

# UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**"AFRICAN REFUGEE PROBLEM:  
A CASE STUDY OF UNHCR'S ASSISTANCE TO  
REFUGEES IN THE HORN OF AFRICA."**

By

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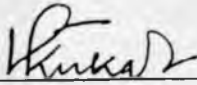
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## DECLARATION

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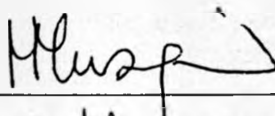
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## DEDICATION

*To my sons Bradley and Tony.  
"May you live to realize your dreams."*

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## Abstract

The disintegration of the Soviet Union and the subsequent end of the Cold War introduced a new world order with its own problems and complexities.

Many approaches of solving global problems that had been modeled along the Cold War framework are currently facing new challenges some of which they cannot address adequately. Their tenability is now under question and scrutiny. As we begin the new millennium, there is need to re-think some of these traditional approaches with a view to making them relevant for solving modern problems.

One of these areas that need to be revisited and reviewed is the international humanitarian assistance to refugees. The traditional approach of relying on the UNHCR and other donor agencies has not only become expensive over the years but has also tired the international community which has continuously shouldered the burden of states of origin that failed in their duty of protecting their citizens. There is a need to revise the humanitarian assistance to refugees with an aim of making it more proactive and also making it more inclined to integrating the community where the refugees are settled.

This study investigates the challenges facing the humanitarian assistance to refugees in the Horn of Africa in the post-Cold War era. The Horn of Africa has over the years been synonymous with refugees. In the 1990s, it exhibited various complexities of refugeehood. These included continued population displacement both within states and across international borders, life in exile for hundred thousands of refugees, and prospects of repatriation. This study examines how the humanitarian assistance to refugees deals with all these phenomena. An attempt is made to identify and highlight the loopholes and weaknesses facing the humanitarian assistance programs. Finally, a case is made for the need to make humanitarian assistance programs to be more holistic and inclusive. Thus, the agencies providing humanitarian assistance programs ought to work closely with the UNHCR in its duty of assisting refugees.

## **Glossary**

AU	-	African Unity
BP	-	Bureau for Refugees
BPEAR	-	Bureau for Placement and Education
ICCAR	-	International conference on Central American Refugees
ECOSOC	-	Economic and Social Council
ECOWAS	-	Economic Community of West African States
EIJM	-	Eritrean Islamic Jihad Movement
ELF	-	Eritrean Liberation Front
EPLF	-	Eritrean People's Liberation Front
EPRDF	-	Ethiopian People's Revolutionary Democratic Front
EU	-	European Union
FRUD	-	Front for the Restoration of Unity and Democracy
ICARA	-	International Conference of Assistance to Refugees in Africa
IDPs	-	Internally Displaced Persons
IGAD	-	Inter Government Authority on Development
IRC	-	International Red Cross
LRA	-	Lord's Resistance Army
LWF	-	Lutheran World Federation
MSF	-	Medicin Sans Frontier
NCCCK	-	National Council of Churches in Kenya
NGOs	-	Non-Governmental Organizations
OAU	-	Organization of African Unity
OLS	-	Operation Lifeline Sudan
RPG	-	Refugee Policy Group
SNA	-	Somali National Alliance
SPLA/M	-	Sudan People Liberation Army/Movement
SPM	-	Somali Patriotic Movement
TPLF	-	Tigrean People's Liberation Front
UDHR	-	Universal Declaration of Human Rights
UN	-	United Nations

UNDP	-	United Nations Development Programme
UNHCR	-	United Nations High Commissioner for Refugees
UNITAF	-	Unified Task Force
UNOSOM	-	United Nations Operation in Somalia
UNSRID	-	United Nations Research Institute for Social Development
USC	-	United Somali Congress
USCR	-	United States Committee for Refugees

# CONTENTS

Page

Acknowledgement .....	iii
Abstract .....	iv
Glossary .....	v

## CHAPTER ONE

### The African Refugee Problem

Introduction.....	1
The Problem.....	2
Objectives .....	4
Justification.....	4
Literature Review.....	5
Theoretical Framework.....	12
Hypotheses .....	13
Methodology .....	13
Chapter Outline.....	14

## CHAPTER TWO

### The Causes of Refuges in the Horn of Africa

Introduction.....	15
The Refugee Crisis in the Horn of Africa.....	16
Conflict in the Horn of Africa during the Cold-War .....	17
The Horn of Africa in Post-Cold War Era .....	22
The Horn of Africa as a Conflict System.....	25
Refugeehood in Ethiopia.....	27
The Somali Refugees .....	29
Refugees from Sudan.....	31

## CHAPTER THREE

### The UNHCR and African Refugees.

Introduction.....	33
The Good Offices of UNHCR and African Refugees.....	33
Other Functions of UNHCR .....	35
OAU's Role in African Refugee Problem .....	36
The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.....	40
Changing Fundamentals of the UNHCR Mandate .....	44



## **CHAPTER FOUR**

### **UNHCR: Its limitations in Refugee Assistance in the Horn of Africa Region**

Introduction.....	46
Asylum.....	47
Rights of Refugees.....	51
Effects of Intermittent Conflicts and Insecurity.....	55
The Search for Durable Solutions.....	57
Refugee Resettlement quotas.....	63
Conclusion.....	65

## **CHAPTER FIVE**

### **Strengthening the UNHCR's Humanitarian Assistance to Refugees in the Horn of Africa: A Critical Analysis**

Introduction.....	66
International Solidarity.....	67
ICARA and ICCAR.....	68
The Strengthening of the Institutional Actors' Capacity.....	71
The UNHCR.....	71
The Organization of African Unity.....	74
The Inter-Governmental Authority on Development (IGAD).....	76
The Responsibility of State of Origin and State of Asylum.....	77
Strengthening the Humanitarian Assistance to refugees in the Horn of Africa.....	79

## **CHAPTER SIX**

Conclusions.....	85
Bibliography.....	88

## CHAPTER ONE

### The African Refugee Problem

#### Introduction

In the last two decades the number of people fleeing persecution, internal disorder and war has led to large concentrations of refugees in some of the poorest countries of the third world. For an increasing number of those living in camps and settlements in Africa, Asia, Europe and Central America, there is little hope of political solutions, which would allow them to return home in the near future. At the same time<sup>1</sup>, the world recession is raising serious fears that flows of development and humanitarian assistance may not keep pace with the increasing complex economic problems facing developing countries, and amongst the most vulnerable in these circumstances are the world's estimated 7.2 million refugees who rely on the generosity of others for their basic needs. It is also becoming clear that most of the world's refugees are unlikely to repatriate voluntarily and thus will remain in their countries of asylum for some time. This is due to the fact that the conflicts in their home countries are on going.

It is against this background that this study investigates the role of the United Nations High Commissioner for Refugees in providing humanitarian assistance to refugees. This study will confine itself to the refugees in the Horn of Africa.<sup>2</sup> This is because of the imminent conflicts that have rocked the region since 1991 to today.

Given that most of the countries in which the refugees sought asylum are poor, (Ethiopia, Sudan, Djibouti and Kenya), the study will investigate the problems that the

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<sup>1</sup> See Briefing paper; Overseas Development Institute: *Refugees and the Third World*, No.5, September 1998.

<sup>2</sup> . For the purpose of this study, will refer to Somalia, Ethiopia, Eritrea, Sudan, Djibouti and Kenya.

United Nations High Commissioner for Refugees encounters in assisting to settle refugees in those countries.

The 1951 Convention Relating to the Status of Refugees and its Protocol of 1967 was a major development of the international refugee regime after the Second World War. Equally important was the 1969 OAU Convention Governing the Specific Aspects of Refugees in Africa. Since this study will focus on a region in Africa, it will adopt the definition of a refugee as any person who owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality.<sup>3</sup>

### **The Problem**

In the aftermath of World War II, the United Nations established the International Refugee Organisation (IRO)<sup>4</sup> to protect the interests of millions of post second World War refugees. In 1951 the UNCHR was established<sup>5</sup> and gradually took over the legal assistance function for refugees from IRO.<sup>6</sup> Although protection was the dominant function of UNHCR, its mandate has over the years extended to assistance. This is due to the fact that initially, a person became a refugee due to a well-founded fear of persecution for reasons of race, nationality, religion, membership of a particular social group or political opinion.<sup>7</sup> However, today, large numbers of refugees are due to armed conflicts, which call for the international community to assist such persons.

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<sup>3</sup> See the *UN Convention Relating to the Status of Refugee, 1951*.

<sup>4</sup> Robert, F.G. *Coping with Africa's Refugee Burden*, Boston: Martinus Nijhoff Publishers, 1987, pp 50-51.

<sup>5</sup> *Ibid* p.50

<sup>6</sup> See Louise Holborn, *The International Organization: A Specialized Agency of the UN: Its History and Work, 1946-1952*, London: Oxford University Press, 1956 pp 55-68, p. 59.

<sup>7</sup> See the 1951 Convention Relating to the Status of Refugees Art 1(2).

The UNHCR has had to deal with the enormous numbers of refugees in the post Cold War era because of an increase in conflicts. As of January 1998, there were 7.2 million people of concern to UNHCR in Africa, out of an estimated 22.3 million worldwide.<sup>8</sup> Among the ten major refugee countries of origin in the world, six are African: Angola, Burundi, Eritrea, Sierra Leone, Somalia and Sudan. Given that of the six countries, three are from the Horn of Africa explains why there is a need for the international donor agencies such as CARE International and MSF to work closely with UNHCR in assisting to settle the refugees within the region.

The UNHCR over the last nine years has had to work under a constrained budget in order to cater for the refugees in the Horn of Africa. The constraints can be attributed to four factors: the donor fatigue towards African refugee problem, the hundreds of thousands of refugees fleeing within the region due to internal conflict and the facts that countries generating refugees were also hosting refugees from other neighbouring countries. The UNHCR had to launch an emergency operation in January 1992 in order to deal with the influx of refugees in Kenya.<sup>9</sup>

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Other challenges that the UNHCR faced within the period of this study was the record rainfall and flooding that were experienced in Kenya in late 1997 and early 1998.<sup>10</sup> The heavy rainfall and flooding caused the River Tana to burst its banks cutting overland access to Dadaab Refugee camps for four months. The heavy flooding in the rivers surrounding Kakuma camp in Turkana district caused severe erosion, threatening the camp's water supply system.

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<sup>8</sup> UNHCR, Africa Fact Sheet.

<sup>9</sup> See UNHCR, Information Bulletin, 16<sup>th</sup> March, 1992, p.3

<sup>10</sup> See UNHCR, Information Bulletin, July 1998 pp 1-2.

Bandit attacks<sup>11</sup> on refugees within the vicinity of the three Dadaab camps and in the Kakuma Lodwar road has been a major impediment on the efforts for the UNHCR to offer assistance to refugees within those camps. The emergence of assault on refugee women and girls within the refugee camps is another challenge that faces the UNHCR.

## **Objectives**

This study aims to fulfil two main objectives.

