
Report on the Djibouti Refugee Situation

Background

In 1982-83 as a result of a tripartite agreement between the governments of Djibouti and Ethiopia and the UNHCR, the implementation of a repatriation programme was begun. The voluntary nature of this repatriation was widely questioned. (See Jeff Crisp's "Voluntary Repatriation Programmes for African Refugees: A Critical Examination", *Refugee Issues*, Vol. 1, No. 2.) Efforts to pressure refugees to leave the country began again when on July 29, 1986 refugees in Djibouti were issued a circular informing them that they had "no future in a refugee camp nor on Djiboutian soil." It continued by observing that "... the majority of you left your country for reasons which have ceased to exist today and therefore you should no more be considered as refugees." Refugees were reminded that the Ethiopian government had promulgated an amnesty law in favour of all repatriants in 1983.

Refugees were further informed that if anyone did not "accept to repatriate voluntarily", he must "request individually the continuation of his refugee status". Identification cards previously issued were declared no longer valid, and new ones would be issued to those who resolutely refused to repatriate and who passed the re-screening exercise. The circular informed the refugees that a special committee had been established to examine those requests and which would "take decisions rapidly which would not be subject to appeal". Those who passed the re-screening would be moved to a new refugee camp in the region of Obock, a region in which it would not only be impossible for refugees to cultivate land but where they would also be cut off from any other commercial activities that might help them support themselves.

The circular warned that those who refused to repatriate voluntarily and who did not pass the re-screening exercise must immediately leave Djiboutian territory. "They will not receive any assistance of any kind as opposed to those who will repatriate voluntarily. As of January 1, 1987 all old refugee cards, ration cards and asylum seekers' attestations will not be valid anymore." The circular, signed by the Minister of Interior, concluded with the following: "In the meanwhile and with immediate effect all programmes of assistance for resettlement to third countries are suspended."

Several organizations, including the British Refugee Council (BRC), forwarded strong objections to the UN High Commissioner for Refugees. Although the UNHCR was reportedly successful in persuading the Djibouti government to relent on the issue of resettlement of refugees in a third country, the repatriation programme began.

Is the Repatriation Voluntary?

As in 1982-83, there are contradictory reports from Djibouti concerning the voluntary character of the repatriation. It is very difficult to accept assurances now that the conditions under which refugees must decide whether or not to repatriate, which include the

removal of ration cards, are conducive to voluntary repatriation. Most alarming, as is the case everywhere in Africa, not all refugees are registered and in Djibouti, those who did not have identification cards had no protection, and were removed not as refugees but as "illegal immigrants".

As in 1982-83, over the past few months there have been calls for an independent monitoring of the repatriation. Given the number of disquieting reports from Djibouti one agency did send a staff member to assess the current situation in light of the Government of Djibouti's (GoD) circular. A report was presented to the BRC. As a result of this information, a British parliamentary committee proposed to visit Djibouti, but the Government of Djibouti has declined permission, giving the upcoming elections as the reason.

The report (most of which is reproduced here) emphasizes the reluctance of refugees to repatriate, pointing out:

- The resurgence of the Ethiopian Peoples' Revolutionary Party (EPRP) in the last eighteen months and the strength which its operations have gained in the rural areas, have provoked new levels of intolerance of any kind of opposition on the part of the Dergue.

- Many of the political refugees in Djibouti are there because of their own or their relatives' involvement with the activities of the EPRP, or merely because suspicions have been raised against them of such involvement, and the reprisals which they thus incurred are still fresh in their minds. The UNHCR branch office therefore lays itself open to disbelief and ridicule when it echoes the GoD's statements that they have nothing to fear from the Dergue and a full amnesty awaits them. Refugee confidence in the UNHCR is at an all-time low.

- An increase in the generally xenophobic attitude of Djiboutians is easy to detect at the moment, and may be at least partly ascribed to the forthcoming elections. However, it would be a mistake to see the government as a monolith with regard to the refugee situation since many of its members are not native-born Djiboutians but came themselves originally from Ethiopia, and many more are related to the Issa refugees who make up the majority of the Dikhil camp population. From a financial as well as a political point of view the refugees cannot be so easily dismissed: fortunes have been made and continue to be made by those working for ONARS who handle refugee resources and asylum applications.

