decisions...” (Solomon, 2010:1)*

and

*“Ultimately, adoption of policies to prevent conflict and forced displacement and the effective implementation of these policies are central to the stabilization and regeneration of the continent, stemming the flow of displaced populations and, encouraging the return and rebuilding of displaced and affected communities.” (African Union (AU), 2008:23)*

These texts attribute some fairly significant responsibilities to mechanisms such as “*policies to prevent conflict and forced displacement*” and the Kampala Convention, including such lofty ideals as “*the stabilization and regeneration of the continent*”. No actors other than the displaced and institutions are mentioned in any of these texts. Note also that these attributes are assigned to mechanisms besides the Kampala Convention and that a number of them appear to be abstract objects such as *policies* and *frameworks*. One may argue that these texts are misleading in terms of the characteristics that they attribute to these device-like concepts, especially in light of the context (forced displacement in Africa) that they are supposed to function within. As mentioned above, these mechanisms are associated with state-like responsibilities in most cases.

The above findings tell us a number of things about the interaction between these devices

and the construction of state responsibilities within the ID discourse.

First, it is abundantly clear that there is a strong connection between these kinds of mechanisms and the construction of state responsibilities in whatever form. These kinds of concepts may be said to frequently act as markers for messages in the discourse that talk about responsibilities, especially when they are related to subjunctive-type images of “what should be”.

Second, AU documents and texts often tend to speak about the mechanisms as themselves possessing these key attributes and the ability to perform the actions so often associated with states in the IHAC documents. A number of potential motives emerge from this tendency.

Responsibilities and actions may be attributed to mechanisms in an effort to avoid associating these characteristics exclusively with states. This may be an effort to avoid assuming full responsibility for these responsibilities. As previously mentioned, few African states appear to demonstrate any urgency in ratifying the Convention. The Convention also appears to have little chance of fulfilling the subjunctive aspirations assigned to it through the discourse, especially without the requisite political will or institutional capacity to adequately implement its key provisions once ratified. Note here again that many of these pertain to the state's primary responsibilities to respond to forced displacement. It thus makes sense that states would be motivated to assign these responsibilities to others bodies or mechanisms as well.

If such an overwhelming majority of the responsibilities for the prevention of and response to forced displacement are directly attributed – by AU and some IHAC produced documents – to the Convention itself, it presents a clear reason for maintaining the Convention in a state where it “cannot fulfill” its responsibilities, as ratification would shift the responsibilities back to the state. This may also be why so many AU-produced documents tend to connect Africa's future with the ability to deal with forced migration. This association functions to indirectly attribute the attainment of “this future” - due to the attribution of these responsibilities to the Convention - to a mechanism that remains elusive. If the ratified Convention is considered the primary means for dealing with

forced displacement, while at the same time a ratified Convention would actualize the primary responsibilities of the state, the Convention's existence in perpetual pre-ratification purgatory absolves states from taking full responsibility for dealing with forced displacement. The pre-ratification status of the Convention may also provide powerful motives for the continued pursuit and provision of external support from alternative sources such as the IHAC. Many states currently rely heavily on international support for legitimacy and valuable resources (see Hovil 2007). Delaying the ratification of the Kampala Convention therefore presents states with an ideal opportunity to maintain the status quo, whilst at the same time deflecting responsibility for dealing with issues pertaining to forced displacement. A key tension therefore emerges between the IHAC objectives of forcing states to assume responsibility through the ratification of the Kampala Convention, and the state response to delay ratification and discursively assign as many of the state-like responsibilities as possible to this and other entities that are currently not, and appear to be some way from being, realized.

#### **6.2.4 The Construction of State Responsibilities vis-a-vis Non-State Actors and Armed Groups**

This final section of analysis will complete the discussion surrounding the various ways that the responsibilities of the state are constructed. This analysis also reflects tensions within the discourse and includes perspectives derived from IHAC and AU produced documents. This section is important because it adds to the discussion of motives and the contestation emerging from the discourse. Findings are once again strongly grounded in the concept of legitimacy as this emerges as a key determinant in the portrayal of non-state actors and armed groups.

