NEW ISSUES IN REFUGEE RESEARCH

Africa's refugees:
patterns, problems and
policy challenges

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Introduction

Individuals and organizations who work on behalf of refugees are frequently affected by a syndrome which can best be described as "humanitarian pessimism".[1] According to this perception, the state of the world – and Africa in particular - is in perpetual decline, with life becoming progressively more nasty, brutish and short for ever larger numbers of people. Each war that breaks out is more violent than the last, and every population displacement that occurs is described as being "unprecedented" in its scale, speed and degree of human tragedy.

While humanitarian pessimists are all too frequently unconstrained by a knowledge of history or a respect for empirical data, recent events in countries such as Angola, the Democratic Republic of the Congo (DRC), Rwanda and Sierra Leone, not to mention Ethiopia and Eritrea, have lent some credibility to their case. Some depressing conclusions can also be drawn from the statistical data collected by organizations such as the Office of the UN High Commissioner for Refugees (UNHCR) and the US Committee for Refugees (USCR). For they show that that the problem of human displacement in Africa is large - and possibly growing - in scale, that it is geographically widespread, and that it has become (if it was not so before) highly complex in nature.[2] Moreover, there is a great deal of qualitative evidence to suggest that the situation of Africa's displaced people is becoming increasingly precarious, and that even those who succeed in escaping from their own country are unable to find a safe refuge in other states.

The first part of this article examines the changing scope, scale and dynamics of the refugee problem in Africa, drawing extensively on the statistical data referred to in the preceding paragraph. The article then goes on to analyze three specific policy challenges related to the rights and welfare of the continent's displaced people: the need to preserve the principle and practice of asylum; the need to reinforce security and the rule of law in refugee-populated areas; and the need to facilitate the safe return and sustainable reintegration of people who have been forced to flee from their own country or community.

This article employs the generic term "displaced people" to refer to those who have left their usual place of residence in order to escape from persecution, armed conflict or violence. People who move in such circumstances and who cross an international border are referred to as "refugees", while those who remain within their country of origin are described as "internally displaced persons" (IDPs). Refugees and internally displaced persons who have gone back to their own country or community are described as

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[1] This paper was first presented at 'Dimensions of vulnerability', a conference organized by the Coventry University African Studies Centre and the African Studies Association of the United Kingdom at Coventry University, 16 September 1999. The paper appears in the *Journal of Contemporary African Studies*, vol. 18, no. 2, 2000, pp. 158-178.

[2] The statistics relating to refugees and displaced people are notoriously subject to inaccuracy and manipulation. For a discussion of this problem see Crisp (1999a). The statistics cited in this paper are drawn from the UN High Commissioner for Refugees (1999), US Committee for Refugees (1999), and Drumtra (1999). The figures cited normally refer to the situation at the beginning of 1999.

"returnees". The article does not examine the situation of those people who are commonly described as "disaster-induced migrants", "development-induced migrants" or "ecological refugees".

Patterns of displacement in Africa

While Africans constitute only 12 per cent of the global population, around 28 per cent (i.e. 3.2 million) of the world's 11.5 million refugees and just under 50 per cent (i.e. 9.5 million) of the world's 20 million internally displaced persons are to be found in Africa. The total number of displaced Africans thus stands in the region of 12.7 million. To this number can be added more than two million returnees, who, according to UNHCR, have not been able to reintegrate in their country of origin and who continue to need some form of international protection and assistance.

Of the 20 top 'refugee-producing' countries around the world, nine are to be found in Africa. Twenty five African states have refugee populations in excess of 10,000, while 11 of those countries are currently hosting refugee populations of 100,000 or more. According to the USCR, ten of the 24 countries with the highest ratio of refugees to local people are member states of the Organization of African Unity (OAU). In terms of internally displaced persons (IDPs), the figures are equally striking: Africa provides ten of the 20 countries with the largest IDP populations.

The headline figures provided above do scant justice to the complexity of human displacement in Africa. It should be noted, for example, that not all countries or sub-regions of the continent are equally affected by this problem. With the resolution of the longstanding conflicts in Mozambique, Namibia and South Africa between the late 1980s and mid-1990s, the southern part of the continent has been transformed from a major to a relatively minor refugee-hosting area - Angola being the primary exception to this rule. Similarly, the recent repatriation of displaced Tuaregs (principally from Algeria, Burkina Faso, Mauritania and Niger to Mali and Niger) has left the Sahel region without any significant refugee populations.[3]

Conversely, with regard to both refugees and IDPs, two principal sub-regions of displacement have emerged in the course of the 1990s: the five neighbouring states of Côte d'Ivoire, Guinea, Guinea-Bissau, Liberia and Sierra Leone in the west of the continent; and the vast area of central Africa which stretches from Eritrea in the north-east to Angola in the south-west, also encompassing the DRC, Congo Brazzaville, Burundi, Ethiopia, Kenya, Rwanda, Somalia, Sudan, Tanzania, Uganda and Zambia. Both of these sub-regions are now affected by interlocking patterns of war and human displacement, in which the movement of refugees, IDPs and returnees constitutes both a consequence and a cause of social and political violence. In many instances, moreover, displacements have been deliberately used by warring parties as a means of securing or reinforcing their control of territory, resources and people (Crisp and Tan 1998).

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[3] Algeria, however, has a longstanding population of Sahrawi refugees, currently numbering some 165,000.

The headline figures cited earlier also do little to reveal the complex nature and patterns of displacement that have characterized the African continent in recent years. That complexity assumes a number of different forms.