- a) To investigate the challenges that the UNHCR faces in providing humanitarian assistance to refugees.
- b) To investigate why some countries generate more refugees than others.

## **Justification**

This study is justified in that there is a need to co-ordinate the activities of the various donor agencies working together with the UNHCR in assisting refugees in the Horn of Africa given the prevalence of the refugee problem in the region. The Horn of Africa has had one of the longest of all Africa refugee crises and this puts great pressure on neighbouring states that host these refugees.

The international community has continued to avert its attention from events happening in the region<sup>12</sup> while the conflicts are far from being resolved. The influx for example of Somali refugees in Kenya poses a security problem in the districts neighbouring Somalia due to the fact that these refugees do cross into Kenya with their lethal arms.

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<sup>11</sup> Ibid P.5

<sup>12</sup> See Mwangiru, *Beyond the OAU: Prospects for Conflict Management in the Horn of Africa*. 1997, p.3

The conditions responsible for generating refugees in the Horn of Africa vary from violent transitional governments, poverty, and human rights abuse. Safeguarding of refugees is not also taken as a legitimate concern of states.

In view of such situations, this study becomes of great importance in that it aims at investigating these problems with a view of identifying solutions and recommendations, which will be useful to policy makers, and other parties involved in the provision of humanitarian assistance to refugees.

### **Literature Review**

The literature on refugee problem is quite diverse given that the refugee problem is global, though six of the ten major refugee-producing countries in the world are from Africa.<sup>13</sup> It is therefore impossible to discuss refugee issues of one geographical region without mentioning other parts of the world that are either affected directly or indirectly.

The literature reviewed looks at various aspects of refugee issues ranging from causes, consequences, resettlement and the humanitarian assistance to refugees. However, a deliberate move has been made to focus on Africa and especially the Horn of Africa, which is the case study.

African refugee problem, according to Hambell<sup>14</sup> is not only restricted to the continent, but its effects are felt worldwide. Because the African refugees heavily rely on the humanitarian assistance, the international donor community channels the assistance through UNHCR. Most African refugees also seek resettlement in the developed countries. For instance in 1998 United States of America hosted 12,000 refugees from Africa<sup>15</sup>. Given that Africa is faced by adversities such as famine, drought and internal

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<sup>13</sup> UNHCR, *Africa Fact Sheet*, 1999 p.6

<sup>14</sup> Hambell, S., 'The Problems of African Refugees' in Hambell, S., (ed) *Refugee Problems in Africa*, Uppsala: Nordiska Afrikainstitutet, 1987, pp 9-25.

<sup>15</sup> UNHCR, *Africa Fact Sheet*, 1999 p.7

conflicts renders it almost impossible for states in the continent to accord refugees the internationally accepted standards of assistance. Hambell's argument that rural refugees problem can be solved through rural settlement programmes is not tenable since the rural refugees are the ones who today face a myriad of problems. These ranges from poor nutrition, lack of shelter and lack of a good health care programme.

Most literature on the Horn of Africa do concur that the area has been a conflict hot-bed and as a result has over the years seen massive movements of refugees. The complexities of the conflicts in the Horn of Africa are clearly brought out by Haberson.<sup>16</sup> He argues that conflicts in the Horn of Africa started during the colonial days. He posits that the colonialists invaded, then started dividing peoples of similar origin before creating states by lumping people of different identities and origin together.

Dougherty and Pfaltzgraff view conflict as the condition which exists when one group for human beings, whether tribal, ethnic, linguistic, cultural, religious, socio-economic, or political is engaged in conscious opposition to one or other identifiable human groups when they are pursuing what are or appear to be incompatible goals<sup>17</sup>.

According to Mwangi, Conflicts are about values, wants and interests which are negotiable, and not susceptible to settlement<sup>18</sup> Zartman on the other hand argues that a conflict refers to the active outbreak of armed hostilities between two or more parties.<sup>19</sup>It can aptly be argued that there is no society in the world that doesn't experience conflict.

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<sup>16</sup> Harbeson, J.W., 'Post Cold War Politics in the Horn of Africa: The Quest for Political Identity Intensified' in Harbeson, J.W., and Donald R. (eds) *African in World Politics: Post-Cold War Challenges*. Boulder; Westview Press, 1995, pp 127-128.

<sup>17</sup> Dougherty, J.E. and Pfaltzgraff, R.L., *Contending Theories of International Relations*, New York; Harper and Row Publishers, 1990, pp. 180-186: 182.

<sup>18</sup> Zartman, I.W., *Ripe for Resolution: Conflict and Intervention in Africa*, New York: Oxford University Press, 1985 pp - 10:8

<sup>19</sup> Mwangi, M., *The International Management of International Conflicts in Africa: The Uganda Mediation*, 1985, Ph.D. Dissertation; University of Kent at Canterbury, 1994.

This is because conflict is inherent in society and what characterises it is the intensity with which the conflictants engage in it.

In the 1990s, there has been a tremendous political change in the Horn of Africa. These changes have been accompanied by violence. The regimes of Mengistu Haile Mariam and Siad Barre in Ethiopia and Somalia collapsed after losing their strategic importance to the super powers. Eritrea finally attained independence after seceding from Ethiopia and the conflict between the two states over the disputed boundary is far from being resolved. In Sudan, the conflict between the government and Sudanese peoples' Liberation Army has driven away thousands of refugees in the neighbouring countries.

According to Tiebile,<sup>20</sup> the diminishing authority of the state over the public is a major cause of refugees. The fact that Somalia has ceased to exist with a central government is a reflection of a crisis confidence between the state and the society, with the latter rejecting the former due to its continued perpetration of brutal repression and violation of human rights. Organized armed resistance has been the reaction to such failure of the state leading to open conflict and spewing out enormous numbers of refugees.

On the other hand, Markakis posits that the state is both an object of struggle and the means through which the struggle is waged.<sup>21</sup> Like Harbeson, Markakis contends that the power struggles in the Horn of Africa have led to massive displaced and dispossessed

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<sup>20</sup> Tiebel Drame 'The crisis of the State; in Stephen Ellis, *Africa Now: People, Policies and Institutions*, The Hague: Ministry of Foreign Affairs (DGIS) 1996, pp.201-210.

<sup>21</sup> Markakis John, "Group Conflict and Human Rights in the Horn of Africa' in *Issue: A Journal of Opinion*, Vol. XXII/2, 1994 pp 5-9.



persons who form the large refugee population in the Horn of Africa. In 1997, there were over 500,000 refugees in Kenya from the Horn of Africa.<sup>22</sup>

According to McCann,<sup>23</sup> refugees are not exclusively a result of politics and war. He argues that ecological forces stand out as another major cause of refugees. Using the Tigrayan refugees as an example, he demonstrates how ecological forces and politics have been interlocked, creating both internal and external migrants. The Mengistu regime in Ethiopia was guilty of using the ecological factors to oppress and suppress people. The regime used the 1984-1985 drought as a way of suppressing the Tigrayan opposition by forcibly resettling sympathisers of the movement, recruiting them into militia or holding them in concentration camps. Such actions are a violation of human rights and lead to massive refugee flows. McCann also links ecological and political factors in the Tigrayan refugee flows. He argues that Tigrayan political unrest in the late nineteenth century was a result rather than a cause of the decline in agricultural productivity. Thus ecological forces that destabilised life in this area lead to political unrest and consequent migrations.

Bakwesegha in trying to come up with a legal dimension of protecting refugees tries to focus on Africa generally.<sup>24</sup> He tries to evaluate the appropriateness and inappropriateness of applying the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* to the present crisis. The OAU Convention of 1969 entered into force at a time when most refugees were fleeing from a common cause, imperial oppression whose opposition acted as a unifying factor among African states to

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<sup>22</sup> UNHCR, *Briefing Note*, Nairobi, December 1997.

<sup>23</sup> McCann James, 'A Great Agrarian Cycle: Productivity in Highland Ethiopia 1980-1987' in *Journal of International Disciplinary History*, Vol. 20, No. 3. 1990. Pp 376-414:390.

some extent. Considering that the disabled, elderly, children and women form the majority of refugees, Bakwesegha argues strongly that first the special needs of these groups of persons should be given first priority when settling them.

His work also analyzes the challenges of “durable solutions” like voluntary repatriation. However, focusing on a given “refugee-impacted” region will give more attention to refugees requiring humanitarian assistance rather than looking at Africa as a whole. This is because the problems encountered by UNHCR in their humanitarian assistance to refugees in different regions of Africa are not uniform. There is therefore a need to critically analyse the problems that UNHCR faces when providing humanitarian assistance to refugees in a particular region and this is the lacuna that this study will endeavour to fill by focusing on the Horn of Africa.

Bohanan and Curtin have written extensively on Africa exploring political, economic and social issues.<sup>25</sup> They paint a gloomy picture of refugees by observing that the easy availability of arms and the increase of interstate and intrastate conflicts in post Cold War era is bound to produce more waves of refugees. This is true of what is happening in Africa and other parts of the world like Eastern Europe and Asia.

The massive flows of refugees from Somalia are to a larger extent due to the easy availability of arms to the warring factions in that country. The conflicts in Eritrea, Sudan, Ethiopia, Yugoslavia, Rwanda, Burundi, Angola just to mention a few cases have generated massive refugee flows. This study intends to make contribution towards seeing how refugees from armed conflicts can be given humanitarian assistance given that most of them cross international borders well armed with lethal weapons.

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<sup>24</sup> Bakwesegha C., 'Forced Migration in Africa and the OAU Convention' in Adelman H. and Sovenson J, (Ed) *African Refugees* 1996, pp-3-18.

<sup>25</sup> Bohanan Paul and Curtin P., *Africa and Africans*, Illinois, Waveland Press Inc. 1995, pp. 150-152.

In its report, the Independent Commission on International Humanitarian Issues<sup>26</sup> gives an in depth discussion of the global refugee problem. It indicates that the largest concentrations of refugees are found in the impoverished and unstable regions of the third world that are economically incapable of bearing the burden singly. On the other hand, the industrialised states continue to show signs of fatigue in helping the poor states to deal with this burden. The report concludes that the issue of humanitarian assistance to refugees.

Rudge<sup>27</sup> and Andreason<sup>28</sup> concur with the ICHI report findings. They argue that the majority of the world's refugees are found in the developing countries. However, due to their own population pressures and poor economic situation, they are unable to deal with the burden of resettling refugees. Consequently, industrial countries end up becoming a favoured option for resettlement. These developed countries are however adopting restrictive policies that are geared at deterring asylum seekers from resorting to them. Countries like Britain and Germany are some of those that have come up with restrictive measures.

Rudge notes that although many European states have incorporated the internationally accepted human rights into their national legislation, they continue to deny asylum to victims of repression and persecution. He attributes part of the blame to the *1951 Convention Relating to the Status of Refugees*, which says almost nothing about procedures for determining refugee status and resettlement. Individual countries therefore are at liberty to set their own criteria of admitting and resettling refugees.