*Non-state actors* and *armed groups* appear as a particularly important group *to*, and not always *within*, the ID discourse. This makes sense, especially in the context of institutionally weak states, the battle to project authority and the resultant contestation of power evident in many African countries today. Their importance is underscored both by the manner of their inclusion and, at

times, their exclusion from the ID discourse. In the examination of this group, it becomes critical to once again distinguish between AU/state-produced documents and those that emanate from the IHAC. Let us begin with a statement by the Secretary General of the UN, Ban-Ki Moon:

*“The increased presence of non-state actors makes it more urgent for humanitarian actors to engage with such groups to seek their compliance with the law and unhindered access to those in need.”* (Moon, 2009:2)

In this text we see an acknowledgement of the importance of “*non-state actors*”, but this importance is only emphasized *vis-à-vis* humanitarian actors. It is not immediately clear what group of people the text is actually referring to in its utilization of this broad term, although a preceding reference to “*contemporary conflicts in the region*” allude to the generally-accepted state-use of this term i.e. armed groups who are in opposition to the state. That being the case, the mention of an “*increased presence*” conveys the idea of an escalating local contestation of power in the region and an acknowledgement of state institutional fragility. Note that no mention is made of the state in reference to the need to engage with these groups. This is interesting because humanitarian actors are tasked with seeking “[non-state actor’s] *compliance with the law*” and achieving “*unhindered access to those in need*”, which one would normally consider to be state responsibilities. We therefore see a reference to humanitarian actors – and we can assume that this particular text makes strong references to the UN specifically – that again assumes a state-like interventionist role in the ID discourse. A final point of interest emerges when we note that this text refers to non-state entities in the context of *causes* and *responses* to forced displacement, a point that will be further investigated as this section unfolds.

Let us now compare this message to documents produced by an AU body and the Brookings-Bern Project on Internal Displacement:

*“...in accordance with states’ duties to prevent interference with the enjoyment of human rights by non-state actors, states must hold members of armed groups criminally responsible*

*for human rights abuses and violations of international humanitarian law.” (Economic - Social and Cultural Committee (ECOSOCC(AU)), 2010:13)*

and

*“...national authorities bound by the [Kampala] convention are also obliged to ensure that individuals who commit acts of arbitrary displacement are held responsible for these acts. This obligation extends to holding non-state actors, such as insurgencies and rebel groups, private military contractors, and multinational corporations, accountable for arbitrary displacement.” (Solomon, 2009:1)*

We again see the correlation of *non-state actors* with *armed groups* that are in opposition to the state. However, in these instances, the message is stronger and more clearly negative due to the use of associations with themes such as the “*interference with the enjoyment of human rights*” and “*individuals who commit acts of arbitrary displacement*“. The term *non-state actor* is also depicted as a combatant-type concept due to the sub-categories that are discursively linked to this term i.e. insurgencies and rebel groups. Of interest too is the portrayal of the state's role as the body that must keep these groups accountable for their role in the *causes* of forced displacement. This message conveys imagery of the state as holding a morally superior position. As we know from information related to the socio-political configurations involved in the causes of forced displacement in Africa, this is not always the case, as states are frequently responsible for causing forced displacement themselves. Once again, the role of the state as constructed in the above two texts may be questioned due to the already discussed wide spread problems with institutional fragility and issues with state projection of authority. In other words, states’ ability to fulfill these responsibilities remains questionable. Note here the difference with the UN text in terms of the association of non-state actors – who are mostly armed groups in the discourse – exclusively with the *causes* of forced displacement. This demonstrates how the state projects of the idea that these groups are “part of the problem”; never are they considered part of the solution. Of significance too is the portrayal of the state's role as central to ensuring that these groups are held responsible for their actions. This is in contrast to the UN text that focuses more on casting humanitarian actors in this role.