First, while Africa continues to produce a disproportionate number of the world's refugees in relation to its overall population, the continent's share of the global refugee problem has actually diminished in recent years. Thus in 1994, around 47 per cent of the refugees recorded by UNHCR were to be found in Africa. By 1998, the proportion had dropped significantly, to its current level of 28 per cent. In absolute terms, the number of refugees in Africa fell by more than 50 per cent in the same period: from 6.75 million in 1994 to 3.2 million in 1998.

Second, as these figures suggest, the movement of refugees in Africa is very much a two-way process: while some displaced people have been leaving their own country to seek safety in neighbouring and nearby countries of origin, others (in fact a larger number) have been moving back to their homeland. Thus according to UNHCR statistics, the three largest refugee exoduses of 1998 all took place in Africa: from Sierra Leone (280,000), Sudan (37,000) and Angola (33,000). But so did the two largest repatriation movements: to Liberia (236,000) and Sierra Leone (195,000).

The inclusion of Sierra Leone on both of these lists, not to mention the massive number of IDPs to be found within that country (up to half a million at the beginning of 1999), provides another indication of the complexity which has characterized recent population displacements in Africa. As a UNHCR publication has observed, "movements of refugees, returnees and internally displaced people now often criss-cross each other, collecting and discarding people on the way. At the same time, there would appear to be a growing number of situations in which people are repeatedly uprooted, expelled or relocated within and across state borders, forcing them to live a desperately insecure and nomadic existence." (UNHCR 1997: 33). One of the best known examples of this trend concerns the plight of some 20,000 boys from southern Sudan, who, having initially been displaced within their own country, were subsequently forced into Ethiopia, then back to Sudan and eventually into Kenya. But 'serial displacements' of this type have also affected growing numbers of people originating from countries such as Angola, Burundi, the DRC, Liberia, Rwanda and Sierra Leone.

Third, it is of some significance that the recent decline in the number of refugees in Africa (down from 6.75 million in 1994 to 3.2 million in 1998) has been matched by a growth in the continent's population of internally displaced persons (up from around 5.0 million in the early 1990s to a present total estimated to be in the region of 9.5 million). The precise reason for the rising number of IDPs in Africa, as well as its relationship to the decline in the size of the continent's refugee population, remains unexplored and to a large extent unexplained. Is it because inter-state wars are more likely to produce cross-border refugee movements, whereas "internal conflicts" of the type that are deemed to have occurred in Africa during the 1990s are more likely to generate internal population

displacements?[4] Is it because the intense international advocacy efforts which have been made on behalf of IDPs in recent years have led to an increasing awareness of their plight and a growing readiness to record - and perhaps even exaggerate - their numbers? Or is it because displaced Africans have found it more and more difficult to leave their own country and to take refuge in another? For as the following section suggests, the principle and practice of asylum in Africa has come under mounting pressure in recent years.

The principle and practice of asylum

From the 1960s to the 1980s, Africa established a largely well-deserved reputation as a continent which treated refugees in a relatively generous manner. The newly-independent states of Africa readily acceded to the main international refugee instruments, and in 1969 established a regional refugee convention which introduced a more inclusive definition of the refugee concept than that which applied in other parts of the world. At the same time, the OAU Refugee Convention of 1969 - unlike the 1951 UN Refugee Convention - unambiguously stated that the repatriation of refugees to their country of origin should take place on a voluntary basis. In these respects, Africa established new and improved legal standards for the treatment of exiled populations.

While there were certainly occasions on which states failed to act in accordance with these laws and standards, the period from the 1960s to the 1980s has with some justification (if a little exaggeration) been labelled the "golden age" of asylum in Africa (Rutinwa 1999: 4).[5] In general, governments allowed large numbers of refugees to enter and remain on their territory. Many refugees enjoyed reasonably secure living conditions and were able to benefit from a range of legal, social and economic rights. Considerable numbers of refugees were provided with land and encouraged to become self-sufficient. In some states, refugees were allowed to settle permanently and to become naturalized citizens. While the deportation and expulsion of refugees was not unknown (Crisp 1986), the principle of voluntary repatriation was broadly respected.

Even if one allows for a considerable degree of humanitarian pessimism, there is now a broad consensus amongst refugee agencies and analysts that these conditions no longer prevail. Indeed, refugee protection principles are now being challenged and undermined in many parts of Africa. As a Tanzanian scholar has observed:

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[4] As well as being based on the facile assumption that the phenomena of 'internal' armed conflicts and 'internal' displacement must be linked in some way, this argument ignores the strong regional and international involvement which has characterized the wars in African states such as Angola, Burundi, Liberia, Rwanda, Sierra Leone, Sudan and Uganda.

[5] For a less rosy perspective on the history of refugees in Africa, see Lawyers Committee for Human Rights (1995).

African states have become less committed to asylum. Instead of opening their doors to persons fearing harm in their own states, African countries now prefer refugees to receive protection in "safe zones" or similar areas within their countries of origin. African states now routinely reject refugees at the frontier or return them to their countries of origin even if the conditions from which they have fled still persist. Refugees who manage to enter and remain in host countries receive "pseudo-asylum". Their physical security, dignity and material safety are not guaranteed. As for solutions, African states are less inclined to grant local settlement or resettlement opportunities to refugees. What they seem to prefer is repatriation at the earliest opportunity, regardless of the situation in the countries of origin (Rutinwa 1999: 1).[6]

While the picture that it paints is an accurate one, the preceding quotation clearly calls for some further explanation. Why did the principle and practice of asylum receive such strong support in the 1960s and 1970s? Why has that support diminished in the 1980s and 1990s? And what, if anything, can be done to reverse this negative trend?

The relatively liberal refugee policies pursued by the states of Africa during the first 20 years of independence have often been attributed to the continent's "tradition of hospitality". While this factor should not be entirely discounted, it is important to recognize the extent to which the principle and practice of asylum was underpinned by other considerations in the period under discussion.