- The anti-alien atmosphere has recently manifested itself in a series of round-ups of illegal immigrants in Djibouti town. The latest of these resulted on December 29, 1986 in 125 "argos" from Wollo being arrested, beaten and loaded into closed metal containers

on the train and deported. By the time the train reached the border, six had died of suffocation. Although there has been no formal registration of asylum seekers since the government's circular, some of these deportees may have been asylum seekers (ten of them had non-Muslim names and were therefore not "argos"), and refugees in Djibouti report that one of the dead was a registered refugee. It is hoped that the UNHCR is now investigating this claim. Whatever the case, GoD is highly embarrassed about the publicity given to the incident, which has certainly had an adverse effect on the repatriation programme.

Repatriation

There have so far been three repatriation trains, on December 8 and 19, 1986 and January 5, 1987. A total of just over 1,200 people travelled on these trains, and another train was scheduled for January 12th.

The campaign to get people to register for repatriation has been left largely in the hands of the Commissaire of Dikhil, a man well-known for his eccentric and irrational behaviour, and the Dikhil ONARS staff. The Commissaire has made much use of various harassment techniques to convince refugees that they are no longer welcome in Dikhil: he has driven through the camp with a megaphone announcing that all refugees must register, and that any who do not are in Djibouti illegally; he has been seen to slap elderly refugees and abuse them; last December there were frequent visits by parties of soldiers to the camp in the small hours of the morning, opening tents and shouting that people must leave, resulting in refugees spending the nights in the hills surrounding the camp for fear of being forcibly deported; ONARS announced that starting December 31, 1986 (the deadline mentioned on the circular), there would be no more water or rations whereupon the water was shut off in the camp for three days (rations are in any case two months in arrears).

Once registered, refugees do not have the right to change their minds. Five families who did so were visited by the Commissaire with a party of soldiers, who dismantled their aqals amidst much verbal abuse, and the Commissaire, hitting anything in range with his stick, loaded them and their belongings onto a truck, and took them off to catch the train.

Asylum seekers and political refugees have also received much "encouragement" to repatriate. Several asylum seekers have registered voluntarily (fourteen of whom are reported to have left the train and headed for Somalia), but one man who spoke out against the methods being used was forcibly registered and was due

to be repatriated on January 12th unless the UNHCR intervened. Several political refugees received papers "convoking" them to appear at the repatriation office to register, and when they presented themselves and refused to register, were told that they should inform the rest of their community that they would all have to repatriate.

One fact on which the UNHCR has failed to comment, but is commonly noted among the refugees, is that over 90% of those who have so far repatriated have been Gurgura people -- Somali agro-pastoralists, not related to the Issas and the Afars, who made up perhaps 35% of the Dikhil camp population. The two other groups of rural refugees, the Issas and the Afars, will not be repatriated because they have each made deals with the government, the Issas being ethnically identical and physically related to those in power, and the Afars through the intervention of Ali Mirrah, their Sultan, who sent his son from Jeddah where he is exiled to negotiate with GoD. An alternative arrangement has apparently been made by Ali Mirrah with the Government of Somalia to shelter the Afars, should the need arise. At a rough estimate, there are not more than about 700 Gurgura people left in Dikhil camp, and it may therefore be assumed that the repatriation is almost over in terms of those who are willing to leave.

Perceptions of Political Refugees

Since it is widely recognized that GoD will not force repatriation on either Afar or Issa refugees, it is assumed that the current campaign must be aimed against political refugees. The UNHCR had done nothing to dispel this view, giving no assurance about the safety of political refugees or about continuation of their status.

Many refugees have decided in the past six months that their situation, in the absence of such assurance from the UNHCR, is too vulnerable in Djibouti and they have left the territory by more or less hazardous routes. Some went by boat to Jizan, hoping to get from there to the Sudan: it is reported that one of these was intercepted by the Ethiopian navy and has been taken to Addis, while another fifteen are in prison in Jizan. Some left for Somalia on foot, and the fate of many others is not known.

The month of December was a period of real terror in Dikhil camp: almost daily visits by the Commissaire, announcing that their presence is illegal and he can do what he likes in Dikhil, summonses to the repatriation office compounded by nightly visits by the military giving heavy-handed encouragement to the

campaign. There is no permanent protection presence in Dikhil, and the Protection Officer, when asked about the situation during his weekly or fortnightly visits, has either refused to discuss it with them or has told them that it is better for them to repatriate.

There is much anxiety about the forthcoming re-examination of refugee status: the political refugees in Djibouti know what they went through to get accepted the first time, and dread a re-enactment of it. The UNHCR's platitudes, along the lines of "if you have a genuine case you have nothing to fear" hold little comfort for those who know that the UNHCR has no control over the asylum process.

Asylum Seekers

Asylum seekers are those who have entered Djibouti with the intention of gaining recognition as refugees, but to whom recognition has not yet been accorded. They theoretically enjoy the same rights of protection as do recognized refugees during this period.