These findings may be explained through a discussion of legitimacy as it applies to *non-state actors* within the context of actors involved in the causes of forced displacement. Maru raises a number of points concerning the distinction between *non-state actors* and *armed groups*, partly in response to the apprehension displayed by states to have armed opposition groups included in the Kampala Convention. The reticence on behalf of states to include non-state actors in the Convention appears to be due to the recognition (i.e. legitimacy) that this might afford them. Maru states in acknowledgement of the fear and in reference to the legal implications:

*“Many delegates of African Union member states, as expected, seem to support that on the one hand responsibility be imposed on ‘armed groups’ but on the other do not want the convention to implicitly grant recognition to them. This is very difficult to legally conceptualize as responsibility can not be imposed on groups not recognized by the law of their respective countries. Many member states expressed their concern, and some argued vehemently, that a mere mentioning of armed groups and their responsibility in the draft AU IDPs Convention [later to become the Kampala Convention] entails the recognition of armed groups by the state parties.”*(Maru 2009:93)

and

*“a suggestion was made to change the term ‘armed groups’ to ‘non-state actors’.”*(Maru 2009:94)

The above texts are revealing for a number of reasons. First, two of the perceived dual discursive functions of the Convention are made explicit: constructing the responsibilities of, and according recognition to, actors. The latter may also be interpreted as granting legitimacy. Both functions have been discussed in previous discussions, but it is noteworthy to reiterate their construction and reproduction in this instance because of the clarity with which they are acknowledged, and due to their potential applicability to a wide range of actors that fall outside of the major groups already discussed. This text demonstrates that the existence and potential utilization of these discursive functions may present document and text-producers with certain difficulties in terms of their prioritization with respect to each other. In other words, and as is the case above, the AU may have to decide whether the possible imposition of responsibilities on armed opposition groups through the ID discourse – and through the utilization of the Kampala Convention as its discursive locus - is as important to them as the recognition (legitimacy) that these groups could gain from this

inclusion. Note how affording recognition to these groups is essentially conceptualized as directly competing with the recognition/legitimacy of states, conveying their concern regarding their position of authority.

This concern is mirrored in subtle ways by other document producers and sources, as in the extract below:

*“The [Kampala] Convention emphasizes the sovereignty of member states but spells out the obligations and responsibilities of armed groups.”* (Integrated Regional Information Networks (IRIN), 2009:1)

The above message accurately depicts the discursive conundrum that exists in the ID discourse by linking and contrasting the *“sovereignty of member states”* with the *“obligations and responsibilities of armed groups”* through the reproduction of the two functions simultaneously. This text seems to acknowledge the fact that the latter function of the Convention somehow undermines the former through the use of the word *“but”*. Note too that this text reproduces the well-established IHAC linking of the concepts of sovereignty and responsibility.

Other documents and texts are more direct in conveying the fears of states related to the power of the Convention to reinforce the legitimacy of other actors:

*“the inclusion of armed groups in the draft [Kampala Convention] was interpreted by some member states as lending legitimacy to such groups.”* (IRIN, 2009:1)

It would appear that the AU, no doubt at the behest of its member states, attempted to negate this concern through the inclusion of provisions in the Convention such as the one below:

*“While outlining the obligations of armed groups in Article 7, the Convention explicitly states that this shall not and cannot be construed as affording legal status or legitimizing or recognizing armed groups.”* (African Union (AU), 2009a:2)

It is most interesting that Article 7 of the Convention (referred to above) appears to once again abdicate the policing of the *“obligations of armed groups”* to abstract discursive entities such as

“*domestic or international criminal law*” rather than referring directly to the state. This is possibly an acknowledgement of the states’ inability to fulfill this responsibility. As we have seen already, AU-produced documents and texts frequently utilize mechanism-type concepts to deflect and distance themselves from responsibilities that might seem unattainable. The above message makes little practical sense in this context, especially when, as stated previously by Maru, these groups are not to be afforded legal status or any sort of recognition by the Convention. One wonders how “*the law*” - so dependent on definitions - is to respond to these limitations. Whether these provisions are, in practice, able to address the concerns of member states is open to conjecture and may only be known through research that ethnographically examines the responses of various actors and institutions to the discourse. What is clear, however, is that discursive techniques utilized within Kampala Convention and the related ID discourse are no guarantee that the outcomes of these provisions can be planned by the producers of the discourse.

