



CANADA'S PERIODICAL ON REFUGEES

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WORKING WITH REFUGEES AND INTERNALLY DISPLACED PERSONS

Displaced Persons: Protection and Assistance Challenges

Ogenga Otunnu

Profound crises of legitimacy of the state, its institutions, political incumbents and their challengers continue to violently displace tens of millions of people.¹ These crises, which are partly the logical outcome of the severe crises of legitimacy of the international socio-economic and political systems, have more harrowing effects on two types of states: those that are despotically strong but infrastructurally weak, and those that are despotically weak and infrastructurally weak.² Most of these states are located in what is controversially referred to as the "Third World." It is also in this geopolitically and economically marginalized and unstable region, where the overwhelming majority of those who are externally and internally displaced reside, that massive violations of human rights take place. Indeed, the growing number of refugees and internally displaced persons in this region highlights both the magnitude and intensity of massive violations of human rights. Also, it illuminates the severe inadequacy of existing humanitarian and human rights response systems, and the inter-

national moral deficit in the post-Cold World era.

The growing magnitude of the crises of external and internal displacement calls for comprehensive and coordinated strategies to address the

causes of displacement: profound crises of legitimacy on both the domestic and international fronts, and violations of human rights. On the domestic front, the severe crises of legitimacy of the state, its institutions, the incum-

CONTENTS:

Displaced Persons: Protection and Assistance Challenges <i>Ogenga Otunnu</i>	1
Managing and Containing Displacement after the Cold War: UNHCR and Somali Refugees in Kenya <i>Jennifer Hyndman</i>	6
Trauma, Development, Dispossession: "Telling the Story" of Refugees and Suffering in Somali Ethiopia <i>Christina Zarowsky</i>	11
Role Adjustment in Southeast Asian Refugee Families <i>Maureen Lynch and Leslie Richards</i>	18
The Canadian Jewish Community Serving Newcomers <i>John Morris</i>	24
Refugees and Internally Displaced Persons in the Former Yugoslavia in the Light of Dayton and Paris Agreements <i>Vladimir Grecic</i>	31
Hong Kong and the Indo-Chinese Refugees: Reflections on the International Refugee Environment <i>Alex Cunliffe</i>	38
Human Rights, Refugees and Internally Displaced Persons: The UN Commission on Human Rights <i>Tim Wichert</i>	41

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bents and their challengers generate tensions, conflicts, violence and violent displacement. Such a society, which may be despotically strong but infrastructurally weak or despotically weak and infrastructurally weak, is an important site of violations of human rights and pressing humanitarian tragedies.

On the international front, the severe crises of legitimacy of the despotically strong international economic and political systems undermine economic development and the emergence of sustainable democratic, accountable and legitimate political systems in the faltering states. The despotically strong international economic and political systems also violate the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* of the marginalized and vulnerable inhabitants of the "weak" states. By violating these rights which work together with the *Universal Declaration of Human Rights* and form the basic norms for individual protection in the human rights field, the international systems contribute to the crises of both external and internal displacement, and humanitarian tragedies in the weak states.

Although the need to address the causes of the multifaceted crises has been highlighted for decades, no substantial, coordinated and sustained progress has been made on either the domestic or international front. Indeed, whatever progress has been made on the international front, for example, is an uncoordinated and quite inadequate to address the causes of the crises. Similarly, on the domestic front, in the weak states, very little efforts, if any, has been made to change the despotic nature of the states, institutions, political culture and systems. In fact, even many of the so-called "new leaders" in some of these states, particularly in Africa, are as despotic as the old rulers they replaced. The result is that the problems persist, and very pressing humanitarian tragedies continue to confront the international community.

As the causes of the crises persist, the UN office responsible for assisting and protecting those who are externally displaced, as a result of wellfounded fear of persecution, United Nations High Commissioner for Refugees (UNHCR), attempts to apply three "durable" solutions: voluntary repatriation; settlement in the country of asylum; and resettlement in a third country.