From the early 1960s until the late 1970s, many of Africa's refugees were the product of independence struggles and wars of national liberation, most notably in countries such as Angola, Guinea-Bissau, Mozambique, Rhodesia, South Africa and South-West Africa. The ideologies of pan-Africanism and anti-colonialism remained strong throughout much of the continent, and influential political leaders such as Julius Nyerere and Kenneth Kaunda set a positive example in the refugee policies which they pursued. At the same time, the relative prosperity of many African states in the early years of independence and the modest size of the refugee movements which took place at this time enabled those countries to shoulder the economic burden imposed by the presence of refugees from neighbouring and nearby states.

The principle and practice of asylum in Africa was further buttressed by international aid. Across much of the continent, an implicit deal was struck whereby African states admitted refugees to their territory and provided the land required to accommodate them. And as a reciprocal gesture (often referred to in the humanitarian community as "burden sharing") donor states provided the funding - much of it channeled through UNHCR - required to feed, shelter, educate and provide health care to the refugees. As well as mitigating the impact of the refugee presence, it must be added, such assistance programmes provided African states and elites with a welcome source of foreign exchange, employment and commercial opportunities.

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[6] These trends are also documented by Amnesty International (1997a) and Human Rights Watch (1997).

During the past 10 to 15 years, the ideological and material underpinning of Africa's "tradition of hospitality" towards refugees has been progressively dismantled. Sheer numbers have played a distinct part in this process: while there were only around a million refugees in Africa in the early 1970s, that figure had climbed to almost six million by the early 1990s (Schmeidl 1998). The speed and scale of the continent's refugee movements also appeared to increase from 1980 onwards[7], leading to large-scale emergencies of the type witnessed in countries such as Sudan (1984-85), Ethiopia (1988), Cote d'Ivoire, Guinea and Sierra Leone, (1989-90), Benin (1993) Tanzania and Zaire (1994). No longer the victims of anti-colonial and liberation struggles, the new generation of African exiles has not been able to count on the support and solidarity offered to refugees in earlier years.

While the growing size and changing character of Africa's refugee population accounts to some extent for the continent's declining commitment to the principle of asylum in the 1980s and 1990s, a number of other variables must also be taken into account.

First, it should be noted that the industrialized states - rather than those in Africa - have taken the lead in eroding the right of asylum and undermining the principles of refugee protection. Indeed, since the early 1980s, the countries of Western Europe, North America and Australasia have introduced a vast array of measures specifically designed to prevent or dissuade the arrival of refugees. At a time when the very countries responsible for establishing the international refugee regime are challenging its legal and ethical foundations in this way, then it is hardly surprising that other states, especially those with far more pressing economic problems and much larger refugee populations, have decided to follow suit. Thus increasingly, when African countries close their borders to refugees, they justify their actions by referring to the precedents which have already been set in more prosperous parts of the world. "In the current situation, what country would keep its border open?" one African government minister asked UNHCR, in response to an impending refugee influx. Threatening to close his country's border so as to obstruct the new arrivals, he noted that "if this was a western country, it would have been well accepted".[8]

Second, many of the African states which have admitted large numbers of refugees in the past now feel that their generosity has been too quickly forgotten. The regions of Malawi which accommodated large numbers of Mozambicans, for example, have experienced serious environmental difficulties such as deforestation and soil erosion. But now that the refugees have returned to their homeland, international attention has moved away from Malawi and the country has been left to cope with the problems which the refugees left behind.

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[7] "Appeared" because little systematic research has been done on this issue. But the notion that refugee movements in Africa have become larger and that they now take place over shorter time-periods than in the past has become the conventional wisdom of the humanitarian community.

[8] This quotation is taken from an internal UNHCR memorandum, dated 17 October 1996.

Third, donor states can be said to have exacerbated the decline in protection standards in Africa by making it increasingly clear that they are no longer prepared to support long-term refugee assistance efforts. Programmes which have already been in existence for a number of years, they argue, should be brought to an end as rapidly as possible. And when new refugee movements take place, immediate efforts should be made to ensure the repatriation of the people concerned, thereby averting the need for long-term "care and maintenance" programmes.

An illustration of this linkage was seen in October 1996, when donor states informed UNHCR in very certain terms that they wished to see a speedy end to the assistance programme for Rwandan refugees in Tanzania and Zaire. According to a senior US State Department official, resources were "limited and diminishing." There was consequently a need to break the "intolerable and unsustainable status quo" through a process of "prompt, voluntary and orderly repatriation" (Oakley 1996). The following month, around half a million Rwandans were effectively expelled from Tanzania and returned to their country of origin, with few if any objections from governments or the United Nations.[9]

Fourth, to understand the declining commitment to asylum in Africa, economic factors must also be taken into account. As suggested earlier, when African countries began to receive significant numbers of refugees in the 1960s and 1970s, they were relatively well placed to cope with the influx. Over the past 20 years, however, many of those countries have experienced low - and in some cases negative - rates of economic growth. At the insistence of the industrialized states and the international financial institutions, African states have been obliged to introduce free-market economic reforms and to make substantial cuts to public spending and services. At the same time, the level of official development assistance provided by the richer nations has not only been in decline, but has also been increasingly targeted at a relatively small number of states with good development prospects and investment potential. Very few African states fall into that category.

Fifth, in recent years African states increasingly drawn international attention to the negative environmental impact of large-scale refugee movements and populations in countries of asylum. This impact - and the failure of the international community to address the problem effectively - has also been cited by several governments in Africa as one of the reasons for their declining willingness to admit refugees. In reality, the environmental damage caused by exiled communities may not always be as great as is assumed or alleged to be. Even so, there is little doubt that poorer members of the population in areas affected by mass influxes can be negatively affected by the refugee presence.