In concluding the discussion surrounding the depiction of non-state actors and armed groups, it is important to reiterate some of the implications for the position and role of the state. First, these groups/actors are cast in direct opposition to the state in terms of the recognition afforded to them in the discourse within the AU-produced documents. This point once again highlights the potential legitimacy that is discursively conveyed. State responses seem to indirectly indicate an acknowledgement of the power that many of these groups possess, at least in relation to the power of the state. We therefore see efforts to portray these groups as key contributors to the causes of forced displacement, while simultaneously attempting to elevate the state's position.

Second, the position of the AU and states appears to become even more precarious when we note from previous discussion that AU/state produced documents, especially, tend to emphasize the state's role in keeping these groups responsible for their actions. This second point relates to the power of the discourse to construct the responsibilities of key actors. This may be why we find the state pursuing the projection of messages that reinforce its own legitimacy, often through the

portrayal of its responsibilities, whilst at the same time delaying ratification of the Kampala Convention due to their inability or lack of will to fulfill their stated responsibilities.

Third, the conceptualization of local and non-state entities as playing a role in the causes of, or responses to, forced displacement effectively utilizes the settled nature of the FM concepts to construct the roles and responsibilities of these actors, often according to the priorities of the major document producers such as the AU and the IHAC. For example, the IHAC's portrayal of non-state actor's role in advocating for the ratification of the Kampala Convention, discursively located within the ambit of responding to forced displacement.

### **6.3 Discussion – Chapter 3**

This chapter provides us with clear evidence of tensions, and the contestation of ideas and messages, that exist within the documents and texts selected for this analysis. Distinctions have emerged from the discourse between the priorities of the AU and African states, and major IHAC institutions. This in itself does not come as much of a surprise due to the fair amount of contemporary literature already dedicated to analyzing the differing priorities of the IHAC and states receiving large amounts of international aid, or those with large scale violent conflicts or natural disasters that result in forced displacement (see Barnett, 2001, Buonfino, 2004, Chandler, 2001, Collinson et al., 2009, Gasper, 2005, Illich, 1992, Moore, 2000, Polzer, 2008, Rajaram, 2002, etc.). What is interesting about this particular set of analysis, however, is the appearance of these tensions from a discursive perspective analyzed *within* the ID discourse and the context of responding to the phenomenon of internal displacement in Africa. These tensions are internalized as a key factor in our understanding of this phenomenon, through the unearthing of core messages and ideas emerging from the ID discourse. The significance of these findings will be further dealt with in the concluding discussion of this paper, thus, let us focus here on summarizing some of these key points related to these findings.

We begin by noting the some of the key objectives of the state and the IHAC as they appear in the various ID-related documents. It is important to distinguish between the various groups of document producers (the IHAC and AU produced documents) for the purposes of teasing out some of the common themes and major distinctions between the messages and ideas contained in both sets of text groupings. First, we can observe that major objectives for the larger IHAC institutions appear to revolve around the speedy ratification and successful enforcement of the Kampala Convention. Plainly stated, this points to a clear desire on the part of the IHAC for states to take full responsibility for dealing with the forced displacement that occurs within their own borders. This responsibility ranges from prevention to protection and assistance of the displaced.

The IHAC balances its knowledge of the importance of sovereignty to states and the AU with its own prioritization of the state's acceptance of responsibility for dealing with forced migration by discursively linking the two concepts in many of its messages. In other words, the IHAC emphasizes the concept of state sovereignty *with* responsibility. Many of the IHAC messages are action-oriented, preferring to focus on language that may compel states to actively respond, whether through an emphasis on the importance of the Kampala Convention and its ratification process, or through the reinforcement of a need to make a “clean break” from the past. The IHAC attempts to construct a role for itself in the discourse that serves the objectives outlined above, particularly relating to enforcement of the Kampala Convention. Major IHAC agencies and institutions are portrayed as central to, or even authoritative regarding, responses to forced displacement. This serves to reinforce the IHAC's increasingly interventionist role in many of the regional contexts resulting in forced displacement, and enables it to “police” (i.e. enforce) the implementation of provisions relating to state responsibilities contained in the Kampala Convention. The IHAC documents and texts also use mechanism-type (device-like) concepts – such as the Kampala Convention, frameworks, instruments, etc. - to convey and reiterate state responsibilities. These mechanism's construction and implementation are also used as a measure of action and the