However, as many studies demonstrate, repatriations are rarely voluntary. Often, they also take place when the very hostile conditions that displaced the refugees have not changed. ³ For example, in 1996, approximately 100,000 Rwandan refugees were forcibly repatriated from Burundi. ⁴ In December 1996, Tanzania forcibly repatriated some 470,000 Rwandan refugees. Tanzania justified its violations of the rights of the refugees on two grounds. First, that the former Hutu extremists who committed genocide in Rwanda were preventing the overwhelming majority of Hutu refugees from repatriating voluntarily to Rwanda. While it was true that the former Hutu extremists controlled the camps and did not want the refugees to repatriate, the overwhelming majority of the refugees did not want to repatriate for fear of persecution by the Tutsi-dominated regime and army in Rwanda. The deaths of more than 2,000 Hutus in the overcrowded jails in Rwanda, the torture and dehumanization of many more Hutus in jails in Rwanda, the confiscation of land and property previously owned by Hutu, the massacre of over 4,000 Hutu in Kibeho camps by the Rwandan Patriotic Army (RPA), and the massacre of over 100 Hutu in the northwestern village of Kanama by the RPA, convinced the overwhelming majority of the refugees of the danger of repatriation. It was, therefore, not surprising that the overwhelming majority of the refugees responded to the forcible repatriation by attempting to escape to less hostile neighbouring countries. The second rationale that Tanzania offered for the *refoulement* was that the condi

tions that had displaced the refugees did not exist any more in Rwanda.⁵

However, the primary motives for the *refoulement* were to restore regional security, discourage possible armed opposition by the refugees against the Rwandan government, ensure the arrest of Hutu extremists or the *interhamwe* who had committed genocide in Rwanda, reduce the growing financial and environmental responsibility of protecting and assisting the refugees, contain the growing hostility in parts of Tanzania towards the Hutu refugees, and force the international community to re-direct resources from refugee camps in the neighbouring countries to Rwanda.⁶

Another example of forced repatriation that took place during conflict was from Zaire (renamed the Democratic Republic of Congo) in mid-November, 1996. This incident was sparked off when Zairean rebels, heavily supported by Rwandan and Ugandan troops, waged war against the Mobutu regime in October 1996. Many Hutu refugees were subsequently slaughtered by the rebels. Denied both protection and assistance by the international community, induced to repatriate by some international aid agencies, suffering from increasing terror from armed Hutu extremists, and faced with possible extermination by the Rwanda and Uganda-assisted Zairean rebels, some 500,000 refugees repatriated to Rwanda.⁷ The forced repatriation was supported by some of the 70 international aid agencies that had crowded Zaire to assist the refugees, and some human rights organizations. These groups supported violations of the rights of the refugees for a variety of reasons: frustration with the reluctance of the international community to disarm the Hutu extremists who continued to destabilize both the camps and Rwanda; the need to restore security in the region; the need to protect the Rwandan government; and the need to cut down the financial costs of assisting and protecting the refugees. Industrialized countries, under the leadership of Canada, also supported and celebrated the

refoulement. The position of these countries reflected the unwillingness to engage in a potentially dangerous armed humanitarian intervention to provide the refugees with protection and assistance. It also reflected the reluctance by these countries to provide the resources requested by some member states of the Organization of African Unity (OAU) for an armed intervention by a regional force. Having forfeited their international obligations, the industrialized countries, with other supporters of the *refoulement*, began to play the numbers game regarding the hundreds of thousands of the refugees who "suddenly disappeared" in the forests of Zaire.⁸

Resettlement in a third country, as a durable solution, does not provide protection or assistance to the overwhelming majority of the refugees. Thus, focusing on African refugees, B. E. Harrell-Bond made the following observation:

Resettlement in a third country as a durable solution for African refugees, in terms of the numbers affected, is insignificant. Even if they were to be accepted, there are very few refugees who, unless guaranteed employment, would opt to be relocated in yet another poor African country, and the mood of industrialized countries towards receiving African refugees from this continent is highly restrictive.⁹

This observation, which is relevant to other continents with major refugee crises, is supported by many findings, including that by N. Stein, F. C. Cuny and P. Reed. These scholars add that, "Each year, resettlement in third countries is offered to only 1 percent of the world's refugees."¹⁰

The remaining "durable" solution, settlement in the country of asylum, also poses serious problems of protection and assistance. This is so because most of the countries that host the vast majority of those who are externally displaced are chronically poor, suffer from harrowing debt crises, experience violent political instability, are major violators of human rights, and generate many refugees and internally

displaced persons. This hostile environment does not only make asylum a painful myth to the overwhelming population of refugees, it also complicates the work of the UNHCR, other UN agencies and non-governmental organizations that attempt to assist and protect the refugees.

The problems of protecting and assisting refugees are compounded by escalating numbers of refugees, the growing numbers of protracted humanitarian emergencies, concerted attempts by armed opposition groups to derive maximum political and military gains from frustrating humanitarian emergencies, the unwillingness of the international community to respond promptly and with adequate and coordinated measures to early warning signs of impending humanitarian crises, donor fatigue, the failure to provide security to refugees and humanitarian agencies in zones of armed conflict, and inadequate funding required by the UNHCR, other UN agencies and non-governmental organization to provide basic protection and assistance to refugees.

These problems are exacerbated by the inability of humanitarian agencies and organizations to coordinate their efforts, avoid *ad hoc* and inadequate responses to large scale humanitarian disasters, avoid duplication of programs, and contain their chaotic competition for funding. Lack of appropriate expertise and accountability also plague many humanitarian agencies and organizations. These problems, that plague humanitarian organizations and agencies, persist despite the presence of volumes of conference reports, scholarly literature, guidelines, handbooks and manuals that highlight the need for urgent organizational reforms, prompt and coordinated emergency response, and improved protection of refugees and delivery of humanitarian assistance to the population.

The most vulnerable victims of the profound crises of legitimacy and massive violations of human rights are "persons who have been forced to flee their homes suddenly or unexpectedly

in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country."¹¹ Internally displaced persons, whose numbers are far larger than those of refugees (see Table 1 and Table 2), remain subject to the violence and abuses that uprooted them from their homes.¹² In many instances, they are inaccessible to sources of assistance and protection. Often, armed protagonists make them pawns in on-going armed conflicts by preventing humanitarian assistance from reaching them. The plight of internally displaced persons is compounded by the determination of some regimes to withhold or distort information about the nature, intensity and magnitude of the humanitarian crisis. Such regimes also tend to deny free access to international media and the humanitarian assistance community. In such instances, governments may use the guise of na-

tional sovereignty to justify their violation of the rights of internally displaced persons.

Faced with this dilemma, intergovernmental and non-governmental organizations may decide to wait until a national authority has requested their assistance. Since some of these states do not request humanitarian assistance or request assistance but deny full access to humanitarian agencies, the overwhelming majority of internally displaced persons languish without international protection and assistance. The growing preoccupation by states to formulate and enforce more credible refugee deterrence policies also present the violently uprooted with increased problems: remaining caged in their own hostile countries and in dire need of international protection and assistance.

Compounding these problems is the absence of a clear, coordinated and effective international responsibility for internally displaced persons. The

question of international responsibility has been discussed in a number of international fora. As a result of these discussions, a number of non-governmental groups, humanitarian organizations and United Nations agencies have expanded their areas of operations to respond to the needs of the distressed population. Some of the most prominent players in this area are the UNHCR, the International Committee of the Red Cross (ICRC), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the International Organization of Migration (IOM), and the Department of Humanitarian Affairs (DHA). The DHA, in particular, has taken steps, through the Inter-Agency Task Force on Internally Displaced Persons, to strengthen coordination of assistance and protection. Another important development is the creation