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<sup>26</sup> Independent Commission on International Humanitarian Issues, *Refugees: Dynamic of Displacement*, London, Secretariat of the ICHI Humanitarian Issues, 1996, pp. 46-50.

<sup>27</sup> Rudge, P., 'Reflections of the Refugees and Asylum Seekers in Europe' in Miserez Diana (ed), *Refugees: The Trauma of Exile*, Dordrecht Nijhoff Publishers, 1987, pp. 62-70.

Although these two writers give an insight into the challenges of resettlement as an option of assistance, they fail to address other possible humanitarian assistance programmes.

Gorman aptly addresses the issue of refugees and development.<sup>29</sup> He argues that the durable solutions to the refugee problem can no longer be conceived as assistance to refugees only. Noting that the traditionally preferred solution of repatriation has only been feasible to a few areas, he observes that many third world countries, especially in Africa, continue to play host to a numerous number of refugees. In this regard, the development needs for the refugees and the host countries need to be addressed. Gorman's contention is based on recognition of poor economies and inadequate infrastructure in most of the countries that host refugees. Coupled with these, there is the recurrence of natural disasters such as drought and famine that afflict countries like Ethiopia, Sudan, Kenya, Somalia just to mention a few. His work also analyses the impact of resolutions of the second International Conference of Assistance to Refugees in Africa (ICARA II), held in July 1984 which recognised the need for the international community to support development programmes in countries hosting enormous numbers of refugees.

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<sup>28</sup> Andreason, D., 'Refugee Issues in International Relations' in Miserez Diana (Ed), *Refugees: The Trauma of Exile*, op. cit. P. 57-61.

<sup>29</sup> Gorman, R.F., *Copying with Africa's Burden: A Time for Solutions*, Dordrecht: Martinus Nijhoff Publishers, 1996, pp. 214-216.

## Theoretical Framework

A theory, according to Columbis and Wolfe,<sup>30</sup> helps us to organise our knowledge, to guide the formulations of priorities in research and to select methods to carry out research in a fruitful manner.

This study adopts a theory that would fully address the various aspects and dimensions of the problem being investigated. It therefore employs the pluralist theory, which is a departure from the realist thinking that the state is the only actor in the international arena. The pluralists argue that it is impossible to think of international relations in terms of interactions among governments only. To the pluralists, a set of alternative metaphors is drawn to represent world politics in terms of 'cob-webs' that stretch across traditional state boundaries linking together a complex combination of interested groups.<sup>31</sup>

Although the pluralists advocate for the non-state actors such as international organisations, non-governmental organisations and individuals in the international arena,<sup>32</sup> they do not entirely dismiss the importance of the state. This approach is seen in the World Society perspective, which argues that although the state may on significant occasions be the most important actor, it is not always necessarily so. Burton,<sup>33</sup> a proponent of World Society approach posits that even though state boundaries are significant, they are just one type of boundary, which affects the behaviour of the "World Society". The world is therefore a complex network of patterned interactions.

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<sup>30</sup> Columbis, T.A., and Wolfe, J.H. *International Relations*, New Jersey: Prentice Hall Inc. 1987, pp. 16-17.

<sup>31</sup> *Ibid* p.67

<sup>32</sup> Holsti, K., J. *International Politics: A Framework for Analysis*, New Delhi, Prentice-hall, 1992, pp. 70-71.

<sup>33</sup> See Burton J., *World Society*, Cambridge: Cambridge University Press, 1972, p. 20.

This theory of the Pluralists, complemented by the World Society befits this study. This is because UNHCR, international organisations, non-governmental organisations and individuals transcend state boundaries in providing humanitarian assistance to refugees.

### **Hypotheses**

This study sets out to test on the following hypotheses.

- a) State(s) Co-operation enhances the effectiveness of the UNHCR humanitarian assistance.
- b) The regional organisations Co-operation with the UNHCR has led to the strengthening of the latter.
- c) UNHCR humanitarian assistance has led to the decrease in the refugee problem.

### **Methodology**

This study will employ two main types of methodology; primary and secondary. Interviews will be conducted with refugees, UNHCR personnel, NGO representatives, and academicians in the field of refugee studies.

Secondary data will basically involve library research on published and unpublished material like UN reports, UNHCR reports, books, periodicals, journals, documents and bulletins, newspapers, magazines and seminar papers. Visits to various research institutions and NGOs libraries will be taken. Jomo Kenyatta Memorial Library of University of Nairobi and the Moi University Centre for Refugee Studies will be a great source of secondary data. Visits to the Ministry of Home Affairs, Culture and Social Services together with the Immigration Department of Kenya will also be undertaken.

## **CHAPTER OUTLINE**

### **Chapter One**

**African Refugee Problem.**

### **Chapter Two**

**The causes of refugees in the Horn of Africa.**

### **Chapter Three**

**The UNHCR and African Refugees.**

### **Chapter Four**

**UNHCR: Its Limitations in Refugee Assistance in the Horn of Africa Region.**

### **Chapter Five**

**Strengthening the UNHCR's Humanitarian Assistance to refugees in the Horn of Africa: A Critical Analysis.**

### **Chapter Six**

**Conclusions**

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## CHAPTER TWO

### THE CAUSES OF REFUGEES IN THE HORN OF AFRICA

#### INTRODUCTION

This chapter looks at the refugee crisis in the Horn of Africa. The chapter gives a brief historical analysis of the conflicts in the region and the role they have played in generating refugees. To understand the nature of refugeehood in the region, it argues that although many factors have acted in concert to generate refugees, conflict (and especially overt or armed conflict) has been at the centre of it all.

#### The Refugee Crisis in the Horn of Africa

Causes of refugeehood in Africa are various with complex inter-linkages. Hausermann divides the causes into four loose categories that include war (armed conflict), violation of human rights, severe economic deprivation and ecological disaster.<sup>34</sup> The refugee crisis in the Horn of Africa exhibits all these causes. However, deeper analysis shows that armed conflict and civil strife have been the dominant causes and have also exacerbated the effects of the other causes. Ferris<sup>35</sup> notes that war and violence have been the key underlying factors that have forced many people into exile in the Horn of Africa. She goes on to argue that armed conflict also influences the other causes. The suffering caused by draught, for instance, is exacerbated by warring conditions that reduce productivity especially as far as food production is concerned. Further, relief assistance become difficult in war-torn areas forcing people to flee in search of food. Similarly, it may be argued that conditions of armed conflict affect other

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<sup>34</sup> J. Hausermann, 'Root Causes of Displacement: The Legal Framework for International Concern and Action' in Hill Dilys (Ed.), *Human Rights and Foreign Policy*, London: Macmillan Press, 1989, pp. 141.

<sup>35</sup> E.G. Ferris, *Beyond Borders: Refugees and Human rights in the Post-Cold War Era*, Geneva: WWC Publication, 1993, pp 136-137.



forms of economic activities by creating an unconducive environment for production and also tying a lot of productive persons in the war as soldiers, thus leading to slowed down economic growth or even stagnation. People are subsequently forced to flee in search of better living conditions. Armed conflicts in the Horn of Africa have been accompanied and or caused by gross violation of human rights. In Ethiopia for instance, under the Mengistu regime, an effort to stem resistance and subdue areas attempting to secede saw whole civilian villages subjected to massive killings and detention, leading to massive displacement of populations. Understanding the nature of conflict in the Horn of Africa is therefore vital to understanding the nature of the refugee crisis.

Various scholars have identified certain key issues as being at the centre of the conflict in the Horn of Africa. For instance, Markakis<sup>36</sup> and Nyong'o<sup>37</sup> view the competition for scarce resources as being the main cause of the conflicts. Markakis argues that the control of state power in this region has for long been seen as the ticket to controlling resources, hence, there have been power struggles towards this end.<sup>38</sup> On the other hand, Nyong'o posits that the political economy of this area provides the basis for understanding the patterns of conflict.<sup>39</sup> He also alludes to the struggle for political power as a way of accessing resources and consequently, controlling the economy.

Other writers like Haberson, who examines the conflict in the post-Cold War era, argue that the conflicts that have been experienced in the post-Cold War era constitute a

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<sup>36</sup> J. Markakis, 'Ethnic Conflict and the State in the Horn of Africa' in K. Fukui and J. Markakis (Eds.), *Ethnicity and Conflict in the Horn of Africa*, London: James Curry Press, 1994, pp. 217-237.

<sup>37</sup> P.A. Nyong'o, 'The Implications of Crisis and Conflicts on the Upper Nile Valley' in Deng F.M. and W. Zartman (Eds.), *Conflict Resolution in Africa*, Washington D.C.: The Brookings Institution, 1991, pp. 95-114.

<sup>38</sup> J. Markakis, 'Ethnic Conflict and the State in the Horn of Africa', op. cit., p. 217.

<sup>39</sup> P.A. Nyong'o, 'The Implications of Crisis and Conflicts in the Upper Nile Valley', op., cit., p. 96.

process of redefining the bases of political community and identity.<sup>40</sup> Thus, certain minority ethnic or clan groupings are in a process of asserting themselves so as to acquire a political identity and hence determine their destiny.

### **Conflict in the Horn of Africa During the Cold-War**

The activities of the colonialists in the Horn of Africa had an influence on the conflicts in the region. Its ports made the situation of the region attractive to the colonialists on the Red Sea (which are ideal for navigation); and the Nile flowing through it.<sup>41</sup> Colonial activities culminated in the carving out of states, which unfortunately disregarded the pre-existing boundaries. Consequently, ethnic groups were fragmented and distributed between states. The Somali people, for instance, were partitioned among five states, namely, Ethiopia; French Somali Coast (Djibouti); British Somaliland; Italian Somalia; while others found themselves in British Kenya.<sup>42</sup>

Other examples include the Beja split between Eritrea and Sudan; and Borana who are found on both sides of the Ethiopia-Kenya border. This division of people instigated the perennial armed conflicts in the region. Somalia is a good case in point. The search for a "Greater Somalia" formed an important pillar of the Somali foreign policy as it tried to re-unite all Somali-inhabited territories into one state. The Ogaden conflict between Ethiopia and Somalia and the irregular 'shifita' attacks within and across Somali's border with Kenya were conceived on this policy. Somalia also contested with Ethiopia over

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<sup>40</sup> J.W. Haberson, 'Post-Cold War Politics in the Horn of Africa: The Quest for Political Identity Intensified' in Haberson & Rothchild (Eds.) *Africa in World Politics: Post-Cold War Challenges*, Boulder: Westview Press, 1995, pp. 127-146.

<sup>41</sup> *Ibid.*, p. 98

<sup>42</sup> About 70% of the Somali population settled in the Somalia Republic, 20% were nomadic elements scattered around the Ogaden region, 5% were in northern Kenya while the rest were living in and near Djibouti and its hinterland. See Garshon A., *Crisis in Africa: Battleground of East and West*, Colorado: Westview Press, 1981, p. 262.