level to which responsibilities, usually of states, are fulfilled (see Chapter 1 regarding ideas of bureaucratic progress). IHAC documents frequently utilize the discourse to construct roles for other actors, such as local civil society and non-state actors, for the purposes of achieving its first objective, namely the ratification of the Kampala Convention. The IHAC is portrayed in the discourse as a key actor and sometimes even the “senior partner” within the context of responding to forced displacement, which serves to emphasize the IHAC's role as a directive entity within the ID discourse.

By contrast, states and the AU appear to prioritize their own sovereignty and legitimacy as bodies of oversight within the region and internationally. This results in a number of complicated discursive responses that simultaneously attempt to undermine or avoid the realization of the major IHAC objectives, whilst at the same time promoting their own. For states, this often appears in the form of efforts aimed at the reinforcement and maintenance of control, reflecting the existence of some form of localized power contestation, or at the very least a need for support. There are several nuances to this particular reaction or response. For instance, states require the support of the IHAC both from a material and legitimacy perspective. However, they remain wary of over-committing themselves by too readily accepting the imposition of responsibilities that often accompany such support and legitimacy. This may initially appear as mixed messages in the discourse, but careful analysis goes some way towards exposing the potential reasons behind these complicated dynamics. State and AU discursive tactics are more wide ranging and, as previously stated, seem to contain responses to the key IHAC messages, as well as the promotion of their own. AU and state produced documents appear to use the Kampala Convention adoption and ratification process to 1) promote state sovereignty as a means of increasing their own legitimacy; and 2) frequently depict causes of forced displacement as being attributable to lack of state control, as can be seen in the text below:

*“Displacement in this region [Africa] is associated mainly with the phenomenon of weakened state control over territory.”(African Union (AU), 2008:13)*

The message is clear in this case: states need control over their territories in order to deal with forced displacement. This makes sense on one level because a major cause of forced displacement in the region remains intra-state conflict (Crisp, 2006). It also reiterates the importance of legitimacy, which must be seen as a vital pre-requisite for control. But there may be other reasons for states to position “lack of control” as a direct impediment to dealing with forced displacement. If states conclude that they may not currently have the required control to fulfill their responsibilities to deal with forced migration, they have clear grounds to request support from other sources, such as the IHAC. States appear to be saying that control is necessary for them to take full responsibility for forced displacement, and the clearest path to obtaining this control is through international acknowledgement of their sovereignty (legitimacy) and the continued or increased provision of material support from the IHAC. This need for support is further reinforced through the apportionment of blame for forced displacement to various factors, both external and internal to the region, appealing to normative ideas of who should be tasked with the responsibility of dealing with this phenomenon. The continued projection of messages that portray forced displacement as a direct impediment to Africa's vision for the future further serves to emphasize the need for support in the context of previously conveyed ideas surrounding the promotion of shared responsibilities.

The final tactic employed by the AU and states encompasses a mixture of discursive messages and the continued inaction of states regarding the ratification of the Kampala Convention. By discursively shifting many state-like responsibilities – and quite often the “resolution” of issues of forced displacement - to mechanism-type concepts such as the Kampala Convention, and other policies, frameworks and instruments, states are able to prevent these responsibilities from being shifted back onto them by maintaining these mechanisms in an un-implemented state (e.g. pre-ratification). This creates a distance between states and these responsibilities through the ID discourse. At the same time, this distance also ensures that the other “interim” measures required to

respond to forced migration (i.e. continued IHAC donor funding), which might also further increase the material support and legitimacy afforded to states, are sustained.

