

Human Rights & Massive Exodus

The Aga Khan Report

Background

Canada was the main initiator when the United Nations Commission on Human Rights resolved to study the relation between human rights and massive exoduses.¹ Sadruddin Aga Khan, former United Nations High Commissioner for Refugees, was appointed Special Rapporteur.

His study, released in December 1981, was controversial not because of the main report; it provided a general analysis of the causes of mass exoduses in the past decade, as well as suggested corrective measures. The source of controversy originated in its three annexes. The first contained succinct studies of 22 countries which have experienced the phenomenon of mass exodus. Four particularly major situations (i.e., Afghanistan, Ethiopia, Indochina and Mexico) formed the subject matter of the second annex which was quite detailed and extensive. The third annex presented an overview of international migration in some of the main areas of the world as recorded by international organizations or by private researchers. The annexes contained the information base for the observations, conclusions and recommendations of the report. While the study was concerned with potential solutions to the problem, the annexes focused on the root causes. In the official published report, the annexes were deleted (repressed?) as well as all references to them in the main body of the report.² We obtained a draft of the original full report.

Refugee Producing Countries

The reasons for suppressing the annexes are obvious. Annex I details the economic and political situation of 22 countries

¹U.N. Resolution 29, March 1981. This originated in part from Resolution 30 (XXXVI) in which the U.N. Commission on Human Rights expressed concern that large exoduses or groups are frequently the result of human rights violations. Prince Sadruddin Aga Khan was appointed Special Rapporteur by the Chairman of the U.N. Commission on Human Rights in April 1981.

²It is, in fact, possible to see where the references were deleted because the changes have been made in a different typeface. The United Nations Division of Human Rights provided the following explanation: the original report exceeded the UN's prescribed length for such studies. A different reason is indicated in the introduction to the study itself:

"There are doubtless many situations in which mass exoduses are caused by denials of human rights, and the Secretary-General does not fail to point this out in his contacts and consultations with the parties concerned. However, the Secretary-General often finds that considerable caution needs to be exercised in the public disclosure of the precise substance of his contacts with Governments concerned, including those on the nexus between mass exoduses and the full enjoyment of human rights, so as to avoid prejudicing future contacts and closing the possibility of his being of assistance in the future to the victims of such situations."

from which significant portions of their populations fled. For example, the study of Haiti provides a candid account of the economic and political situation of that country and describes human rights violations, including: repression of freedom of opinion and expression, extreme restriction of freedom of association, arbitrary detention, intimidation, and torture. (The Inter-American Commission of Human Rights, which visited Haiti in August 1978 published these findings in 1980.) Haiti would not have had the clout to repress the appendices. Annex I includes the United States government's reaction to the influx of Haitian "boat people." Haitians who reached the U.S. were sent to detention centers.

"On 30 September 1981, with the justification that the Haitians' entry was 'detrimental to the interests of the United States,' the administration gave powers to the U.S. coastguard to stop Haitian boats on the high seas, board them and turn back passengers not in possession of visas nor equipped with a proper reason for wanting to enter the United States — in the form of either proof of actual political persecution by the Government of Haiti or the fear that such persecution would start as soon as the individual went back."

[Annex I, page 35]

If Haiti's situation is drastic and the American response is depicted as cold-blooded, the situation was even worse in other areas. Equatorial Guinea, between 1968 and 1979, was, "one of the worst repressive and totalitarian regimes in Africa engaging in arbitrary arrests, torture, summary executions, government sanctioned murder, including the disappearance of two-thirds of the members of the 1968 Assembly when President Macias Nguema seized power; at least one-third of the population fled (100,000-150,000 people). Uganda under Idi Amin Dada was a close contender for the heavyweight title for repression. The military regime of Zaire and its 'pacification' program produced 220,000 refugees who fled to Angola by May of 1977; the numbers who fled totalled over 320,000 a year later.

Central and South American regimes are almost as bad. In a country with the highest population density in the hemisphere, the economic situation and conflict in El Salvador produced a quarter of a million internally displaced people with at least the same number leaving the country. Installation of left-wing regimes does not seem to solve the problem. One hundred thousand Nicaraguans fled the repressive regime of Somoza and now, the ethnic Indians (4% of the popula-

tion), dissatisfied with government integration policies, are fleeing into Honduras as are other dissidents. Cuba is a prime example of the alternative scenario. Almost one million fled Castro's regime, 120,000 leaving in 1980 alone. In the context of these regimes the repression under Chile's Pinochet seems less severe.