In the Ngara district of Tanzania, for example, Rwandan refugees outnumbered the local population by a factor of four to one when they arrived in 1994. And as an environmental expert pointed out, in the early days of the emergency, the only provision made for the refugees' shelter needs by the international community came in the form of plastic

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[9] Controversially, UNHCR was a party to this action. See Amnesty International (1997b).

sheeting. "This leaves the procurement of all other shelter materials and fuelwood completely up to the refugees, who are forced to exploit whatever the surrounding natural vegetation offers them. A free-for-all attitude is created within the refugee communities with regard to firewood, poles, timber, grass, animal fodder and any other plant material available within walking distance" (UNHCR 1997: 72).

The negative impact of such problems on the local population is frequently reinforced by the perception that refugees receive preferential treatment from the international community. Despite attempts by UNHCR and other humanitarian organizations to promote integrated and area-based assistance programmes in situations of mass influx, it remains the case that international relief efforts are normally focused on refugees, rather than on members of the local population. Thus in 1994, aid agencies reported that the growing resentment of Zairean citizens towards the arrival of the Rwandans was that refugees living in camps had a far better quality of life than people living in local villages. A somewhat similar situation currently prevails in north-west Kenya, where some members of the Somali refugee population are in a position to hire (at minimal rates of pay) the local Turkana as labourers and domestic workers.

Sixth, and as explained more fully in the following section of this article, the decline of asylum in Africa can be partially attributed to the perception that exiled populations constitute a threat to social stability and political security. At the local level, refugees are frequently (and not always unfairly) associated with problems such as crime, banditry, prostitution, alcoholism and drugs. In many instances, moreover, host countries simply do not have the capacity or willingness to maintain law and order in the remote and underdeveloped areas where the largest number of refugees are often to be found.

The hostile reception received by refugees in some African states is also related to political developments at the national level. Indeed, there is growing evidence of a linkage between the process of democratization on one hand and the decline in refugee protection standards on the other. Prior to the 1990s, authoritarian governments and one-party states in Africa were relatively free to offer asylum to large refugee populations when they considered such a policy to be consistent with their own interests. But with the end of the cold war and the introduction of pluralistic systems of government in many parts of the continent, the refugee question has assumed a new degree of political importance. As in the industrialized states, both governments and opposition parties are prone to encourage nationalistic and xenophobic sentiments, and to blame their country's ills on the presence of refugees and other foreigners. In countries where large numbers of people are living below the poverty line and where income differentials are wide (South Africa provides a good example) such messages can have a potent appeal, irrespective of their veracity.

From a humanitarian perspective, there is a self-evident need to halt and reverse the apparent decline in Africa's commitment to the principle and practice of asylum - although organizations such as Human Rights Watch (HRW) and Amnesty International

have argued that UNHCR has itself been a party to the decline in protection standards.[10] But how exactly is that objective to be achieved? As the preceding analysis has attempted to demonstrate, the current pressures on asylum in Africa are deeply rooted in the political economy of the continent. They also form part of a much broader global trend in refugee policies and asylum practices. In such a context, it would appear naïve to imagine that the issue can be addressed by simply exhorting African governments and opposition movements, as well as donor states and aid agencies, to treat the continent's refugees with greater respect and consideration. And yet advocacy is one of the few tools available to the humanitarian community.

Successful advocacy often appeals to both values and self-interest. And this principle might be applied more effectively to the question of asylum in Africa. Respect for the principles of international refugee law is not inconsistent with the pursuit of national interest. Indeed, as the following section of this article explains, the OAU refugee convention was introduced by African governments in order to ensure that cross-border population displacements were managed in a predictable manner and in a way that safeguarded national security and inter-state relations. Similarly, the establishment of the international refugee regime and the introduction of the burden-sharing principle were based on an understanding that the problem of forced migration is an inherently transnational one which cannot be effectively addressed by means of bilateral action. In order to reinforce the institution of asylum in Africa, the principles of state responsibility and international solidarity must first be more widely respected.

Insecurity and the rule of law in refugee-populated areas

The notion of asylum is based upon the principle that people should be able to leave their own country when they are confronted with serious threats to their life and liberty, and that they should henceforth enjoy protection and security in the state which has admitted them to its territory. Recent and current examples of this model being put into effective practice are not impossible to find. Liberian refugees in Côte d'Ivoire, for example, have enjoyed a reasonably secure and peaceful existence since their arrival, as have the Angolan refugees in north-west Zambia. Similarly, from the mid-1980s to the mid-1990s, up to a million Mozambicans found a genuine degree of safety in Malawi, despite the proximity and brutality of the war in their homeland and the limited land and other resources available to them in their country of asylum.

While levels of violence and insecurity are not easy to measure, there is a growing consensus amongst analysts and practitioners that the refugee camps of Africa are becoming increasingly dangerous places. Indeed, far from finding a safe refuge in their country of asylum, the continent's refugees increasingly find that by crossing an international border, they exchange one form and degree of vulnerability for another. The sources of insecurity which exist in Africa's refugee camps and settlements are varied and

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[10] See, for example, the critique of UNHCR in Human Rights Watch (1997).

numerous. But for the purposes of this analysis they can be placed in two principal groups.