These complicated dynamics are apparent only through a careful analysis of the ID discourse and an interrogation of this analysis with information related to the context of forced migration in the region. This chapter reiterates the important role played by the ID discourse in the pursuit of key state/AU and IHAC objectives, the extent of which may only be fully grasped by complimenting the findings of this research with an ethnographic study aimed at ascertaining the reach and effect of these discursive messages and ideas. These points add to our developing view of the ID discourse, not just as a projection of the priorities of key actors and document and text producers, but as a vital tool for the accomplishment of the resultant objectives of these actors. In this way, the discourse therefore appears as an integral factor in our understanding of the phenomenon of forced displacement. Critically, this chapter highlights the process of negotiating the limits and key concepts contained within the ID discourse by states and the IHAC.

## **7 Conclusion**

*“Regardless of how complete they may appear, discourses, in fact, are always the subject of some degree of struggle”* (Phillips, Lawrence, & Hardy, 2004:637)

Discourse is frequently conceptualized as a site of struggle (see Hardy, 2001; Parker, 1990). Throughout this paper the multiple references to the ID discourse may have been somewhat misleading, portraying an image of homogeneity regarding the content and functions of the documents and texts analyzed. This could not be further from the truth, seeing that as the analysis has unfolded, the disparate nature of the messages and ideas produced by the AU and IHAC has emerged as one of the clearest outcomes. Rather, the documents selected as representing the ID discourse may be seen as a grouping of texts, or even sub-discourses, based on their subject matter and connection to the Kampala Convention (see sub-discourse discussions in Van Dijk, 2001; I

Parker, 1992; Potter & Wetherell, 1987).

Therefore, the two concluding points of this research relate to the effect that the reproduction of key concepts, especially from the refugee discourse, has on the “sites of struggle” within the selected documents and texts, and the impact that this has on the battle for priorities in the key messages contained in the ID discourse, particularly with reference to AU and African states.

First, this research provides us with a clearer understanding of the conceptual boundaries of the ID discourse by pointing out the various ways in which key discursive messages and ideas may be questioned. In particular, the frequently discussed reproduction of refugee concepts within the documents and texts raises a number of questions related to their utilization and applicability within the context of internal displacement. The conceptualization of the forced migration cycle was shown to be limited and oftentimes exclusionary with regards to its use in the ID discourse. Likewise, the tendency to prioritize the establishment of comparable migrant categorizations appeared to be misguided at best and inapplicable at worst. Very rarely was there any acknowledgement within the selected documents of the possible distinctions between the causes of and responses to refugee and IDP contexts, apart from a handful of academic sources. The well-known and contemporary dearth of information related to internal displacement was also barely mentioned as a major distinguishing factor.<sup>11</sup> Multiple references to the 1969 OAU Refugee Convention as a historical precedent for African states probably best illustrated the occurrence of misplaced discursive reproduction. In sharp contrast to the Kampala Convention, the OAU Refugee Convention does not, for instance, require states to ratify and domesticate laws that take primary responsibility for dealing with causes and effects of forced displacement. These and several other distinctions between the factors related to refugee and internal displacement contexts may have serious consequences for the responses to forced displacement in Africa, especially seeing as these

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<sup>11</sup> Refugee crises generally produce better sources of information. This is because migrants cross borders and asylum procedures act as an added and detailed source of information regarding the various factors that contribute to this phenomenon.

responses are frequently discursively-framed. Furthermore, these findings demonstrate some of the conceptual boundaries of the ID discourse by highlighting exclusions and limitations contained in the analyzed documents.

Second, the findings contained in this paper demonstrate the occurrence of and level to which negotiations – or struggles - are taking place between the major actors within the analyzed texts. Apart from the displaced themselves, African states are the most seriously impacted by these conceptual boundaries, tasked in the Kampala Convention and multiple IHAC documents with assuming the primary responsibility for the prevention of and response to situations of forced displacement. The IHAC, according to the ID discourse, has little official responsibility and frames its own involvement in the guise of providing oversight, supervision and, most importantly, enforcement of the obligations associated with the state's role.