In Africa as well, both left-wing and right-wing dictatorships produce refugees. Civil war in Angola, following independence in 1975, produced many more refugees. In the six months from November 1977 to May 1978, for example, new arrivals in Zaire — which believed itself to be sheltering already about 470,000 Angolan refugees — were estimated to total 60,000, while the numbers in Zambia rose to 30,000. In Chad, the 13-year old civil war erupted again on March 21, 1980 leading to a massive exodus.

Political ideologies are not the only sources of repression and civil strife resulting in mass exoduses. Political conflict between neighbours is another source. In Namibia, South Africa displays "a consistent pattern of gross and reliably attested violations of human rights" not only to its own population. When Mauritania and Morocco divided up the Western Sahara, contrary to the promises of autonomy by Spain, the Polisario revolt and subsequent conflict produced an estimated 30,000 refugees in a sparsely populated region. In 1971, the massive influx of refugees from East Bengal (now Bangladesh) of two to four million refugees was a *causa belli* between India and Pakistan. Refugees were not the cause of war between Iran and Iraq, but they were certainly a by-product — one million according to some sources.

Ethnic conflicts are even more insidious than ones which are primarily ideological and political. The Palestinian refugee situation remains intractable and unresolved after 30 years. We all know of the attempts of a small white population to dominate a majority of blacks in Zimbabwe which resulted in 250,000 refugees. Few know of the Tutsi domination of the Hutu who constitute 85% of the population of 3.5 million people in Burundi; 140,000 have fled, most of them widows and children. In Cyprus, the

Forthcoming . . .
Refugees in Somalia and Sudan.

Turkish-Greek conflict resulted in the uprooting and resettlement of one-third, 220,000, of the population. In Lebanon, intercommunal strife erupting in 1975 resulted in an estimated one million displaced persons by 1978 (over one-third of the population); over 250,000 left the country.

Repression and political conflict are frequently intermixed with ethnic and communal strife. In South Africa, gross and flagrant violations of human rights, as well as discriminatory apartheid laws produce refugees. In the Philippines, we find not only a dictatorship, but a Muslim organization, the Moro National Liberation Front, struggling for independence in the south; hundreds of thousands have been uprooted by the struggle. In Burma, ill treatment of the Muslim minority in the State of Arakan instigated both an exodus and an insurgent movement.

Human elements — dictatorship and repression, ideological war, political rivalries and ethnic conflicts — are not the only causes of mass exoduses. Natural calamities can be as well. In the Sahel, hundreds of thousands were forced to flee their normal habitat because of drought.

Human Rights

Can international action contain and even eliminate mass exoduses?³ The 1948 Universal Declaration of Human Rights has no binding effect; large portions of it have remained unheeded. The Declaration is analysed article by article to establish to what extent exodus is a by-product of human rights violations.

Two kinds of violations emerge as particularly significant. Article 14, dealing with the right to asylum, "provides the framework within which most population movements take place." Articles 20 and 21 deal with the right of peaceful assembly, freedom of association and other freedoms. The study found that all mass exoduses which took place between 1970 and 1980 "poured forth from regions where the prevailing situation prevented individual citizens from exercising their political rights," although this "is not, in itself, the essential cause for large movements of population."

No single violation of human rights or any other cause can be isolated as the reason why people choose to uproot; in each situation studied, a combination of push and pull factors leads to mass exodus. Circumstances within a country or region which force or induce an individual to flee are push factors. Incentives to leave exerted from the outside are pull factors.

Push Factors

The introduction of radical political and economic policies by revolutionary governments of underdeveloped nations in their attempts to modernize (e.g. Kampuchea, after the ascendance of the Khmer Rouge, and Ethiopia) can be a major push factor. Basic human rights are often denied; epidemics and famine can result from economic policies that neglect the agricultural sector. Large segments of the population are uprooted and displaced. Occasionally, minorities are used as scapegoats to divert attention from the policies of a new regime. In Vietnam, the government's treatment of the indigenous ethnic Chinese (closing 30,000 businesses, 80% of which were owned by Chinese) provoked a massive flight of these people from that country. Other significant push factors are wars and insurrections and their resulting chaos. In Africa, colonial partition left largely artificial boundaries. Structural imbalances led to a drift to towns from the rural areas and/or international migration within Africa. Prolonged liberation struggles were also accompanied by a massive exodus "to escape the violent methods of a self-interested minority regime." Other push factors include rapid population growth, food insecurity and a rise in the death rate from malnutrition, food scarcity and food price inflation, chronic high inflation and unemployment rates, ecological deterioration from natural or man-made disasters, loss or reduction in levels of foreign aid, investor wariness, disproportionately high military expenditures and inadequate public services.