On one hand, refugee-populated areas may be the target of direct military attacks, sometimes in the form of aerial bombing but more usually by means of land-based attacks. In the 1970s and 1980s, such raids were launched most frequently by the armed forces of South Africa, targeted at refugees and exiled groups in the front-line states. In the 1990s, however, this phenomenon appears to have become more widespread and to have assumed some different forms. A number of different examples can be cited in this respect: attacks on Sudanese refugee settlements in northern Uganda, undertaken by forces opposed to the Museveni government and associated with the authorities in Khartoum; incursions by the armed forces of Burundi into refugee-populated areas of neighbouring Tanzania, intended to apprehend combatants and "subversives" living amongst the Burundi population; and, most dramatically, the full-scale assault on the Rwandan camps in eastern Zaire at the end of 1996. Undertaken by Zairean rebels with the backing of the Rwandan armed forces, the attack seems to have a number of related objectives: to prevent the camps of eastern Zaire from being used as a political and military base for the former Rwandan government and armed forces; to eliminate and disperse members of the *interahamwe* and others who had been responsible for the 1994 genocide; and to drive the mass of exiled Rwandans back to their country of origin and thereby bring them under the effective supervision of the government in Kigali.

On the other hand, there is evidence to suggest that refugee-populated areas in Africa are now increasingly affected by a variety of non-military security threats, involving different forms of violence, coercion, intimidation and criminal activity. A recent study of camps in Kenya, for example, presents a simple typology of the security threats which confront refugees in their daily lives (Crisp 1999b). As well as domestic and sexual violence, those threats include rape and armed robbery, conscription into militia forces; abductions for the purpose of forced marriage; arbitrary arrest and punishment by refugee community leaders and members of the local security forces; violence between refugees and members of the local population; fighting between different clans and sub-tribes within the same refugee community; and armed confrontations between refugees of different nationalities. Other recent studies suggest that the high levels of violence and insecurity experienced by exiled populations in Kenya are by no means untypical of refugee camps and settlements elsewhere in Africa (HRW 1999, USCR 1999: 48-103).

The violence and instability which prevail in many refugee-populated areas of Africa is of particular concern for a number of different reasons: because it jeopardizes the welfare of those people which the organization is mandated to protect; because it also poses a threat to the lives and livelihoods of local populations; because it adds weight to the argument that refugees are a source of insecurity, and that it is therefore legitimate for them to be excluded and or forcibly repatriated from countries of asylum; and because insecurity in refugee-populated areas, especially when it involves cross-border attacks and incursions, can easily lead to a deterioration of inter-state relations, a widening pattern of armed conflict and additional population displacements.

With respect to the preceding observations, the events of the past five years in Central Africa have clearly been of enormous significance. On one hand, the movement of Rwandan Hutus into eastern Zaire - and to a lesser extent the movement of Burundi refugees into Tanzania - has contributed substantially to the destabilization and insecurity of the Great Lakes region as a whole. On the other hand, these events have played a major part in discrediting the humanitarian enterprise and the very principles of refugee protection. Two quotations from the influential journal *Foreign Affairs* provide a flavour of this damaging critique. Ben Barber, writing in July 1997, observed:

> Large numbers of refugees, menaced by starvation and disease, make for pathos and dramatic press that attracts aid dollars from international humanitarian organizations and foreign governments. The aid that flows to the camps where the refugees are gathered can be skimmed by militants based in the camps, as well as local businesspeople and military officials of the host government. The packed camps, protected by international sympathy and international law, provide excellent cover for guerrillas and serve as bases from which they can launch attacks (Barber 1997: 8).

Edward Luttwak, writing in mid-1999, offered a similar (but by that time anachronistic) commentary. "The huge refugee camps along the Democratic Republic of Congo's border with Rwanda stand out. They sustain a Hutu nation that would otherwise have been dispersed, making the consolidation of Rwanda impossible and providing a base for radicals to launch more Tutsi-killing raids across the border..." (Luttwak 1999: 43). While the statement is not without justification[11], the implicit message of such observations is that refugees represent a serious security threat, and that this threat is bolstered not only by international humanitarian assistance but also by the principles of refugee protection. For those states who would like to reduce their expenditure on humanitarian assistance and dismantle the international refugee protection regime, this is a welcome message indeed.

Responding to the mounting attack on humanitarianism (Macrae 1998), UNHCR has attempted to identify the actions that might be taken to ensure that large-scale refugee movements and populations do not become a threat to local, national and regional security. At the same time, the organization has sought to determine how that objective might be attained while simultaneously ensuring that refugees are offered the protection and security to which they are entitled. In brief, the organization has concluded that the answer to these difficult questions lies in a scrupulous respect for - rather than a dismissal of - the principles of international and African refugee law.

International refugee law, it is often forgotten, has a dual purpose. On one hand, instruments such as the 1951 UN Refugee Convention and the 1969 OAU Refugee Convention were established to protect people who were forced to leave their own

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[11] But it does beg the question as to whether exiled Rwandans engaged in such killings should be described as "refugees".

country as a result of persecution, armed conflict and human rights violations. On the other hand, such conventions were established and ratified by states (not, it should be noted by UNHCR, by non-governmental organizations or by the human rights community!) with the specific intention of protecting their national interests and addressing their own security concerns. As governments recognized when these conventions were drafted, unless the rights and obligations of refugees are properly codified, unless refugee problems are managed in a consistent and predictable manner, and unless the humanitarian character of asylum is respected, then there is a considerable risk that the presence of refugees will have a destabilizing impact on both countries of asylum and countries of origin. In more specific terms, and as outlined below, a number of objectives might be pursued.

Ensuring effective refugee protection

Effective refugee protection has an important part to play in addressing the problem of insecurity in refugee-populated areas of Africa. Forced repatriation movements, attacks on refugee camps and other forms of coercive and military action are not simply contraventions of international refugee law. They also have a destabilizing impact on both countries of asylum and countries of origin, particularly when very large numbers of people are affected by such actions. Moreover, the denial of effective protection to refugees and returnees may well serve the purposes of extremist, militant and insurgent groups, who are only too willing to exploit the fears of displaced compatriots.