Table 1: Countries that Have Produced the Greatest Number of the World's Refugees (≥ 30,000)

Palestinians	3,718,500 *	Armenia	197,000 *
Afghanistan	2,628,550 *	Burma	184,300 *
Bosnia and Hercegovina	1,006,450 *	China (Tibet)	128,000
Liberia	755,000 *	Bhutan	121,800 *
Iraq	608,500 *	Zaire	116,800
Somalia	467,100 *	Georgia	105,000 *
Sudan	433,700	Sri Lanka	100,150 *
Sierra Leone	350,000 *	Mali	80,000
Eritrea	343,100 *	Western Sahara	80,000 *
Croatia	300,000 *	Mauritania	65,000
Vietnam	288,000	Ethiopia	58,000
Burundi	285,000 *	Bangladesh	53,000
Rwanda	257,000 *	Uzbekistan	52,000
Azerbaijan	238,000 *	Iran	46,100
Angola	220,000 *	Guatemala	34,650
Tajikistan	215,600 *	Cambodia	34,400
		Togo	30,000

Table 2: Countries with the Highest Number of Internally Displaced Persons (≥ 25,000)

Sudan	4,000,000	Russian Federation	400,000
Afghanistan	1,200,000	Zaire	400,000
Angola	1,200,000	Georgia	285,000
Bosnia and Hercegovina	1,000,000	Cyprus	265,000
Liberia	1,000,000	India	250,000
Iraq	900,000	Somalia	250,000
Sri Lanka	900,000	Guatemala	200,000
Sierra Leone	800,000	Croatia	185,000
Colombia	600,000	Syria	125,000
Azerbaijan	550,000	Kenya	100,000
Turkey	500,000–2,000,000	Papua New Guinea	70,000
Burma	500,000–1,000,000	Uganda	70,000
South Africa	500,000	Armenia	50,000
Lebanon	450,000	Tajikistan	50,000
Peru	420,000	Cambodia	32,000
Burundi	400,000	Nigeria	30,000
		Djibouti	25,000

* Sources vary widely in number reported.

Source: U.S. Committee for Refugees, *World Refugee Survey 1997*, Washington, DC: USCR.

of the position of Representative of the Secretary-General in 1992, at the request of the Commission on Human Rights, to focus specifically on the questions of internal displacement, protection and assistance of the affected population. Nonetheless, international efforts are mostly *ad hoc*, inadequate and fail to reach the overwhelming majority of internally displaced persons.¹³

This issue of *Refugee* analyzes some efforts being made to provide protection and assistance to externally and internally displaced persons. It also highlights the need for improvement at two intimately linked levels: local and international. At the local level, there is urgent need to address the causes of displacement. Improvements are also needed to provide protection to population in distress and to ensure that adequate humanitarian assistance reach the population it is intended to help. This will also require that protection and assistance are provided on a non-partisan basis by people who possess relevant expertise. At the international level, protecting and assisting displaced persons should aimed in the first place at addressing the causes of the crises. Such a strategy is morally, financially and politically cost-effective. There is also an urgent need to coordinate and improve humanitarian assistance and protection, and pay appropriate attention to early warning signs. It is only when human rights, humanitarian, economic, political and security dimensions of the crises are handled simultaneously that the escalating problems of displacements and humanitarian disasters will lend themselves to a high and sustainable rate of resolution. ■