Pull Factors

The ready availability and relative abundance of international aid, as well as the system of distribution, are the most significant pull factors contributing to mass exoduses. The increasing operational role of the UNHCR and other agencies in humanitarian emergencies may have acted as a magnet in drawing people over the borders. Annex II describes in detail the situation in Ethiopia where the repercussions of the socialist military takeover in 1974 included economic devastation (not only for Ethiopia, but for neighbouring countries, Sudan, Djibouti, etc.) as well as religious and political persecution causing a huge displacement of population. The massive influx of Ethiopians into the host countries caused serious economic and social problems as well as a growing resent-

³"Mass" exodus in the context of the study need not necessarily refer to a specific large number of people; it is a mass exodus if the number leaving is high relative to the population in either the country of origin or the country of asylum or even if the number is low when those fleeing belong to a particular minority group.

Canada's Ambassador, C.D. McPhail, in his speech to the UNHCR Executive Committee, called Prince Sadruddin Aga Khan's study an important first step in dealing with the question of massive exoduses. Governments and international organizations have an obligation to tackle both causes and consequences of massive exoduses, he said. Ambassador McPhail also expressed hope that a U.N. group of experts, to be established under FRG initiative at the General Assembly, will soon begin examining possible international legal mechanisms to avert flows of refugees. This and the Sadruddin Report are of vital importance, he said.

ment of the refugees. The international community responded to the Ethiopian crisis by providing considerable relief assistance to refugees in the countries of asylum. The government of Ethiopia suggested that the "assistance being given in one area while being denied to areas adjacent to it had contributed to the influx of refugees."

Quotas for resettlement of refugees may be another pull factor. (Australia recently decided not to announce a quota for refugees for this reason.) Cited as a pull factor was "the psychological effect upon the Vietnamese population of foreign broadcasts giving the latest information on resettlement quotes..." An added factor was an established escape route with extra-territorial "foreign vessels, merchant ships and motor launches of concerned groups in western countries whose intention it is to save 'boat people' undergoing severe hardship."

The information revolution combined with the availability of modern modes of transportation created both an awareness among poor nations of conditions existing in more affluent regions of the planet as well as the feeling that those regions are more accessible. The situation for Mexican migrants, described in Annex II, is a case in point where "sufficient opportunity for successful employment in the U.S. maintains the flow." In the case of Vietnam, as mentioned above, foreign broadcasts played a part in luring people out of the country.

Victims of human rights violations or political revolutions are also encouraged to leave by the thought that their plight arouses sympathy in countries where they would be given an understanding welcome; this is particularly true in cases where the ideology of a new regime is opposed by those countries, hence

American attraction for Vietnamese refugees.

More generally, democratic institutions in North America and Europe are viewed as guarantors of fair treatment, particularly by minorities. The authors "regret the actual double standards which those who heed this appeal find sorely disappointing, when, upon arriving they are made to feel unwelcome."

Also, emigres who have already settled abroad act as a powerful magnet as they tend to send home messages of the advantages of their new environment while glossing over the difficulties.

Problems of Relief

The combination of push and pull factors is conjoined with three serious problems in current aid and relief methods; the abuse of the right to asylum, inequitable and uneven distribution of relief and the inadequacy of resettlement as a solution to the problem of mass exodus.

Because relief and refugee aid agencies

may find it easier to help in countries of asylum than in countries of origin, they, in effect, increase the numbers of refugees as those seeking help cross the borders. Also, relief agencies designate people as refugees who under existing legal instruments do not qualify for refugee status because it is necessary to attach a "refugee" label in order to obtain funding.

The blurring of differences between refugees and migrants abuses the right to asylum and creates a backlash from which genuine refugees stand to suffer. Because the numbers are so great in situations of mass exodus, it becomes difficult to determine eligibility for refugee status on an individual basis.

The study is also critical of the *ad hoc*, and consequently costly, way in which current relief programs are carried out by the international community. The report proposes the adoption of a more integrated approach to the planning and distribution of aid to alleviate regional disparities in levels of humanitarian assistance. Because there is no effective census mechanism, it is difficult to deter-

mine precise numbers of those qualifying for assistance.