It is certainly true that a fairly constant stream of asylum seekers has been making its way into Djibouti over the past few years, and that this flow has been reduced to a trickle since the ending of registration for resettlement in February 1986. It must therefore be deduced that a strong reason for seeking asylum in Djibouti has been, in the past, the lure of resettlement. However, this being the case, it must also be deduced that those who have entered Djibouti since February 1986, and especially since July 29, 1986, must have extremely good reasons for wanting to leave Ethiopia. Yet since the GoD's circular, the decision on who is allowed to enter the territory to seek asylum has been left to the border guards, with no supervision from UNHCR. Those who manage to convince these guards that they have a case (which usually involves substantial bribes), are then taken to Dikhil where there is currently no form of registration or issue of identity documents. The asylum process has been completely halted for the past six months; no rations, tents, or materials of any kind have been issued to those arriving since July. One meal a day is provided from a canteen run by the Protestant Church, and asylum seekers have been subject to the same "encouragement" to repatriate as other refugees.

Dikhil has been designated as the place where asylum seekers must register. If they more outside of Dikhil, asylum seekers are regarded as illegal immigrants and are under threat of summary deportation. The UNHCR has stated that it can offer no protection of any kind to asylum seekers outside of Dikhil.

Several asylum seekers have repatriated: it is assumed that these were people for whom life in Ethiopia presented a rosier prospect than continuing uncertainty in Dikhil. Under extremely tough material conditions (rations for those arriving before July 1986 consist of one cup of sugar, one cup of oil and 5 kg of rice per month), many have decided to risk going to Djibouti town in search of other solutions. Others chose more radical routes: on January 8th, four asylum seekers, two new arrivals, and two who had been waiting for refugee status for more than two years, left Dikhil to try to walk to the Sudan across the Danakil desert and Eritrea. Desperate measures such as these seem to be on the increase. There is little evidence to support the High Commissioner's bland statement in his letter to the BRC of October 20th that "asylum will continue to be given to new arrivals who meet internationally accepted criteria".

The UNHCR

The staff of the UNHCR Branch Office in Djibouti seems satisfied with the progress of the repatriation so far. They admit that some of the encouragement given to refugees to register has been a little heavy-handed but see this as being an essential part of the operation. They have been pleasantly surprised by the flexible attitude demonstrated by the Ethiopian government in allowing those repatriated to move to wherever they wish.

The Representative was unconcerned by the fact that eligibility to request asylum is being decided at the border by illiterate soldiers with no knowledge of international conventions: he held the view that genuine refugees will always find ways to cross. He stressed that no protection of any kind can be offered to asylum seekers who leave Dikhil, and was dismissive of claims that rations issued to them in Dikhil were below subsistence level.

On the question of the need to extend protection to genuine political refugees, the Representative offered the view that there were very few such refugees in Djibouti, and that only the Eritreans and Tigreans had a real case. He did not consider most Amharas to be genuine cases.

The attitude of the Branch Office staff to requests by refugees for clarification of their status can only be described as casual. They see no reason to give the refugees any such clarification at this stage. Nor do they see the need to point out that, despite what the GoD's circular states, refugees have not become illegal as of December 31st. They are still hopeful that a re-examination of individual refugee status will take place within the next few

months, and that the UNHCR will have some sort of decision-making role on the special commission convened for this purpose.

Final Comments

It appears that it is the deliberate policy of both the UNHCR and the GoD to keep refugees ignorant of their current status and entitlement to protection in Djibouti. The refugees' concern that the repatriation programme is being targetted largely at the political rather than the rural refugees has been rubbished by the UNHCR, who meanwhile hold the view that refugees who leave the territory under the pressure of this campaign, were only fortune-hunters in the first place. This is not borne out by the evidence. The fact that individuals will choose to put their lives in danger through the hazardous routes they are forced to take to leave Djibouti rather than risk protection being withdrawn and forced repatriation strongly implies both that their reasons for being in Djibouti are genuine, and that their fears of repatriation are real.

There has been a total breakdown of confidence in the UNHCR on the part of the refugees, who perceive the agency to be a lackey of the GoD, which in turn is perceived to be eager and willing to ingratiate itself with the Dergue by returning its political opponents.

The attitude adopted by the UNHCR is in keeping with the general hardening of line noted within it since the arrival of the new High Commissioner. This is of particular concern in relation to the status of asylum seekers, whose attestations became invalid as of December 31st. The UNHCR appears to accept no responsibility for these peoples' plight, despite the fact that any Ethiopian who would seek asylum in Djibouti during a repatriation exercise must have extremely compelling reasons for doing so.