Notes

1. Diverse and competing definitions of legitimacy emphasize the following criteria: (i) power which is derived from a morally and/or legally valid source of authority; (ii) power in the hands of those with appropriate qualities to obtain and exercise them; (iii) power whose exercise conforms to recognizably shared interests, values, beliefs and expectations of the subordinates; and (iv) power that wins reciprocal cooperation, responsibility and obligations from the subordinates or the contracting parties. These criteria incorporate socioeconomic and political expectations and obligations into the definition of legitimacy. With regard to the question of international legitimacy of a regime, two competing and somewhat ambiguous criteria are often emphasized: power whose exercise conforms to international norms, customs, obligations and rules by which relations between states and other international persons are governed; and power in the hands of those who control internationally recognized political jurisdiction or sovereign state. Since the criteria of legitimacy are interpreted and ordered differently from time to time by the stakeholders, a crisis of legitimacy is a common characteristic of politics. This crisis is closely associated with increased tensions, conflicts, instability, uncertainty and violence. See, for a start, J. H. Scholar, *Legitimacy in the Modern State* (New Brunswick, NJ; & London: Transaction Books, 1981); D. Betham, *The Legitimation of Power* (Atlantic Highlands, NJ: Humanities Press, 1991); N. N. Kittre, *The War Against Authority: From the Crisis of Legitimacy to a New Social Contract*. (Baltimore & London: The Johns Hopkins University Press, 1995).
2. For informative discussions about state powers, see J. A. Hall, ed., *States in History* (Oxford: Basil Blackwell, 1986).
3. See, for example, B. N. Stein, F. C. Cuny and P. Reed, eds., *Refugee Repatriation During Conflict*. Dallas: The Center for the Study of Societies in Crisis, 1995.
4. U.S. Committee for Refugees, *World Refugee Survey 1997*, Washington, DC: USCR, 85-86.
5. *Ibid.* 86-87; *World Refugee Survey 1996*, 63-64.
6. See *Daily News*, Dar es Salaam, December 24, 1994; *The East African*, Nairobi, December 26, 1994; *The East African*, January 9-15, 1995; *The East African*, January, 23-29, 1995; *The East African*, April 3-6, 1995; *Daily Nation*, Nairobi, April 3, 1995.
7. *World Refugee Survey 1997*, 86.
8. See Canadian Broadcasting Corporation, *The Fifth Estate: Rwanda*. November 1997.
9. B. E. Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees* (Oxford: Oxford University Press, 1986), 1.
10. Stein, Cuny and Reed, eds., *Refugee and Repatriation During Conflict*, 4.
11. F. M. Deng, *Internally Displaced Persons: An Interim Report to the United Nations Secretary-General on Protection and Assistance* (New York & Washington, DC.: Department of Humanitarian Affairs & Refugee Policy Groups, December 1993), 25. Although this working definition is problematic, because some observers consider it too broad while others view it as too narrow, it describes both the phenomenon and major causes of internal displacement.
12. Estimates of the numbers of both externally and internally displaced persons are provided by many agencies. See, for a start, various issues of U.S. Committee for Refugees, *World Refugee Survey*. Washington, DC: USCR. It is important to note that documentation of the number of displaced persons, even when they are considered refugees under international law, is notoriously poor. Estimates vary widely depending on who estimates; why, how and for what purpose the estimates are carried out; what methodologies are used in the documentation; who is included and excluded in the estimates; and when the estimates were carried out. Thus, Refugee Policy Groups, *Internally Displaced Persons in Africa: Assistance Challenges and Opportunities*. (Washington, DC: Center for Policy Analysis and Research on Refugees, October 1992), 14, observed that, "As the situation stands now, estimates of the number of people who have been forced to flee their homes within their nations' borders are often made only when relief agencies are able to reach them. In a number of cases, it is only after an area has been 'liberated' and more accessible to the outside world that the extent of internal displacement becomes clear. Further, it may be in the interest of the government to minimize the number and condition of the displaced. The result has been that there is no accurate or consistent way of tracking and tabulating the numbers of internally displaced." It is hoped that the on-going project at the Refugee Studies Programme at Oxford will provide more credible estimates of internally displaced persons.
13. See, for example, Deng, *Internally Displaced Persons: An Interim Report to the United Nations Secretary-General on Protection and Assistance*; Refugee Policy Groups, *Internally Displaced Persons in Africa: Assistance Challenges and Opportunities*. □

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