Djibouti. The presence and protection of France ensured that armed conflict did not erupt and Djibouti survived as a state.<sup>43</sup>

Another basic ingredient of the conflict in the Horn is the uneven development among regions and groups. Firstly, developing and investing only in areas of high economic potential left unproductive areas neglected.<sup>44</sup> The result was a growing disparity in the development of productive forms in different regions, which also reflected the living standards of inhabitants. In the Horn of Africa, most of the underdeveloped areas are also the areas of the least potential like the pastoral lands.<sup>45</sup> Evidence shows that these underdeveloped areas are also the politically emasculated areas and their inhabitants are least likely to be part of the ruling group. Examples include Southern Sudan, Western Eritrea and Southern Ethiopia.<sup>46</sup>

Further, the colonial policy of divide and rule resulted in uneven development as is evident in Sudan. In 1919, the Southern provinces inhabited mainly by black Africans, were formally cut-off from the north inhabited by Arabs.<sup>47</sup> This policy persisted until a decade before independence by which time fruits, of separate development translated into socio-economic inequalities and tensions between the two sides. The south perceiving itself to be under-represented in the new government, and rejecting domination by the north, revolted and the first civil war broke out in 1955. Although the war stopped briefly in 1972, it was re-ignited in 1983 and continues to date.

Policies pursued by post-independence governments in this region are also partly to blame. In an attempt to ensure that western-style states created by colonizers persisted,

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<sup>43</sup> J. Markakis, 'Ethnic Conflict and the State in the Horn of Africa'. op cit p 221 .

<sup>44</sup> Ibid., p. 224

<sup>45</sup> Highland Eritrea is a notable exception, but it helps to prove the rule. Being an area of high potential, it should have been one of the most developed areas, but it is not. See Markakis J., 'Ethnic Conflict and the State in the Horn of Africa', op. cit., p. 225.

<sup>46</sup> See Markakis J., 'Group Conflict and Human rights in the Horn of Africa,' op. cit., p. 6.

ruling groups pursued various policies. Assimilation was one such policy.<sup>48</sup> In imperial Ethiopia for instance, assimilation was used as a tool to forge national unity. The imperial regime pursued an Amharisation policy whereby the Amhara language and Christianity became the main features of Ethiopian nationalism. Indigenous languages and cultures were suppressed, being totally forbidden in certain instances.<sup>49</sup> Feeling culturally repressed, large groups of Tigrayans, Eritreans and Oromos staged armed conflicts.

In neighbouring Sudan, the powerful Northerners made no secret their desire to Islamize the South. Opposition by the South to this cultural, religious and linguistic subordination fuelled the 1955, 1962 and 1983 armed insurgencies.<sup>50</sup>

The ethnic factor is also partly to blame in the struggles in the Horn of Africa. Usually, ethnicity is used as a tool of political mobilization,<sup>51</sup> as with the Tigrean case. Tigreans linked their province's destitution to the fact that they were not part of the mainstream Abyssinian family and were therefore neglected. The formation of the Tigrean People's Liberation Front (TPLF) and their desire to secede find their roots in these sentiments.

The type of leadership pursued by the ruling groups can also explain political turmoil and resultant refugees in this region. Some of the ruling regimes are reputed to have been repressive if not ruthless in their governing. The imperial regime of Ethiopia is such one good example. Disaffection and disillusion amongst the masses led to its fall.

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<sup>47</sup> See Nyong'o P. A., 'The Implications of Crisis and Conflict in the Upper Nile', *op. cit.*, p. 104.

<sup>48</sup> Markakis J., 'Ethnic Conflict and the State in the Horn of Africa', *op. cit.*, p. 225.

<sup>49</sup> Menkuria Bulcha, 'Historical, Political and Social Causes of Mass Flight from Ethiopia', in Nobel Peter (Eds.), *Refugees and Development in Africa*, Uppsala: Scandinavian Institute of African Studies, 1987, pp. 19-35:23.

<sup>50</sup> Mazrui A.A. and Michael Tidy, *Nationalism and New States in Africa*, New Hampshire, Heinemann Educational Books, 1984, p. 194.

<sup>51</sup> Markakis J., 'Group Conflict and Human Rights of Africa' *op. cit.*, p. 5

In the early 1970s for instance, the country suffered a devastating famine and the levels of poverty continued to sour. Meanwhile, the ruling class continued to lavish in luxury and it was not long before the discontented masses revolted and ousted the Haile Selassie regime.<sup>52</sup> The new regime that took over was under the leadership of a group of military officers called the *Derg* (Amharic for “Committee of armed forces”). Col. Mengistu quickly took charge and his regime was replete with human rights abuse as was seen the “peasant marches”<sup>53</sup> of 1976, and the summary executions of his critics and opposition. Mengistu’s stand on Ethiopia’s unity was firm stressing that it must exist as a single entity. He posed a stark choice for all “Ethiopians”. Unity or death. Death and flight was the choice for tens of thousands of Eritrean civilians and Ethiopian peasant soldiers in their relentless insurrections.<sup>54</sup> Mengistu’s regime collapsed in 1991 after a long and bitter struggle staged by both Ethiopian People’s Liberation Front (EPLF) and the Ethiopian People’s Revolutionary Democratic Front (EPRDF).

In Somalia, Siad Barre took over power in 1969 and quickly institutionalized the policy of a “Greater Somalia” which became, ironically, his proverbial “Waterloo”. After the defeat in the Ogaden conflict in 1978, Barre lost popularity and opposition groups, organized along clan lines but unable to cooperate. These groups fought Barre’s government on their own clan grounds and battle was finally won by the United Somali Congress (USC) dominated by the Hawiye clan. Barre was eventually overthrown in 1991.

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<sup>52</sup> Haile Selassie’s regime continually denied that Ethiopians were dying of drought related starvation. The emperor was even unable (or unwilling) to deal with the problem in his own Amhara provinces such as Wallo. For more details, see Zartman W.I., *Ripe for Resolution: Conflict and Intervention in Africa*, New York: Oxford University Press, 1989, p. 103; also Garshon A., *Crisis in Africa: Battleground of East and West*, Colorado: Westview Press, 1981, pp. 274-276.

<sup>53</sup> “Peasant Marches” were formed by militia recruited from untrained and ill-armed civilians in Southern Ethiopia. Their raid on Eritrean militia led to a series of massacres. Mazrui A.A. and Michael Tidy, *Nationalism and New States in Africa*, op. cit., p. 199.

Sudan's political scene has been influenced to a large extent by the north-south disparity. Since independence, the regimes in Khartoum have shown little tolerance for the cause of the Southerners. Nimeiri, (who came to power in a military coup in 1969), showed some sympathy with the cause when he agreed to sign the Addis Ababa Agreement in 1972. The agreement stipulated a cease-fire regional autonomy of three southern provinces with an elected people's regional council to be responsible for internal affairs; an amnesty for the *Anyanya* fighters, and English language to be used as the working language in the South.<sup>55</sup> Nimeiri later reneged on this agreement in 1983 by decreeing the infamous "*sharia*" law. He was later overthrown in 1985.

During the Cold War, super power intervention was rife in the region. The Soviet-American competition experienced in the Horn was just a part of their larger global contest to expand their influence and limit that of the other. Their involvement in the Horn can be said to have begun in the early 1960s when the Russians befriended a weak Somalia republic, coming close to the Americans who had established themselves in Ethiopia in 1953.<sup>56</sup> Both powers seemed to meet the military needs of their clients than their economic needs. In Ethiopia, the United States and emperor Haille Selassie shared a history of political cooperation based on a treaty of friendship signed between the two states in 1951. At the bottom of this cooperation were military interests. They led to the establishment of a military base in Kagnero, which the US used for its global military communication. In return, Ethiopia gained military training and weaponry assistance. After Selassie's overthrowal, his successors, the *Derg*, successfully courted Soviet friendship. The period following the revolution was marked by gross violation of

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<sup>54</sup> See Garshon A., *Crisis in Africa: Battleground of East and West*, op. cit., p. 268.

<sup>55</sup> Mazrui A.A. and Michael Tidy, *Nationalism and New States in Africa*, op. cit., p. 197.

<sup>56</sup> Gavshon A., *Crisis in Africa: Battleground of East and West*, op. cit., p. 263.

human rights brutally expressed in the killings of over 10,000 persons in two weeks (the Red Terror), imprisonment without trial and torture.<sup>57</sup>

Consequently, the Carter administration placed Ethiopia on a list of human rights violators ineligible for its \$ 6 million military aid (although still eligible for the projected \$ 10 million military sales).<sup>58</sup> Meanwhile, the Soviet together with Cuba assisted the Mengistu regime and played an important role in Ethiopia's defeat of Somalia in the Ogaden region. This latter action led to Siad Barre's abrogation of the "friendship" treaty with Russia (of 1974) in 1977 and Somalia embraced the United States. In the 1980s, Siad Barre's regime faced active opposition from clan based political parties and in 1991, Barre finally fled the capital.

### **The Horn of Africa in Post-Cold War Era**

According to Haberson, the political map in the Horn of Africa has changed tremendously in the post-Cold War Era.<sup>59</sup> In trying to relate these two issues, he argues that the end of the Cold War removed the hitherto artificial restraints on the long simmering overlapping struggles over political identity.

In Somalia, Siad Barre's regime came under intense pressure from his opponents. Clanism, with different clans trying to assert themselves politically continued to expand. The final straw came in 1991 when an attack by combined forces of the United Somali Congress (USC) based among the Hawiye clan of the Somali Salvation Democratic Front (SSDF) based on the Southern Davaad clan led to the flight of Siad Barre.<sup>60</sup> The new

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<sup>57</sup> Gessesse Belay, 'General Overview of Economic Cooperation in The Horn of Africa', in Life and Peace Institute, *Trading Places: Alternative Models of Economic Cooperation in The Horn of Africa Uppsala: Life and Peace Institute, 1996, p., 10.*

<sup>58</sup> Zartman W.I., *Ripe for Resolution: Conflict and Intervention in Africa*, op. cit., p. 99.

<sup>59</sup> Haberson, J.W., 'Post-Cold War Politics in The Horn of Africa: The Quest for Political Identity Intensified', in Haberson and Rothchild (Eds.), *Africa in World Politics: Post-Cold War Challenges*

<sup>60</sup> Copson, R.W. *Africa's Wars and Prospects for Peace*, op. cit., p. 53.

government formed by the USC in Mogadishu however failed to hold due to internal sub-clan rivalry that plunged the country into civil war. General Mohammed Farah Aideed, the military commander of USC broke off and formed his own party, the Somali National Alliance (SNA) supported by his Haber Gadir sub-clan living in Southern Mogadishu<sup>61</sup> and left Northern Mogadishu to USC under Ali Mahdi. At another level, clanism manifested itself in the actions taken by the Somali National Movement (SNM) which was in control of much northern Somalia inhabited mainly by Somalis of the Isaaq clan. In 1991, SNM declared Somaliland independent and although the declaration has not gained international recognition, it continues to act autonomously.