It can be reasonably assumed that the repatriation exercise is nearly over and that at the end of it around 2,000 Afars and 3,200-4,000 Issas will be left in Dikhil camp with the tacit permission of the GoD. Having got rid of the Gurguras, the group of rural refugees which was perceived as being undesirable, it will now be important to monitor what further measures, if any, will be brought against the political refugees, and to what extent the UNHCR, within the context of the special eligibility commission, is willing and able to assure their protection.

The introductory background presentation preceding the bulk of this report was prepared by Barbara E. Harrell-Bond.

Improving the Standards of Human Rights and Refugee Protection in Africa

by Barbara E. Harrell-Bond and George Kanyeihamba

Introduction

In September 1986, under the auspices of the refugee Studies Programme, an international seminar on the implementation of the OAU and UN Conventions and Domestic Legislation Concerning the Rights and Obligations of Refugees in Africa was held at Oxford University. There were thirty-five participants from Africa, including academics and officials nominated by seventeen African governments. A number of eminent scholars, government officials, refugees, and agency personnel from Asia, Europe and the Americas were involved. The seminar focused chiefly on refugees in Africa, but one of its purposes was to acquaint participants with law, policy, and practice in all the regions of the world affected by mass exodus. Each African government representative presented a paper on the legal situation for refugees in their country.

Guest speakers reported on the situation for refugees in Southeast Asia, Pakistan, Canada, Europe, Central America, Britain, the US, and Mexico. Through films and lectures, the participants were able to consider a range of related topics: for instance, how different development models lead to oppression; the psychological consequences of authoritarian regimes; the rights of the child; the special problems of women refugees; torture; and the problems of adaptation to life in asylum.

The Theme

The overall theme was the law relating to the rights and obligations of refugees in African host countries. The participants were encouraged to contribute to discussions in their personal, rather than their official capacity, so that the recommendations arising from the seminar would provide fresh insights and influence positive change. Emphasis was placed on the elucidation of the practice of governments, officials, and field workers rather than on the theoretical norms prescribed by law.

The Law of Refugees

Zia Rizvi, Secretary-General of the Independent Commission on International Humanitarian Issues, opened the seminar with the keynote address entitled "New Dimensions of Uprootedness", which set one of the major themes of the meeting, i.e. the changing character of the problem of forced migration today which has moved beyond the capacity of either laws or present approaches to assistance to alleviate. In a second introductory address, George Kanyeihamba reminded the audience that the standards and concepts embodied in international human rights law were not an imposition of any one civilization, but rather reflect the values which arise from the best values in all societies.

Y. Makonnen, of the UNHCR, and I.C. Mponzi of the OAU, led the discussion on the OAU Convention concerning refugees. Africa has made innovative contributions to the law and practice of refugee protection and assistance, including its own definition of the term "refugee" propounded in the 1969 OAU Refugee Convention, which is broader than that contained in the UN instruments. Its standards are having a positive impact on other regions of the world.

The Hosts' Experience

Throughout the two weeks considerable time was given to discussion of refugee issues from the hosts' perspective. Emphasis was placed on the need for assistance which redresses the extreme poverty of local communities, who are, in many cases, as impoverished as the refugees. The presence of specialists and representatives of host countries from other regions of the world outside Africa added to the constructive, comparative, and not uncritical look at refugee policy in different countries. This was particularly the case when refugee policies in Europe and North America were discussed.

Not all countries represented were parties to the international conventions on refugees, namely the 1951 Refugee Convention, its 1967 Protocol and the 1969 OAU Refugee Convention. Some have no domestic legislation, although practice was sometimes in conformity to the Conventions. There were also differences between African countries in terms of which Ministry was responsible for implementing refugee law. In many cases, the concentration of African government officials was on status determination, rather than on administering assistance, despite the fact that most refugees in Africa are granted refugee status *en masse*.

The Refugee Experience

A number of sessions were devoted to learning about the refugees' own experiences through films and discussions often led by refugees themselves. These sessions were some of the most thought-provoking. Particular attention was drawn to the difficulties experienced by refugees and the special need for sensitivity in dealing with people who have undergone extremely distressing or traumatizing experiences. Besides looking at the commonplace problems of refugees, such as insecurity, unemployment, and other forms of deprivation, the participants went on to examine the psycho-social problems of refugees and the special needs of particular groups -- namely women and children. Among the many issues raised in these sessions, the following stand out: the persecution and deprivation of refugees; their frustrations at the loss of their former socio-economic status; factionalism among