When People Flee: Rule of Law and Forced Migration
The Annual ABA ROLI Conference on Contemporary Rule of Law Issues
Co-sponsored by The George Washington University Elliott School of International Affairs
Date: April 17, 2018
Time: 9 a.m. - 5 p.m.

Conference Theme and Goals
The global migration and displacement crisis demands new, comprehensive, and long-term solutions. With a record 65 million people fleeing their homes within and across national borders, and displacement becoming increasingly prolonged, forced migration can no longer be addressed solely as a short-term humanitarian problem – with tents and food to meet temporary needs until people can return home. Nor, in our interconnected, globalized world, can any country pretend to solve the problem alone by merely strengthening its borders. The scope and scale of forced migration today requires a new approach that can tackle its root causes, ensure the safety and human dignity of those forced to flee, and provide sustainable solutions for refugees and internally displaced people. To meet the challenge, over the course of 2018, the United Nations is convening member states to negotiate two new global compacts, one on migration, aiming to cover all dimensions of international migration in a holistic manner, and the other on refugees, providing a comprehensive refugee response framework that acknowledges shared international responsibility and is informed by practical experience.

Rule of law development should form a key component of this new holistic approach, as gaps in the rule of law are both drivers of forced migration and obstacles to sustainable solutions. Very often, at the roots of forced displacement are rule of law problems in countries of origin – lax and discriminatory laws, weak governance and justice systems, crime, corruption, statelessness, persecution and other gross violations of human rights, violence and conflict. In transit and destination countries, refugees and displaced people face rule of law challenges again in the form of criminal exploitation by smugglers and traffickers; prolonged detention in substandard conditions; immigration and refugee status determination procedures that fall short of international standards; hurdles to obtaining legal identity documents, residency registration, work authorization and access to basic services; xenophobia and discrimination. Women and children, particularly those unaccompanied, are among the most vulnerable and require a special attention.
To contribute to the international response to the refugee and migration crisis, the American Bar Association Rule of Law Initiative (ABA ROLI), the leading U.S.-based non-profit rule of law development organization, will devote its 2018 Annual Conference on Contemporary Rule of Law Issues to elaborating the relationship between rule of law and forced migration and identifying effective rule of law responses. The daylong conference will be organized to track the paths of people who have been forcibly displaced – from their countries of origin, through transit countries, to destination countries – with break-out sessions to facilitate in-depth review of country case studies, analyze the rule of law dimensions of the problem, highlight legal responses proven to be effective, and develop recommendations that can shape a rule of law approach to the forced migration crisis.

Conference Participants and Stakeholders

"When People Flee: Rule of Law and Forced Migration" will be convened by ABA ROLI in collaboration with The George Washington University Elliott School of International Affairs, and with support from other relevant ABA entities and partner organizations. The conference will convene a diversity of stakeholders in the refugee and migration policy arena, connecting the legal and rule of law development communities with humanitarian organizations, donor agencies, and the private sector for cross-sectoral discussions aimed at exchanging lessons learned and articulating a shared agenda for addressing the rule of law dimensions of migration and displacement.

Conference Outcomes

In preparation for the conference, ABA ROLI will prepare a background paper in its Rule of Law Issues paper series, surveying academic and policy literature on the relationship between rule of law and forced migration, highlighting from ABA ROLI's work lessons learned about potential policy responses, and identifying key questions to be addressed at the conference. Rapporteurs will summarize each of the case studies addressed in the conference, and an expert working group will meet following the conference to identify key takeaways and policy recommendations, to be published together with the case studies as a final conference report. The conference proceedings and recommendations will be distributed to policymakers in the U.S. government, other governments, and international organizations to inform the negotiation and implementation of the global compacts.