Difficulties are also encountered in the resettling of large refugee populations, both in countries of temporary asylum and countries of resettlement. To the social and cultural problems stemming from such operations must be added the high costs involved. In the case of Vietnamese resettlement, for example, over U.S.\$600 million was spent for relief by UN agencies since 1975, \$337 million for transport (ICM). One country of resettlement budgeted \$568 million for domestic resettlement in a single year. As well, "substantial sums" were spent by UNICEF, ICRC and UNHCR on assistance within Kampuchea.

The recommendations of the report reflect the study's conclusion that foreign aid practices should be administered in terms of how they could best alleviate conditions causing mass flight rather than coping with it as a "fait accompli."

Haitian Asylum Seekers & U.S. Interdiction Policy

It has been one year since the Reagan administration implemented an interdiction policy to prevent Haitian asylum seekers from reaching U.S. shores. According to the Immigration and Naturalization Service, a total of 117 boats were boarded between October 1981 and September 1982; a significant number of those boardings occurred last spring.

INS spokesman John Schroeder said that two interpreters and two immigration officers form individual teams on Coast

Guard vessels interdicting boats. He said that passengers on stopped craft are asked questions such as where they are going and why. Those screened are not eligible for asylum, Schroeder said, as they are not on U.S. soil, but individuals whose answers to questions indicate a bona fide fear of persecution would be taken to the U.S. where they could make claims for asylum. INS screening guidelines are not public information.

Schroeder also said that no one stopped has filed for asylum since the interdiction policy began, and that a total of 186 persons have been returned to Haiti, where the State Department monitors

them for a year. So far, Schroeder said, there is no evidence to indicate that those returned have experienced retribution or ill-treatment.

Since October 1981, the arrivals of 506 undocumented Haitians have come to the attention of INS, compared to 11,514 in the previous year.

From *Refugee Reports*, Nov. 5, 1982.

There will be an article in a forthcoming issue of *Refuge* on the United States as a country of first asylum, with particular emphasis on the Haitians.

Refugee Documentation Project

The Institut Henry-Dunant is currently undertaking an international study of unaccompanied children in emergencies. They would like to add to the project a review of the Canadian experience with unaccompanied children since and including WW II. To this end, they are attempting to identify a sponsoring agency to carry out a review of the Canadian experience with unaccompanied children.

The projected costs to the sponsor would likely include remuneration for a researcher, at least U.S.\$500 for the acquisition of relevant materials, some local travel (in Canada) and two one day trips to Geneva.

Interested persons or agencies should contact: Everett M. Ressler, Study Coordinator for The Study of Unaccompanied Children in Emergencies, Institut Henry Dunant, 114, rue de Lausanne, 1202 Geneva, Switzerland

A Refugee Documentation Project has been established at York University. The Project is concerned with acquiring and preserving archival materials pertaining to refugees in and from all parts of the world, with Canadian material being the highest priority. (The Project's library is open between 10 a.m. and 5 p.m. on weekdays.) Donations of archival material are encouraged. If you have worked with refugees or have conducted research on refugees or refugee-related issues, please write and tell us about your work. A function of the Project is to create an index of Canadian individuals and organizations concerned with refugees in order to establish a referral network among people needing information on refugees. Another mandate of the project

is to carry out field research in refugee crises.

The Project, funded by a grant from the Social Sciences and Humanities Research Council, is directed by Professor Howard Adelman and administered by Caroline Stephens.

The Project has recently acquired a large body of material on Palestinian refugees in Lebanon and Haitian refugees in the U.S.A. (documents, reports, international press clippings, periodical articles, court transcripts and statistical surveys).

Further information may be obtained by writing to C. Stephens, Refugee Documentation Project, York University, 4700 Keele Street, Downsview, Ontario M3J 2R6. Telephone (416) 667-3639.

Refugee Resettlement in Canada, 1981

In 1981, 8,873 Indochinese were landed in Canada. Of these refugees, 6,723 were government assisted and 2,150 were privately sponsored by groups.

The total intake of Eastern Europeans for 1981 was 5,325, of whom 606 were sponsored by relatives and 117 by private groups.

One thousand places for refugees from Latin and Central America were allocated in 1981 but because the need for large numbers of resettlement places did not materialize, this allocation was not fully used. As well as the reported 137 landings, there was an undetermined number of Minister's Permits issued to facilitate the early admission of Salvadoran refugees.