In neighbouring Ethiopia, the Eritrean war of independence finally came to an end in 1991 after Mengistu's regime was overthrown. Independence followed in 1993 after the referendum that resulted in a near unanimous vote for independence.<sup>62</sup> Political analysts consider Eritrea to have a strong basis of political cohesion based not on ethnic or religious ties but on regional feelings of common identity forged in the long struggle for liberation that spanned about three decades.<sup>63</sup>

Based on the fact that Ethiopia is a multi-national state, the Ethiopian People's Revolutionary Democratic Front (EPRDF) – led government chose to reinforce ethnic consciousness and to prevent more Eritrean-like breakways. As such, it redefined the country's administrative regions in ethnic terms and has also proposed a measure of autonomy for these ethnically defined regions.

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<sup>61</sup> Gasseem M.A. *Hostages: The Peoples who Kidnapped Themselves*, Nairobi: Central Graphics Services, Ltd., 1994. P. 86.

<sup>62</sup> In the Referendum held from April 23<sup>rd</sup> to 25<sup>th</sup>, 99.8% of those who voted endorsed national independence. BBC, *Focus on Africa*, October – December, 1998, p. 23.

<sup>63</sup> See Haberson J.W. op. cit., p. 140.



In Sudan, the war between the south and the north re-ignited in 1983 with the south protesting attempts to Islamize and Arabize their territory. Subsequently, President Nimeiri was overthrown in April 1985 and a provisional military government came to power before peacefully surrendering state power to a civilian coalition government head by Sadiq al-Mahdi in 1986. This government however failed to make critical concessions needed on the Sharia law mainly due to Islamist pressures from the opposition. It was later ousted in 1989 by the military government of General Omar Hassan al-Bashir strongly supported by the Islamic Fundamentalist party. The war in the south continued to intensify despite attempts by various actors within the international community to mediate between Khartoum and the SPLA. The war has been compounded even further by factional divisions within the SPLA adding to the suffering of the southerners. The south is also faced by a humanitarian crisis of famine and starvation. Both natural (subsequent periods of drought and flood) and political reasons have acted in concert to bring about a situation whereby the food producing activities are greatly disrupted. As early as February 1993, the head of the US Office of Foreign Disaster Assistance warned that a major humanitarian crisis was occurring in Southern Sudan with about 1.7 million refugees in dire need of assistance.<sup>64</sup> Currently, the dire situation persists and the international community is being called upon to save the situation.

Djibouti on the other hand, a small country inhabited by two main clans, the Issa and the Afar, faces the challenges of maintaining stability in the wake of the two clans trying to assert their political identity. The Issa (majority) are seen to have been in power since independence under President Hassan Gouled Aptidone who comes from the Issa group. The Afar have therefore been trying to assert themselves politically. Members of

the country's Afar clan began an armed insurgency in 1991 against the government. A 1993 government military offensive regained significant rebel-held territory and pushed up to 15,000 Djiboutians into exile in neighbouring Ethiopia and about 1000,000<sup>65</sup> persons became internally displaced. In 1994, the two sides (the Government side and the rebel Front for the Restoration of Unity and Democracy – FRUD) agreed to hold dialogue and consequently, a Peace Agreement was signed in December of that year. Unfortunately, a fraction of FRUD opposed this Agreement and subsequently prolonged the conflict.<sup>66</sup>

### **The Horn of Africa as a Conflict System**

The notion of a “conflict system” has also been used to analyze the nature of conflicts in the Horn of Africa. Analysis of a conflict system looks at the various linkages between conflicting parties within a given region, both at the inter – and intra-state levels.

In effect, the classical dichotomy of internal and international conflicts becomes blurred or non-existent within such a system. Conflicts that would be described as ‘internal’ to a state often exhibit linkages within actors outside the given state thus internationalizing the perceived ‘internal’ conflict. Similarly, what would seem to be an ‘inter-state’ conflict may have roots that are internal to particular states, thus weakening its definition as a purely international conflict. The term “intermesticity”<sup>67</sup> has been used to explain this blurring of domestic and international politics. It is vital to note that the conflicts generated between and within states can be both overt and or covert. Overt

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<sup>64</sup> Copson R.W. *Africa's Wars and Prospects for Peace*, op. cit., p. 34

<sup>65</sup> See USCR, World Refugee Survey, 1996, p. 46

<sup>66</sup> Ibid.

<sup>67</sup> Mwangiri M., ‘Conflict and Peace Management in the Horn of Africa’, A Paper Presented at the IRG Conference on Peace and Security in The Horn of Africa, Mombasa, 6-9 November, 1991.

conflicts usually involve violent armed conflicts whereas covert conflicts may be characterized by tensions between the given parties.

If, for instance, Sudan is taken as the epicentre of the Horn of Africa Conflict System, these linkages become quite clear. Eritrea and Uganda both have a tense relationship with Sudan and have since cut their diplomatic relations with it. Counter accusations have been traded between Khartoum and Kampala each accusing the other of adding 'rebel' forces to fight the government. Thus, Sudan accuses Kampala of providing logistical support to the SPLM /A to continue its offensive against the North. In the same vein, Uganda accuses Khartoum of providing the Lord's Resistance Army (LRA) with logistical support and a base from where they launch their attacks. Similar ill feelings are expressed by Eritrea, which broke diplomatic relations with Sudan in 1994, with the Eritrean government accusing the National Islamic Front (NIF) in Khartoum of sponsoring terrorists incursions into the Eritrean territory from Sudanese bases.<sup>68</sup> In neighbouring Ethiopia, although diplomatic relations with Sudan have not been severed, great tension abounds between the two.<sup>69</sup> Since the attempt to assassinate President Mubarak on Ethiopian soil by assassins thought to have sponsored by Sudanese Islamic fundamentalists, relations between the two states have remained less than cordial.

It is therefore clear that the Horn of Africa has been bedeviled by various conflicts for a long time. As observed earlier in this chapter, most of these conflicts, and especially the armed ones played a key role in the generation of refugees, namely, Ethiopia, Somalia, Sudan and Eritrea. Most of these refugees have sought refuge in the Horn of African countries. A survey of the main movements of refugees provides a

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<sup>68</sup> See for instance World Vision, *Sudan: Cry the Divided Country*, Washington D.C., World Vision Inc. 1996, pp. 18-19.

complex picture of refugee situations: including Somalis in Ethiopia and Djibouti, Ethiopians in Sudan, Somalia, Kenya and Djibouti; and Sudanese in Kenya and Ethiopia.<sup>70</sup> In short, mass movements of displaced persons have formed complex linkages between states of this region.

### Refugeehood in Ethiopia

Kibraeb, in a study of the historical dimensions of the refugees from Ethiopia, identifies seven major waves of refugees from Ethiopia.<sup>71</sup> The first wave of refugees from Ethiopia began in 1967 and was precipitated by acts of persecution perpetuated by Ethiopian troops against occupants of areas though to have been supporting the activities of the Eritrean Liberation Front (ELF). About 30,000 refugees fled to the Kassala region in Sudan due to the indiscriminate killings and razing down of whole villages.<sup>72</sup>

The second wave followed soon thereafter in 1969, again as a result of infantry and air raids carried out by the Ethiopian troops against inhabitants of the Eritrean region. Most of these refugees fled to the Kassala region in Sudan.

In 1970, in the Keren region of Eritrea, the massacre of hundreds of innocent civilians by Ethiopian troops saw the third wave of refugees flee from Ethiopia to Sudan. A skirmish between the ELF and the Ethiopian army was followed by the gruesome massacre of the population of a nearby village.<sup>73</sup> Most of these refugees who fled to Sudan were put in organized settlement especially in the Gala-en-Nahal region. In the

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<sup>69</sup> Ethiopia expelled most Sudanese present in Ethiopia in an official capacity allowing only a handful to remain at the Sudanese Embassy in Addis Ababa. Further, it imposed strict visa requirements for any Sudanese travelling to Ethiopia. See World Vision, *Sudan: Cry the Divided Country*, *ibid.*, p. 20.

<sup>70</sup> See Ferris E., *Beyond Borders: Refugees, Migrants and Human Rights in the Post-Cold War Era*, Geneva: WWC Publications, 1993, p. 136.

<sup>71</sup> Kibraeb G., *Refugees and Development in Africa: The Case of Eritrea*, New Jersey: The Red Sea Press, 1987, pp. 16-24.

<sup>72</sup> Kuhlman Tom, *Burden of Boom? A Study of Eritrean Refugees in the Sudan*, Amsterdam: V.U. University Press, 1988, p. 48.

organized settlements, each household was given a plot of land so as to achieve self-reliance. This scheme was however dogged by various problems like lack of clean water, decreasing productivity of the land, and lack of appropriate technology for farming.<sup>74</sup>

Another major wave for refugees from Ethiopia resulted in the aftermath of the revolution when the *Derg* came to power. As noted earlier, this regime pursued repressive measures against any perceived from the opposition using full military force. This resulted in about 2 million people fleeing Ethiopia with about half going to Sudan.<sup>75</sup> Causes of these flights ranged from atrocities carried out under the "red terror" and indiscriminate killings to loss of property and forced military conscription.

Other than these waves identified by Kibraeb, later waves followed. In the early 1980s for instance, the activities of the EPLF resulted in many Eritreans fleeing Ethiopia. Later, in 1984-85, the combination of drought, war and a repressive government led to mass flights from Ethiopia, about half a million people sought refuge in Sudan. The Somalia government also reported another 140,000 arrivals from the Ogaden region from late 1984 through 1986 as a result of famine.<sup>76</sup>

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EAST AFRICANA COLLECTION

In the post-Cold War period, Ethiopia witnessed tremendous changes in its political arena. In 1991, the government of Mengistu Haile Mariam was ousted giving way to the Ethiopian People's Revolutionary Democratic Front (EPRDF) led government. Two years later, Eritrea attained full independence with EPFL forming the government. These two occurrences had various impacts on the refugee scene in this region. In

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<sup>73</sup> See Kibraeb quoting an article in one of the Swedish Dailies (*Dagens Nyheter*) in 1971. See Kibraeb G. *Refugees and Developemnt in Africa*, op. cit., p. 20.

<sup>74</sup> Kuhlman Tom, *Burdens of Boon? A Study of Eritrean Refugees in the Sudan*, op. cit., pp. 49-50.

<sup>75</sup> For more details see Bulcha, Menkuria, 'Historical, Political and Social Causes of mass flight from Ethiopia', in Nobel P. (Eds.) *Refugees and Developemnt in Africa*, Upsalla: Scandinavian Institute of African Studies, 1987, p. 26.

Ethiopia for instance, soldiers who had fought in the Ethiopian army found themselves in a vulnerable situation and chose to flee from the country. An estimated 51,000 Ethiopian soldiers (and their families) who had been based primarily in Eritrea fled to Sudan after the EPLF captured all of Eritrea.<sup>77</sup>

### **The Somali Refugees**

Somali has over the years contributed numerous refugees who have generally sought refuge in the neighbouring Horn of Africa countries. Waldron and Hasci<sup>78</sup> identify three major waves of refugees related to certain different events. These are the 1977-78 Ethio-Somali war, the bombing of Hargeisa in 1988 and the overthrowing of Siad Barre in 1991.