Separating refugees from other exiles

The UN Refugee Convention identifies certain categories of person who do not deserve international protection and who therefore cannot be considered or treated as refugees. These include people who have committed a crime against peace, a war crime or a crime against humanity; people who have committed serious non-political crimes before entering another country; and people who have been guilty of acts which are contrary to the purposes and principles of the United Nations. Regrettably, as demonstrated in the Great Lakes region of Africa, it has not always proved possible to implement these provisions of international refugee law. To address this problem effectively, a two-track approach is required, ensuring both the physical and the legal separation of refugees from those who do not qualify for that status.

As far as physical separation is concerned, there is an evident value in segregating refugees from other exiles as soon as an influx takes place. Those individuals who do not qualify for international protection under the UN and OAU refugee conventions, who are bearing arms and who are known to be responsible for acts of intimidation against their compatriots, should not be accommodated in UNHCR-assisted refugee camps. Using a minimum level of force, they should be disarmed by the security services of the host country and accommodated in separate and internationally monitored facilities, pending

any decisions concerning their future. In situations where the national authorities lack the capacity to take such action, alternative approaches might be considered, including the deployment of international or regional military and civilian police forces.

In situations of large-scale influx, when people arriving in a country of asylum are recognized as refugees on a *prima facie* basis, it is clearly not possible to identify every individual who may be excluded from refugee status. When there is some doubt about the validity of a person's claim to refugee status, the host government, supported as appropriate by UNHCR, should establish effective screening procedures and thoroughly assess each case on an individual basis. Such procedures should, of course, meet internationally recognized standards for the determination of refugee status.

Finally, if the integrity of international law is to be upheld, and if the security of refugee-populated regions is to be enhanced, then individuals who have committed genocide and other crimes against humanity must not be allowed to escape from justice by claiming refugee status. Asylum seekers and *prima facie* refugees who are suspected of such crimes should consequently be arrested, tried and judged by the due process of law and in accordance with international standards.

Establishing and relocating camps away from borders

UNHCR's governing board, the Executive Committee, has stated that the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving state. More specifically, it has agreed that asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of the country of origin. Similarly, the OAU Refugee Convention clearly states that "for reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin".[12]

As indicated earlier in this article, it has not always proved possible to achieve those objectives, in some cases because states have failed to cooperate in this endeavour. As a direct result, the protection of refugees has been jeopardized and the negative impact of the refugee presence on local, national and regional security has undoubtedly been exacerbated.

Looking to the future, it would evidently be useful for countries in refugee-affected regions to work closely with UNHCR in order to identify appropriate sites where refugees might be accommodated in the event of further influxes. At the same time, and with the support of the international community, efforts could be made to relocate those camps which have been established at too close a distance from the refugees' country of origin. In practice, of course, it is not always possible to locate refugee camps the requisite distance from an international border, due to social, political or geographical

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[12] Article II (6) of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

considerations. In such cases, additional security measures of the type discussed in the following sections may be called for.

Countering intimidation and disinformation

The international community has long recognized the principal that the granting of asylum should not be construed as an unfriendly act by the country of asylum towards the country of origin. But that principle is inevitably jeopardized when exiled populations engage in activities which are clearly designed to destabilize the country from which they have fled. As suggested earlier, the physical and legal separation of refugees from other exiles has an essential role to play in countering the intimidation and political exploitation of refugee populations. At the same time, a number of additional steps could be taken.

Host governments, the international media and others could mount information and education initiatives to ensure that refugees have access to objective information about their rights, their obligations and the situation within their country of origin. The authorities in countries of asylum could establish and implement legislation which allows them to halt the dissemination of propaganda which is intended to provoke hatred and violence. It should be noted that such approaches to the problem of insecurity are fully supported by the OAU Refugee Convention, which declares that "signatory states undertake to prohibit refugees residing in their respective territories from attacking any State Member of the OAU, by any activity likely to cause tension between Member States, and in particular by use of arms, through the press or by radio".[13]

Finally, every possible step should be taken to ensure that all relief distribution systems are organized in such a way as to prevent them from falling under the control of exiles who do not qualify for refugee status. Particular attention might be given to the role which women can play in ensuring the equitable distribution of assistance. As recent experience in the Great Lakes region has demonstrated, when political and military elements are able to control the supply of food and other essential relief items, their capacity to control and intimidate the refugee population is greatly enhanced, as is their capacity to destabilize their country of origin.

Establishing the rule of law in refugee-populated areas

Maintaining law and order in and around refugee camps has a number of important purposes: it enhances the protection of refugees; it reinforces the security of the local population; it contributes to the task of ensuring that refugee camps are not used for subversive purposes; and it helps to establish an environment in which refugees can freely choose whether or not to repatriate. But establishing the rule of law in a refugee camp is rarely a simple task. When large numbers of displaced and destitute people are obliged to

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[13] Article III (2) of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

live alongside each other in difficult conditions and for an unknown length of time, tensions and conflicts can be anticipated. When the camp population includes individuals and groups who have been responsible for terrible crimes in their country of origin, the potential for disorder and violence is evidently even greater.

To address this important problem, several different but complementary approaches might be explored. First, UNHCR should continue to solicit funds and other resources from the international community in order to strengthen the judicial system in countries of asylum so that legal charges can be pursued against criminal elements. In addition, efforts should be made to reinforce the police and security forces which are deployed in refugee-populated areas of asylum countries. As well as providing practical support in the form of vehicles, communications equipment, office supplies and uniforms, donor states should expand the efforts which are currently being made to provide local security forces with effective training. Such training should evidently include a specific focus on human rights and the principles of refugee protection, and should therefore be undertaken in cooperation with UNHCR.

The extent to which law and order is upheld in refugee camps might also be enhanced by means of efforts to inform refugees of their obligations under international and national law. In this respect, it is worth recalling the article of the UN Refugee Convention which states that "every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order".[14] Education and information programmes might be established to convey this message to refugee populations and to warn them of the consequences of non-compliance.