There is a surprising lack of visible contestation from the AU and African states over the IHAC's – and therefore frequently the ID discourse's – “building block” messages and ideas. The AU and African states have rarely disputed: 1) the shifting of roles and responsibilities to states through the use of accepted refugee texts and concepts; 2) the imposition of pre-constructed ideas and concepts related to the conceptualization of forced migration as a generalizable phenomenon; and 3) the utilization of widely reproduced ideas regarding the required responses to forced displacement in Africa.<sup>12</sup> The latter message features less than the previous two within the ID discourse, but this is curious due to the widely acknowledged complexity of the forced displacement phenomenon in Africa. The above findings may all be attributable to states' inability to break discursive paradigms (boundaries) that are imposed mainly through the reproduction of concepts from other discourses (i.e. refugee). Campbell summarizes the effects that these paradigms can have by stating that:

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<sup>12</sup> The most frequently reproduced ideas pertaining to the responses to forced displacement have come under an increasing amount of scrutiny from leading scholars, due to their inability to adapt to the differing contexts within which forced displacement occur (see Zetter 1991; Misago 2005; Bakewell 2001).

*“Paradigms constitute broad cognitive constraints on the range of solutions that actors perceive and deem useful for solving problems” (Campbell 1998:389)*

and

*“Paradigmatic effects are profound because they define the terrain of policy discourse.”(Campbell 1998:389)*

It seems as if the space for “struggle” within the ID discourse has been somewhat reduced due mainly to the large-scale reproduction of settled refugee concepts and messages that impact on the paradigms referred to by Campbell. Very little discursive space has, for instance, been dedicated to messages that convey the unique dynamics of migration as a generalized and wide-spread phenomenon in Africa. A large percentage of the ID discourse has seemingly been imposed from external and outwardly legitimate IHAC sources, resulting in the exclusion of ideas that originate from regions currently dealing with large-scale internal displacement. The effect has been the construction of what appear to be overly narrow conceptual paradigms associated with internal (and forced) displacement. This is a very worrying outcome if we take into consideration how poorly understood the phenomenon of internal displacement in Africa is currently. These assertions and the findings from this research thus point towards the need for the increased deliberation of key messages and ideas in the ID discourse of states, the AU and major IHAC actors. However, this is not the only factor emerging from the ID discourse that can explain the reticence of states to challenge and shift the IHAC-promoted discursive paradigms.

Chapter 3 alludes to some of the motives that may exist for states to maintain and even utilize the current discursive paradigms. States have preferred to focus on avoiding the various responsibilities thrust upon them through several means, such as the external apportionment of blame for causes of forced displacement, and the maintenance of the Kampala Convention in a state of pre-ratification. These tactics are well-contained within the discursive paradigms previously discussed. The rules of engagement and the boundaries of the ID discourse appear to be notably limited for the effective engagement of issues relating to internal displacement. These rules also

appear to be relatively unchallenged by most African states who seem to choose instead to respond within the paradigms already established for the ID discourse. However, this response may be better understood if the bureaucratic process pertaining to the adoption and ratification of the Kampala Convention is also thought of as an opportunity for states to establish and reinforce state sovereignty and control through the legitimacy and material support provided by the IHAC, rather than solely as an attempt to deal with the contemporary phenomenon of internal displacement in Africa. As previously discussed, within the African context of wide-spread contestation of power, and the ever-present pursuit of legitimacy, a number of powerful and self-motivated reasons may exist for African states to continue to respond to the ID discourse within the well-established discursive paradigms that currently exist.

In conclusion, this research report hopes to provide the basis for a closer examination of the manner in which internal displacement is spoken of by states and the IHAC, particularly in light of the purported aims of the Kampala Convention adoption and ratification process. There is plenty of scope for many of the key messages and ideas currently contained in the ID discourse to be contested. In the field of forced migration studies, the ID discourse and the important messages of states and the IHAC contained therein, emerge as important focus areas if we are to effectively respond to the widespread and poorly understood phenomenon of internal displacement in Africa.

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## 9 Appendix A

The following documents have been selected for the purposes of this analysis:

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