The Ethio-Somali war dispatched refugees from both Ethiopia and Somalia. These displacements were followed by actions that are clearly contrary to the provisions of refugee law. Siad Barre for instance took advantage of the situation by training and arming bands of refugees from Ogaden. These groups were later sent back to Ogaden to prepare the ground for a major offensive by the Somali side.<sup>79</sup> In the post-Ogaden war era, opposition in the northern part of Somalia inhabited mainly by the Isaa continued unabated resulting in numerous Isaa Somalis seeking refuge in Ethiopia. This group of refugees became fundamental in the creation of the SNM party that was later on to

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<sup>76</sup> U.S. Committee for Refugees (USCR), *World Refugee Survey*, 1992, Washington D.C.: American Council for Nationalities Services, 1992, ,p. 60

<sup>77</sup> Ibid., p. 62

<sup>78</sup> Waldron S. and Naima 'Somali Refugees in The Horn of Africa: State of the art Literature review', a Report prepared for the studies on Emergencies and Disaster Relief, Nordiska Afrikainstitutet, 1995.

<sup>79</sup> Gessesse Belay, 'General Overview of Economic Cooperation in The Horn of Africa', in Life and Peace Institute, *Trading Places: Alternative Models of Economic Co-operation in The Horn of Africa*, Uppsala: Life and Peace Institute, 1996, p. 7

Dominate the northern part of Somalia.<sup>80</sup>

The SNM activities continued to intensify and in May 1988, it attacked the northern city of Hargeisa. Barre reacted by bombing Hargeisa leaving tens of thousands innocent civilians dead. Consequently, more than 7000,000 Somalis fled to Ethiopia, Djibouti and Kenya, while hundreds of thousands of others were displaced within the country.<sup>81</sup> The war also forced numerous Ethiopian refugees living in northern Somali to return to Ethiopia where they faced perilous conditions in camps hastily in eastern Ethiopia.

Post-Cold War Somalia has ceased to exist as a unified nation as created by the colonial powers, soon after the Hargeisa conflict, self-interested and power-starved clan movements mushroomed both within and outside the country, although none of these movements, founded on narrow clan-based interests was able to rally national support, they managed to plunge the country into war and suffering that saw many people killed, dispossessed and displaced. By the time Siad Barre was ousted in 1991, many fighting had led to destruction of major towns and many international agencies working in the country had evacuated their staff. Indeed, the Somalis themselves evacuated the situation thus: 'the tragedy in recent Somali history is not the dictatorship of Siad Barre but the legacy left behind'.<sup>82</sup> This legacy of destruction and anarchy drove hundred thousands of the Somalis into neighbouring countries, majority of them settled in refuge camps in Kenya, Ethiopia and Djibouti.

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<sup>80</sup> See Samatar A.L., 'Under Siege, Blood, Power and the Somali State', in Nyong'o P.A. (Eds.) *Arms and Daggers in the Heart of Africa*, Nairobi: Academy of Science Publishers, 1993, pp 67-100.

<sup>81</sup> Ferris E., *Beyond Borders: Refugees, Migrants and Human Rights in the Post-Cold War Era*, Geneva: WWC Publications, 1993, p. 144.

<sup>82</sup> See Samatar A. 'Social Decay and Public Institutions: The Road to Reconstruction in Somalia' in Dornboos M. et al (Eds.) *Beyond Conflict in The Horn – The Prospects for Peace Recovery and*

*Developemnt in Ethiopia, Somalia, Eritrea and Sudan*, The Hague: Institute of Social Studies, 1992, p. 214.

## Refugees from Sudan

Sudan, the largest country in Africa has witnessed two major civil wars since independence in 1955. These two civil wars have been the key contributors to mass displacements of Sudanese. The war in Sudan as noted earlier in the chapter puts the north versus the south. Issues of contention are various ranging from race (Arab versus Negroes) to religion (Muslims against Christians and animists). Issues of distribution on national resources, culture and political power are also involved, at the bottom of it, lies the southern resistance against domination by the north.

The first civil war broke out in 1955, following a mutiny staged by the garrison at Juba made up of southerners against its northern officers. The next seventeen years were marked by an intermittent war waged by the *Anyanya* guerillas throughout the region. The war was finally halted by the military rule of President Nimeiri through the Addis Ababa Agreement of 1972 that gave the south regional autonomy, but it resumed in 1983 when Nimeiri himself abrogated the agreement.

Numerous population dislocations resulted from this first war. By the late 1960s, most of the main towns, especially in the south had lost much of their population. As Rogge<sup>83</sup> reports, Juba had declined to fewer than 10,000 inhabitants by 1965 while places like Marid, Yei, Torit and Yambio were virtually abandoned. An estimated 219,400<sup>84</sup> refugees fled to neighbouring countries while hundreds of thousands remained displaced within the south.

In the post-Cold War era, the Sudanese refugee crisis can be directly linked to the civil war that broke out in 1983. The fighting has continued to date and has compounded

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<sup>83</sup> Rogge John, *Too Many, Too Long: Sudan's Twenty Year Refugee Dilemma*, New Jersey: Rowman and Alanhead Publishers, 1985, p. 40

<sup>84</sup> *Ibid.*, p. 41.



the shortage of food occasioned by recurrent droughts experienced by the country.

Displacements of millions of South Sudanese can be directly attributed to fighting and attendant food shortages, a report to Africa watch elucidates the connections between the war and famine that have killed and displaced millions of people.<sup>85</sup>

The southerner's suffering has also been augmented by in fighting between various factions of the SPLA. In 1993 for instance, one faction (the SPLA-Torit) is reported to have attacked, looted and massacred entire villages populated by ethnic Nuer who support the SPLA - United faction. A counter attack by the latter killed and uprooted thousands of civilians suspected of supporting SPLA-Torit.

It is therefore clear that the south has born the brunt of the more than two decade long war. Many southerners are now either displaced within the country, in exile or dead. The United Nations estimates that the population of Southern Sudan has dropped by 30 per cent in the past ten year due to death and displacement.<sup>86</sup>

By 1995, an estimated 548,000 Sudanese were refugees; 26,000 resettled in Central Republic of Congo; 325,000 in Uganda; 50,000 in Ethiopia, 118,000 in Zaire and 29,000 in Kenya.<sup>87</sup> As the war rages on, the situation continues to worsen and millions are continuously faced by threats of insecurity, starvation and death.

It is clear that the refugee problem in the Horn of Africa, in post-Cold War era is real. There are numerous factors that have contributed to the enormous refugee exodus from the Horn of Africa. The factors range from armed conflicts, drought and famine. However, war, especially civil war has been and continues to be the main root cause of refugee flows in the region.

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<sup>85</sup> Africa Watch, *Sudan: A Human Rights Disaster*, Washington D.C. Africa Watch, 1990, p. 103.

<sup>86</sup> Ibid.

<sup>87</sup> World Vision, *Sudan: Cry the Divided Country*, op. cit., p. 5.

## CHAPTER THREE

### THE UNHCR AND AFRICAN REFUGEES

#### Introduction

The UNHCR is the principal body mandated to provide international protection to refugees. It is charged with the responsibility of providing international protection to a refugee (which encompasses humanitarian assistance) and seeking permanent solutions to the refugee problem. It is answerable to the General Assembly through the Economic and Social Council (ECOSOC).

Initially, the mandate of the UNHCR was closely tied to the refugee definition of the 1951 UN Refugee Convention that restricted itself to Europe and causes that dated to the era prior to 1951. With time, refugees began to appear in other parts of the world outside Europe. It therefore became clear that there was a need to broaden the mandate of the UNHCR to give it a universal character. This had been foreseen by the General Assembly which had in 1949 noted that it may be necessary to modify and extend the competence of UNHCR to new groups of refugees and to new fields of activity.<sup>88</sup> The General Assembly can therefore extend the mandate of the UNHCR through its resolutions. Successive resolutions of this nature have helped to enhance the function of humanitarian assistance in not only Africa but to the refugees in the world at large.

#### The Good Offices of UNHCR and African Refugees

The term “good offices” in relation to refugees has its roots in the UN Secretary General’s recommendation. In his recommendation, he noted that the agency that was to succeed the International Refugee Organization (IRO) would also use “good offices” in

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<sup>88</sup> In UNGA Res. 319 (IV), December 1949, UNHCR is required to discharge functions enumerated in the mandate and any other functions that the General Assembly may confer upon it

the management of refugee matters.<sup>89</sup> The kind of refugees that have been assisted through the good offices has its origin in two resolutions adopted by the General Assembly in 1956.<sup>90</sup> These resolutions authorized the UNHCR to assist Hungarian refugees who were forced to flee their country due to the revolution and invasion by Soviet troops. In 1957, good offices were used to assist Chinese refugees from Hong Kong. The Algerian refugees in Morocco and Tunisia following the Algerian crisis in 1956 were also provided with assistance through the good offices of the Secretary General.

In the Algerian case, the Moroccan and Tunisian governments appealed to the General Assembly to assist in the wake of the great influx of Algerian refugees. In response, the General Assembly did not use the term “good offices” in its resolution authorizing the High Commissioner act in this case, but the resolution reflected the “good offices” approach.<sup>91</sup> The Resolution noted the action taken in 1958 by the High Commission on behalf of refugees from Algeria in Tunisia and recommended that the UNHCR continue with its action on behalf of the refugees in Tunisia on a substantial scale and undertake similar action in Morocco.

The “good offices” concept was officially consolidated by the General Assembly in 1961.<sup>92</sup> This formal authorization was granted to the UNHCR just in time because in the months after December 1961 large numbers of refugees appeared in a number of African countries. The majority of the refugees being consequences of wars of liberation. The use of “good offices” in Africa proved to be vital. This is because in Africa, refugees were numerous and spread out such that it would have been almost impossible to carry

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<sup>89</sup> GA/C.3/527 of 26<sup>th</sup> October 1949.

<sup>90</sup> GA/Res/1006 (ESII), 9 November 1956, also GA/Res/1129(XI), 21<sup>st</sup> November, 1956

<sup>91</sup> GA/Res/1286(XII); see also Aiboni Sam A., *Protecting Refugees in Africa*, Uppsala: Svenska Institutet for Internationell Ratt, 1978, p. 54.

out individual determination of eligibility status. It would also have been more difficult to establish for each individual case the existence of a well-founded fear of persecution. The “good offices” approach allowed the use of the ‘collective’ method in identification of refugees. Thus, instead of basing refugee status on an individual’s well-founded fear of persecution, it was based on a *prime facie* group eligibility method.<sup>93</sup> Large groups fleeing a country that was seen to be facing political turmoil were granted refugee status and protection without reference to the specific elements of the legal definition of a “refugee” as provided for in the 1951 UN Refugee Convention.