Third, additional efforts could be made to limit the level of tension and conflict that inevitably exists in refugee camps. The establishment of mechanisms to resolve disputes between individuals and groups of people should be encouraged, building where possible on the social and legal traditions of the refugee population, and again recognizing the special role which women can play in this respect. Educational, cultural and sporting activities could be encouraged, targeted particularly at those adolescent males who are most likely to become involved in destabilizing criminal, political or military activities. Vocational training and income-generating programmes could also be established, thereby improving the quality of life experienced by refugees and providing them with some hope for the future. Above all, perhaps, Africa's refugees should again be given access to land and agricultural opportunities, as they usually were in the 1960s and 1970s, rather than being confined to camps for years on end without any prospect of becoming self-sufficient.

The reintegration of displaced populations

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[14] Article 2 of the 1951 UN Convention relating to the Status of Refugees.

As described in an earlier section of this article, large numbers of refugees and displaced people in Africa have gone back to their own countries and communities in recent years. More than five million refugees in Africa are known have repatriated since the early 1990s, and while the number of IDPs who have been able to return to their own community is unknown, it is almost certainly much higher. In Mozambique, for example, around 1.7 million refugees are estimated to have repatriated between 1992 and 1996, while the number of IDPs who went back to a previous place of residence may have been twice that figure.

The growth in the scale of repatriation from the late 1980s to the mid-1990s was due in large part to the resolution of several longstanding armed conflicts that were rooted in the cold war era: Eritrea, Ethiopia, Mozambique, Namibia and South Africa, to give some of the most prominent examples. Since the mid-1990s, considerable numbers of African refugees have continued to go back to their countries of origin. Some, such as those who have returned to Benin, Liberia, Mali, Niger and north-west Somalia, have done so in response to the signing of peace agreements or reductions in the level of repression and violence in their countries of origin. But many others have gone home under duress.

Despite a well-established legal principle that refugee repatriation should take place on a wholly voluntary basis and in conditions of safety and dignity, a substantial proportion of Africa's most recent returnees have gone back to their homes in conditions which do not meet these standards. In some situations, as with the 1.2 million Rwandans who repatriated (or, to be more accurate, who were repatriated) from Tanzania and Zaire in 1996-97, the pressure placed on refugees has been deliberate in nature, exercised by host governments, local communities, militia forces and other actors with the specific intention of inducing refugees to go back to their homeland. In other situations refugee returns have been induced by a more general deterioration of conditions in countries of asylum, resulting from social and political violence, declining economic opportunities or reductions in the level of international assistance. While accurate statistics concerning such movements are almost impossible to compile, information collected by the USCR suggests that at least 12 major repatriation movements took place under duress during 1998, involving seven different countries of asylum: Angola, Guinea, Rwanda, Sierra Leone, Tanzania, Uganda and Zaire/DRC (USCR 1998: 48-103).

The principle of voluntary repatriation is an important one to defend, not only because it upholds the rights of refugees, but also because refugees who return freely to their homeland can play an important part in the recovery of countries which have experienced prolonged periods of turmoil and violence. Thus according to one analysis, "as long as significant portions of a society's population are displaced, the conflict has not ended. There can be no hope of normalcy until the majority of those displaced are able to reintegrate themselves into their societies" (Holtzman 1995: 15). As this statement suggests, refugee movements and other forms of forced displacement are symptomatic of a situation in which the state is unable to protect its citizens and in which different groups of citizens are unable to live in peace alongside each other. The voluntary repatriation and effective reintegration of uprooted people is thus an important manifestation of the transition to political stability and human security.

Because it represents a very tangible form of progress, the voluntary return of displaced people can have an important impact on public confidence in the peacebuilding process. As the author of this article witnessed during his involvement in the Mozambican and Namibian repatriation movements, for ordinary men and women, the safe return of friends and relatives who had been living in exile for many years can be a more meaningful and moving experience than any number of formal peace agreements and UN resolutions.

Repatriation plays an important part in validating the post-conflict political order. When they choose voluntarily to go back to their homeland, refugees are, quite literally, voting with their feet and expressing confidence in the future of their country. More specifically, and as demonstrated again by the experience of Mozambique and Namibia, pre-election repatriation programmes can bring an important degree of legitimacy to internationally supervised elections.

Finally, the return of displaced populations can make an important contribution to the economic recovery of war-torn societies. The Horn of Africa provides three examples of this phenomenon. In the Ogaden region of Ethiopia, one observer reports, "the returnees act as a catalyst for development. In the rural areas it is the returnees who are spearheading ideas for change." "This new willingness and confidence to change," he continues, "is not confined to men. Returnee women have been in the forefront of opening new businesses and play a leading role in the long-distance trade in goods from Somaliland and Djibouti" (Hogg 1996:15).

According to another report, the Eritrean town of Alebu has been transformed by an influx of returnees from neighbouring Sudan. "Alebu has changed with remarkable speed from a barren place to a thriving town with around 6,000 inhabitants, numerous shops, hotels, grinding mills, a school, a clinic and hundreds of trees, shooting up between the houses" (Sorensen 1996: 2). Similar findings are reported by the War-Torn Societies Project (WSP) in North-East Somalia, where an influx of former refugees and displaced people is said to have "contributed positively to the initial recovery process in the region. In many places the newcomers have become a dynamic force for recovery, constructing new dwellings and contributing to the local economy as they adjust to their new circumstances" (WSP 1996: 6-7).

As these examples suggest, returnees in the world's poorer countries may not bring a great deal of financial or physical capital with them when they arrive in their country and area of origin. But they often possess a considerable amount of human and social capital: skills, experience and survival strategies which they have acquired in exile; family, clan and community networks which can be activated once they have returned; and a collective determination to rebuild their livelihoods and communities.