Of the 200 places allocated for African refugees, 151 were filled; of these, 122 were government-assisted, two were sponsored by relatives, and 27 were privately sponsored. An additional 200 places from the contingency reserve were assigned to Africa in July 1981, because a further need for resettlement was expected. These places were not used owing to the difficulty in organizing a protection-oriented program quickly.

Private sponsorship applications for refugees totalled 963 in 1981, representing 2,648 refugees; of these applications, 618 were for 1,975 Indochinese, 297 were for 560 Eastern Europeans, 27 were for 87

Latin Americans, 18 were for 23 Africans, and 3 were for 3 persons from other areas.

1981 Refugee Summary for Canada

Canada's planned intake for 1981 totalled 16,000. The actual number admitted amounted to only 14,996. The government claims to have sponsored 12,080 refugees: however, this figure is misleading as it includes 1502 Indochinese refugees who were actually relative-sponsored but who are included in the government-assisted totals because some resettlement costs were incurred by the federal government.

From Annual Report to Parliament on Immigration Levels, Nov. 1982. Background Paper.

	1981 Refugee Summary			Planned Refugee Intake		
	Planned Intake	Actual Gov't Sponsored	Actual Intake		1982	1983
Indochina	8,000	6,723	8,873	Indochina	4,000	3,000
Eastern Europe	4,000	4,602	5,325	Eastern Europe	6,000	3,000
	1,000**	—	—			
Latin and Central America	1,000	132	137	Latin America & Caribbean	1,000	2,000
Africa	200	122	151	Africa	500	1,000
	200**	—	—	Middle East	400	800
Other	300	37	46	Other	100	200
R.S.A.C. ***	—	464	464	Contingency Reserve ****	2,000	2,000
Total	14,700	12,080 - 1502* 10,578	14,996		14,000	12,000

*1,502 Indochinese were admitted on the strength of financial undertakings submitted by relatives in Canada. Since resettlement costs were, however, incurred by the federal government (for food, lodging, and clothing at the staging centres), they have been included in the government-assisted totals.

**Allocated from contingency reserve.

***The Refugee Status Advisory Committee considers claims to Convention refugee status by persons in Canada, and advises the Minister on these claims.

****Cabinet has approved funding for 10,000 refugees in 1983. If places from the contingency reserve need to be allocated, Cabinet will be asked to approve both the number of places and the required funding.

Source: Recruitment and Selection Branch, CEIC.

Canada's shortfall in refugee intake for 1981 is attributable to several reasons. Refugees admitted under Minister's Permits may not be counted. In addition, there were operational considerations such as the lack of flexibility to have resources moved to areas where they were needed and the priority given to

private sponsorships over government-assisted sponsorships, which sometimes slowed down the rate of government intake. As well, in areas such as the Middle East, Africa, and Central America, Canada's traditional approach of accepting spontaneous applications did not work owing to Canada's lack of past

involvement in these areas. It was thus necessary to build up contacts with local relief agencies and church groups to facilitate referrals of people. Moreover, a major crisis, which would have warranted release of the full 2,500 contingency reserve, simply did not occur.

From Background Paper on Immigration Levels. Annual Report to Parliament 1983. CEIC.

CANADA'S PERIODICAL ON REFUGEES
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Admission of refugees into the European countries by region of origin

Country of permanent asylum	Vietnam, Laos, Cambodia (from 1975 to 30 September 1981) (1)	Latin America (Chile, Argentina, Uruguay etc.) (2)	Africa (2)	Total number of refugees residing in the country of permanent asylum at 30 June 1980 (2)
Austria	1,432			25,000
Belgium	3,631	3,300	3,300	33,000
Denmark	2,201			3,500
Finland	115			
France	71,006	9,000		160,000
Federal Republic of Germany	18,565 (3)			48,000
Greece	95			4,200
Iceland	34			
Ireland	237			
Italy	2,832			14,100
Luxembourg	97			
Netherlands	4,526			10,000
Norway	2,717	685	450	6,000
Spain	917			21,000
Sweden	2,299	10,000	1,300	20,000
Switzerland	6,969	2,000 (Asia:1,350 Tibetans)	500	35-40,000
United Kingdom	15,230			146,000

(1) Figures supplied by the United Nations High Commissioner for Refugees

(2) Figures supplied by the countries of asylum

(3) In addition to these figures, the Federal Republic of Germany between 1975 and 1980 resettled 283,391 ethnic Germans from East European countries and 80,926 from the German Democratic Republic and Berlin (East).

(From Council of Europe, Steering Committee for Social Affairs report. CDSO (82)29 July 26, 1980.)