### **Other Functions of UNHCR**

UNHCR is also charged with the role of promoting the conclusion and ratification of international refugee conventions and supervising their application. In the African context, the UNHCR has sought to actively play this role and numerous states have acceded to the main refugee conventions. The importance of this function is that according to the Law of Treaties,<sup>94</sup> ratifying or acceding to a treaty binds a state to the provision of the treaty. The state can therefore be held responsible if it goes against the provisions of a treaty it has accepted to be bound by. Hence, by acceding to or ratifying the refugee conventions, states in Africa are expected to perform their provisions in good faith while UNHCR can only urge them to do so.

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<sup>92</sup> GA/Res/1673(XVI), 18<sup>th</sup> December 1961.

<sup>93</sup> Fullerton Maryellen, “The International and National Protection of Refugees in Hurst Hannuman (eds.) *Guides to International Human Rights Practice*, Philadelphia: University of Pennsylvania Press, 1992, pp. 211-227: 220.

<sup>94</sup> Article II of the *Law of Treaties* provides that a state may express its consent to be bound by a treaty through ratification or accession. Article 26 of the same Treaty provides further that after a treaty enters into force, it becomes binding on all members and must be performed by them in good faith.

## OAU's Role in African Refugee Problems

The problem of African refugees was first brought to the attention of the OAU Liberation Committee at its second Ordinary Session in Dar-es-Salaam in December 1963. The Committee was requested to consider the best ways of handling refugee matters and it recommended direct responsibility by the OAU.<sup>95</sup> The first direct involvement of the OAU in refugee matters was a response to the Rwanda/Burundi conflict in 1964.<sup>96</sup> Countries that had played host to Rwanda refugees appealed to the OAU to come up with solutions to ease the burden they were facing.

Since the OAU did not have an organ to address refugee matters, it set up an *ad hoc* Commission. It was known as the Commission of Ten and was charged with the duty of considering all aspects of the refugee problem and coming up with appropriate recommendations. This Commission proved to be valuable to the OAU and it was incorporated as a permanent organ by resolution CM/Res. 36(III) adopted by the Council of Ministers. With time, the Commission of Ten was expanded to fifteen and later to twenty member states as it stands today.<sup>97</sup>

Other than the Commission of Refugees, the OAU also established the OAU Co-ordinating Committee on Assistance to Refugees in Africa. This is an organ whose role is to provide institutional linkages between OAU organs and the wider international community represented by various organizations and bodies, which are involved in refugee issues. The OAU Secretariat also established the Bureau of Refugees. This was

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<sup>95</sup> Amate C.O.C., *Inside the OAU: Pan Africanism in Practice*, London: Macmillan Publishers Ltd., 1986, p. 459.

<sup>96</sup> For a deeper insight into the causes of the conflict between and in Rwanda and Burundi see Prunier G., *The Rwandan Crisis: History of a Genocide, 1959-1964*, Kampala: Fountain Publishers Ltd., 1965, pp. 54-60; see also Woronoff Jon, *Organizing African Unity*, New Jersey: The Scarecrow Press Inc., 1970, pp. 564-565.

previously known as the Bureau for Placement and Education (BPEAR). It was established as a result of Recommendation (XI) of the *Conference on the Legal, Economic and Social Aspects of African Refugees* held in Addis Ababa, Ethiopia in 1967.<sup>98</sup> It has two main functions. Firstly, it acted as a “clearing house” for urban educated refugees possessing some educational qualifications and training, for job placement within Africa. Secondly, it was charged with the function of collecting and distributing information concerning educational and employment opportunities for refugees in Africa. BPEAR was however faced with various constraints that hindered its effective operation. Its problems ranged from poor staffing to lack of proper co-ordination and communication amongst OAU member states. Further misappropriation of finances donated for its activities led to the withholding of funds by western donors. It was not until the 35<sup>th</sup> Ordinary Session of the Council of Ministers in June 1980 that the Council reconstructed the BPEAR, changed its name to the Bureau of Refugees (BR), and expanded its functions. The Bureau’s functions were to include helping member states to reconcile and harmonize their relations; encouraging the enactment of amnesty laws to ensure the safety of returning refugees; and in assisting refugees who decided to return home to do so in dignity.<sup>99</sup> Further reconstruction in 1992 led to greater expansion of its roles. It now deals with not only refugees and returnee issues but also with the problems of displaced persons and humanitarian affairs in general.<sup>100</sup> The OAU has organized and supported a number of conferences and other meetings designed to provide

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<sup>97</sup> The Commission of Twenty on Refugees is actually a subsidiary organ of the Council of Ministers; see OAU/UNHCR, *'Africa's Refugees: Tackling the Crisis'*, An OAU/UNHCR Report, Addis Ababa, October, 1995.

<sup>98</sup> The Conference on the Legal, Economic and Social Aspects of African Refugees was held between 9-18 October 1967. For more details see Aiboni, Sam, A. *Protection of Refugees in Africa*, Upsalla: Svenska Institutet for Internationell Ratt, 1978, 1978, p. 465.

<sup>99</sup> Amate C.O.C., *Inside the OAU: Pan-Africanism in Practice*, op. cit., p. 465.

<sup>100</sup> OAU/UNHCR, *'Africa's Refugees: Tackling the Crisis'* op. Cit.p.8.

a forum for discussing refugee-related issues and to mobilize international support. One such major conference was held in Arusha, Tanzania in 1979.<sup>101</sup>

One of the main resolutions made by this conference was the shift in focus from blaming colonial and minority oppression for causing displacements to the realization and admission that the majority of the refugees were actually from independent states. The conference also drew attention to the large numbers of spontaneously settled refugees in Africa who, living outside refugee camps and settlements, were not recognized legally as refugees. They therefore lacked effective protection and member states were urged to come up with solutions to this prevalent problem.

In 1914, a Symposium on refugees and Forced Population displacements in Africa was held.<sup>102</sup> This was held in commemoration of the twenty-fifth anniversary of the adoption of the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*. The Conference adopted numerous recommendations, which form a useful contribution to the framework for tackling refugee problems in Africa. The recommendations touched on various issues including provision of asylum, protection and assistance to refugees and other victims of forced displacements, and finding lasting solutions to the refugee problem.<sup>103</sup>

One of the major concerns by OAU has been the unequal burden imposed on certain asylum states by refugee influxes. This is because most of these countries are faced by great economic constraints. There is therefore concern that the fear of asylum states directing scarce and vital resources towards refugees may not only contribute to a

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<sup>101</sup> Erickson L.G., Melander G. and Nobel P., (eds.) *An Analyzing Account of the African Refugee Problem, Arusha, May 1979*, Uppsala: Scandinavian Institute of African Studies, 1981.

<sup>102</sup> Held jointly by OAU and UNHCR.

<sup>103</sup> See OAU/UNHCR, 'The Addis Ababa Document on Refugees and Forced Populations Displacements in Africa', adopted by the OAU/UNHCR Symposium on Refugees and Forced Population Displacements in Africa, 8-10 September 1994, Addis Ababa, Ethiopia.

negative attitude towards hosting refugees, but can also impede development. This realization made the OAU, the UNHCR and the Office of the United Nations Secretary General to organize the first and second *International Conference of Assistance to Refugees in Africa (ICARA I and II)*, in 1981 and 1984 respectively. The main theme of these conferences was the need to incorporate a more development-oriented approach to dealing with the African refugee problem. The conferences resolved among other things that the host states need to be assisted so as to reduce the burden imposed by hosting refugees. Such assistance should aim at developing the areas most affected. In such areas, development projects for both refugees and local communities should be implemented and supported. Consequently, appeals were made to the international community for additional funds to help African states to cope with the long-term impacts of refugees on their economic infrastructure. Although this approach took root for a short while in the post – ICARA II period, the massive flows of refugees from Ethiopia into Sudan and Somalia into Kenya, led to a shift in focus back to emergency relief shelving the development-oriented approach.<sup>104</sup>

Every year on June 20<sup>th</sup>, Africa commemorates the African refugee Day.

Established in 1975 by the OAU, the aim underlying this initiative is to draw attention to the plight of refugees and to focus on the need for formulating durable solutions to the root causes of population displacements.<sup>105</sup>

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<sup>104</sup> See Gallagher Dennis, 'The Evolutions of the International Refugee System', *International Migration Review*, Vol. XXIII, No. 3 1993, pp. 578-599.

<sup>105</sup> In 1964-65, as the OAU Commission of Ten worked on the drafts of the proposed regional instrument, the Bellagio Colloquium of Legal Experts drew up recommendations that led to the acceptance of the Protocol in December 1966. See Holborn L. *Refugees a Problem of Our Time*, Vol. 1, op.cit. pp.185-186.



## The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa was one of the greatest boons to the international legal regime on refugees. This is because it introduced new concepts and norms. This convention does not supercede or replace the 1951 UN Refugee Convention but complements it. The 1951 UN Refugee Convention remain important as the principal source of international refugee jurisprudence.

However, the greatest failure of the 1951 UN Refugee Convention was that it did not incorporate the circumstances that existed outside the post-2<sup>nd</sup> World War. In the early 1960s, Africa started experiencing many wars of liberation, inter-state conflicts, and internal political upheavals. This generated large numbers of refugees all over Africa, with the Horn of Africa producing the bulk of refugees. The 1951 UN Refugee Convention was not intended to benefit refugee groups that emerged subsequent to its drafting. The OAU therefore sought to draft a separate instrument to address the inadequacies of the 1951 UN Convention.

One of the unintended results of the decision to draft an African Refugee Convention was the arousal of the concern of the UNHCR with the limitations of the 1951 UN Refugee Convention. It seemed that the emergence of an instrument that could compete with the 1951 Convention would impair the universal character of this Convention. Further, if no provision was included to give the High Commissioner supervisory authority of the implementation of the new Agreement (as is the case with the 1951 UN Refugee Convention), the role of the UNHCR would be greatly hampered.

The UNHCR therefore took the initiative of implementing the plan to remove the temporal and spatial limitations of the 1951 Convention.<sup>106</sup>

In 1965, the OAU formed the Committee of Ten, which together with the legal experts drafted and presented the final draft of the document received unanimous endorsement. The committee came into force in 1974 after the required number of states (a third of the OAU state members) ratified it. The definition of a 'refugee' is one of the most pertinent issues that the new regional convention had to address. This was due to the fact that 1951 UN Refugee Convention's definition of a refugee required an individual to prove that there was a real and objective fear of persecution. This was not easy to prove in Africa given that refugees fled *en mass*, thus making it difficult for each to prove that they were direct targets of persecution. It also seemed that the clause "well founded fear of persecution" referred to the nature of the twentieth century totalitarian state in Europe.<sup>107</sup> This is because when the Convention was being drafted, people were fleeing Central and Eastern Europe. Persecution in this sense meant the deliberate act of governments against persons or groups deemed to be undesirable by the authorities of the state. Thus those who opposed the regimes would be easily accepted as refugees in Western Europe. Similarly, those who faced persecution on grounds of nationality, race or religion would also be accepted and protected in the West.