There is, however, another and less positive side to the repatriation coin, both for returnees themselves and for the societies to which they return. As far as the returnees are

concerned, one should not be too sentimental about the circumstances of the returning refugee, particularly those who repatriate under duress. As an aid agency worker in Eritrea has observed, returnees "are displaced people of a special kind. They experience not one but two relocations; one when they flee and another when they return to their own country. Each relocation is accompanied with a loss of the means of livelihood, such as land, jobs, homes and livestock. And each relocation marks the start of a tough restoration process" (Sorensen 1996: 2). A similar point is made in a study of returnees in Chad. "For the refugees who had received assistance in exile," it observes, "the return could be more difficult than the experience of exile itself. In place of the semblance of stability and physical security established in camps, where the major problems of survival were adequately met, a host of problems, uncertainties and dangers awaited the refugees on their return to their home country" (Watson 1996: 105). As the following paragraphs suggest, those "problems, uncertainties and dangers" can be grouped into a number of categories.

Physical insecurity. It would be misleading to suggest that the dangers confronting returnees are completely different from those experienced by other citizens of war-torn states. Like other members of society, returnees may have to survive in an environment where the rule of law hardly exists, where banditry and violent crime are rife, where demobilized soldiers prey upon the civilian population and where sporadic fighting continues. But returnees may also be exposed to particular risks when they go back to their homes. In Burundi, for example, Hutu returnees expelled from Tanzania have on several occasions been attacked and killed by the Tutsi-dominated armed forces in their country of origin.

Psycho-social insecurity. War-torn societies are usually characterized by high levels of social tension and psychological insecurity. In this respect, returnees may be particularly vulnerable. If they go home unwillingly and under duress, refugees and displaced people will have particular cause to fear for the future. And if they go home voluntarily, they may have unrealistic expectations about the situation they will find when they arrive in their place of origin. Moreover, in countries where land-use patterns have changed and where land-mines have been laid - Angola and Mozambique provide two examples - returnees may not even be able to go back to the place which they consider to be their home.

Legal insecurity. Returning refugees and displaced people often experience several forms of legal insecurity. They may not have proof of their nationality or be recognized as citizens of the country to which they return - in which case, they will lack the protection of the state and will be at particular risk of persecution and marginalization. A more widespread problem experienced by returnees is a lack of official documentation such as identity cards and birth certificates - a situation which may place them at risk of arbitrary arrest and which may prevent them from voting, finding a job, gaining access to credit and moving freely round their own country. Former refugees and displaced people frequently find that they do not have secure title to the property which they left behind when they fled or the land which they farmed. The many female-headed households

which are typically to be found in most returnee populations tend to experience particular problems in this respect, because some land-tenure systems - such as that which prevailed in Rwanda in 1996 - do not even recognize the right of women to enjoy secure access to land.

Material insecurity. Refugees and displaced people rarely possess many resources when they go back to their homes. And yet when they arrive in their place of origin, they must survive in an environment which has been laid waste by armed conflict; where the marketing and banking system has disintegrated; where shops, warehouses, bridges and other elements of the infrastructure have been deliberately destroyed; where agricultural land and irrigation systems have fallen into disuse. In such circumstances, they may be obliged to live a precarious, hand-to-mouth existence, dependent for their survival, in the initial stages at least, on emergency relief assistance. Thus in north-west Somalia, a large number of the refugees who have returned from Ethiopia are now to be found in an overcrowded shanty-town in Hargeisa, their material conditions of life no better (and perhaps even worse) than they had experienced before their return.

Because the repatriation and reintegration process is fraught with so many problems, uncertainties and dangers, it can have negative as well as positive consequences for the state and society concerned. A large and sudden influx of returnees can place a substantial burden on areas which are ill-equipped to absorb the new arrivals, leading to increased competition for and conflict over scarce resources such as land, food, water, jobs and public services. This is particularly so when refugees have been forced out of their country of asylum, and when neither they nor their country of origin have been able to plan and prepare for the repatriation movement.

Large-scale repatriations may have other negative consequences for local and national security. They can produce destabilizing changes in a society's ethnic or communal balance. They can bring the members of opposing communities or political groups into face-to-face contact after months or years of physical separation. And they can lead to situations in which returning refugees have to live alongside fellow citizens who did not go into exile and who regard the returnees with suspicion and resentment.

A principal policy challenge associated with such situations is that of ensuring a sustainable process of reintegration, rehabilitation and (perhaps most difficult of all) social and political reconciliation.[15] In the immediate term, that may require the establishment of international mechanisms which are able to assist in keeping the peace, maintaining law and order, monitoring human rights violations and supervising the installation of governments with popular legitimacy. It is also likely to require substantial injections of emergency relief and rehabilitation assistance, not least in those areas to which large numbers of refugees and displaced people are returning.

But recent experience in Africa and other parts of the world suggests that the challenge of return, reintegration and reconciliation requires much more than short-term interventions

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[15] In these respects, Rwanda probably represents a worst-case scenario. See Drumtra (1998).

and assistance from the UN and other international actors. How, for example, can the rule of law and human rights principles be established in countries where large sections of the population have been subjected to terrible human rights abuses? What can be done to promote fair and effective governance in states which have always functioned in an authoritarian and kleptocratic manner? And how can countries which are marginal to the global economy and of strategic insignificance to the world's most powerful states achieve the economic growth and equitable distribution of income which appear to act as an essential underpinning to social and political stability? As these questions suggest, reintegrating Africa's displaced populations - and averting the need for people to flee from their homes in the first place - are objectives which go well beyond the limited influence and resources of the humanitarian community.

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