The definition of persecution did not include victims of general insecurity and oppression or random, mindless violence not directed at any particular individual or set of persons. These are factors that characterized the causes of flight in Africa, and in particular the Horn of Africa. It is from such understanding that the O.A.U. Refugee

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<sup>106</sup> Article (20) of the 1967 *Protocol Relating to the Status of Refugees*: The term 'Refugee' shall ... mean any person within the definition of Article 1 of the Convention as if the words 'As a result of events occurring before 1 January 1951' and the words 'as a result of such events', in Article A(2) omitted.

Convention broadened the 1951 UN refugee convention definition of a 'refugee' to include people fleeing from aggression, foreign occupation or domination or events disturbing public order.

The issue of asylum was a great concern. According to international law, the "right of asylum" is understood as the right of a state to grant asylum. This means that a state in its normal exercise of territorial sovereignty may choose to grant or refuse asylum to asylum seekers based on its legislation.<sup>108</sup>

State representatives involved in the drafting of the Declaration rejected this in favour of the former.<sup>109</sup> The 1951 Refugee Convention does not address itself directly to the issue of asylum. In article 33, it prohibits that the OAU Refugee Convention goes further and addresses the issue of receiving and resettling refugees. States parties are required to "use their best endeavors consistent with their respective legislation to receive and secure refugees' settlement."<sup>110</sup> In addition, the OAU Refugee Convention provides a positive and generous interpretation of the principle on non-refoulement.<sup>111</sup> States are obliged to grant temporary residence to refugees who don't have the right to reside within their borders pending resettlement arrangements.

After realizing that refugee issues are a potential cause of tension between states, the OAU sought to allay such tension by addressing the issue in its convention. In article 2(6), for instance, it provides that refugees be settled a reasonable distance away from the borders of their countries. This provision is especially important in cases where refugees

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<sup>107</sup> Smyser W.R., *Refugees: Extended Exile*, Washington D.C.: The Centre of Strategic International Studies, 1987, pp. 19-21.

<sup>108</sup> See the ruling by the International Court of Justice in the Case, 1950. Also see Grahl-Madsen Atle, *Territorial Asylum*, Stockholm: Almqvist and Wiksell International, 1980, pp. 1-2.

<sup>109</sup> Plender Richard, 'The Legal Protection of Refugees' in Blackburn R. and J. Taylor (Eds.) *Human Rights for the 1990: Legal, Political and Ethical Issues*, London: Mousell Publishers Ltd., 1991, pp. 47-59.

<sup>110</sup> Article 2 of the 1969 OAU (Convention Governing the Specific Aspects of Refugee Problems in Africa.

<sup>111</sup> Article 2(5) of the 1969 OAU Convention on Refugees.

become involved in subversive activities against their states of origin. It also enhances the security of refugee settlements or camps, which may be vulnerable to cross-border attacks from rebel groups. Subversive activities are further addressed in article 3, which imposes a duty on refugees to conform to the laws and regulations of host states.

Refugees are required to abstain from subversive activities against any OAU member state that may cause tension between the states. States are on the other hand prohibited from allowing their territories to be used by refugees as launching pads for attacks against any member state.

Article 5 of the OAU Convention provides for voluntary repatriation. This issue was not addressed by the 1951 UN Refugee Convention. This provision is predicated on the view that the refugees will want to return home voluntarily if the conditions that caused their flight cease. To enhance repatriation, the article further provides the roles to be played by countries of asylum and origin to assure the safety of refugees on return; assistance in resettling, and most importantly, to grant them full rights and privileges of nationals without penalizing them for their return. However, repatriation is not always a function of cessation of original causes of flight, (predominantly conflict). The choice to repatriate voluntarily is also influenced by other factors such as prospects of economic recovery, level of environmental and infrastructural destruction and the possibility of the conflicts recurring in the country of origin. These are the factors that are not addressed in the OAU Refugee Convention.

Article 7 calls upon member states to furnish the OAU Secretary General with the relevant information and statistical data regarding the refugee situation within their countries. The purpose of this is to enable the OAU in collaboration with the UNHCR

and other bodies in the co-ordination of their efforts in dealing with refugee matters.

Member states have however not fully abided by this.

### **Changing Fundamentals of the UNHCR Mandate**

The use of the word 'refugee' has consistently been employed to refer to a much broader range of displaced people than those defined in the Convention and its 1967 Protocol. State practice has commonly reflected 'recognition of the protection needs and entitlements of a broader class'.<sup>112</sup> UNHCR, in many of its actions, is not constricted by the formal legal definition; and in its official publications it expresses sympathy with various regional agreements which, while still accepting the criterion of cross-border movement, encompass a much wider range of reasons for flight.<sup>113</sup>

All this raises the question of whether the international refugee regime has somehow already expanded in practice to encompass a wider range of refugees than those mentioned in the Convention; and whether there should be a formal change in the law to recognize this important new part. As mentioned in Chapter Two, there has long been a case for extending the formal definition of refugee to encompass those fleeing from war, anarchy, detention and famine as well as from persecution.

The work of UNHCR has had to adjust to the changes of states towards them. Initially, in accord with Article 6 of its 1950 Statute, which adopted to the same definition of refugees as in the 1951 Convention, the UNHCR was involved mainly in assistance of refugees who had left their own countries. Over the years, in response to series of practical imperatives, UNHCR has come to concern itself increasingly not just

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<sup>112</sup> Godwin-Gill, *The Refugee International Law*, 2<sup>nd</sup> Edition, Oxford: Clarendon Press, 1996 p. 108.

<sup>113</sup> UNHCR, 'Protection Aspects of UNHCR Activities', 1994.

with temporary arrangements for refugees pending their return to the country of origin, but also with its IDPs.

The broadening of UNHCR mandate has happened for persuasive reasons but has some complex consequences. It is drawn increasingly into practical issues, such as determining whether or not it is safe for people to move back to their former homes. Further, in many cases UNHCR do address the issues, which are equally the concern of other international bodies, including, in the case of IDPs, the International Committee for the Red Cross (ICRC).

The development of the UNHCR mandate goes far beyond extending the categories of people whom UNHCR assists. For example, the UNHCR Executive Committee, in its 1997 'General' conclusion on International Protection, reaffirmed strongly that UNHCR has a role in facilitating lasting solutions, in contributing to the resolution of refugee crises, and in addressing the root causes of refugees.<sup>114</sup> These are all issues that can become highly political in character. They are therefore in tension with the requirement in the preamble of the 1950 Statute, that UNHCR's work has to be 'of an entirely non-political character' and 'humanitarian and social: These issues have however been imposed on UNHCR by force of circumstance, and cannot be wished away. The organization has time and again been forced to cater for huge influxes of refugees in trying to feed and protecting the threatened people. Somalia, Yugoslavia and Rwanda have shown in clearest form the reasons for, and limits of, action along these lines.

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<sup>114</sup> UNHCR, *The State of World's Refugees 1997-1998: A Humanitarian Agenda*, Oxford: Oxford University Press, 1997.

## CHAPTER FOUR

### UNHCR: ITS LIMITATIONS IN REFUGEE ASSISTANCE IN THE HORN OF AFRICA REGION

#### Introduction

Chapter three explored the general refugee situation in the Horn of Africa. It examined the major causes of refugeehood, its consequences and the responses to refugees after crossing international borders. The discussion that followed established an almost uniform trend in the response to populations after they crossed international borders within this region. The presence of the UNHCR as the international body mandated to provide international assistance was also established. Further, it was noted that policies pursued by host states play an important role in determining the nature of assistance that the UNHCR is able to offer.

This Chapter takes up from this point and makes an attempt to highlight the limitations of the refugees' assistance especially in the Horn of Africa region. It explores both the practical and theoretical limitations. It also examines the effect that intermittent conflicts within the region have had on assistance efforts. In general, it addresses issues of asylum, refugee rights and the durable solutions to the refugee crisis.

This Chapter also notes that certain limitations are inherent in the entire refugee assistance regime, and are therefore not specific to the Horn of Africa region. Their universal nature means that they affect refugees in all regions, hence the need to address them.

As noted in Chapter Two, the UNHCR is the sole international body mandated to provide international assistance to refugees. Its functions must however be carried out within sovereign states that have their own legislation and policies. Thus, although

international refugee law (on which the UNHCR's operations are rested) provides a set of standards that ought to guide assistance activities, these can only be translated to reality through the deliberate efforts of states. One way of achieving this would be to restate the given provisions of international refugee law into national legislation and to ensure that they are enforced. Otherwise, since like much of international law, refugee law has no enforcement mechanism, the UNHCR can only urge states to abide by these provisions through diplomatic pressure and moral suasion.<sup>115</sup>

### **Asylum**

The most urgent need of a refugee is asylum. The act of flight from one's state compels one to seek asylum in a new land. International law does not recognize asylum as a right of the individual. Generally, states retain the right to grant asylum.<sup>116</sup> The only piece of international law that comes close to addressing an individual's status vis-a-vis the right of asylum is article 14 of the *Universal Declaration of Human Rights* (UDHR) which merely talks of the right to "seek" and "enjoy" asylum. This too is problematic. Although some of the provisions of the UDHR constitute general principles of law or represent elementary considerations of humanity, UDHR does not constitute a legal instrument and is not binding to any state. Commenting on the status of the Declaration, Mrs. Eleanor Roosevelt, (the US Representative to the General Assembly and Chairperson of the UN Commission of Human Rights during the drafting of the Declaration in 1948) noted that, "[it] is not and does not purport to be a statement of law or legal obligation... it is a common standard of achievement for all peoples of all

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<sup>115</sup> See Loescher G., *Beyond Charity: International Cooperation and the Global Refugee Crisis* (New York: Oxford University Press, 1993) p.139.

<sup>116</sup> For further discussion on asylum law see for instance Shaw M.N. *International Law*, (Cambridge: Grotius Publications Ltd., 1986), pp. 21 – 22.



nations.”<sup>117</sup> As far as the provision on the right of asylum is concerned, it is not only ambiguous but can not be said to impose a legal obligation on any State.<sup>118</sup>

The 1951 *UN Convention Relating to the Status of Refugees* is silent on granting of asylum. In contrast, article 2 of the 1969 *OAU Convention Governing the Specific Aspects of Refugees Problems in Africa* provides that state parties should use their respective legislation to receive refugees and secure their settlement. The two Conventions however forbid states from rejecting refugees at the frontier or to forcibly return them to a territory where their lives or rights are threatened.<sup>119</sup>

Given this non-committal position of international refugee law, many host states in Africa, and indeed those in the Horn of Africa, opt to provide asylum in the form of local settlement whereby refugees are kept in spatially segregated sites which they are in most circumstances not allowed to leave. As was noted in Chapter Three, host state governments justify their choice of this option on various grounds. Primary amongst them are economic considerations whereby host states feel their weak economy lack the capacity to absorb large influxes of refugees.<sup>120</sup> By keeping refugees in isolated camps or settlements, it is hoped that the cost of their sustenance will be met by the international refugee support system comprising various UN bodies, NGOs, and voluntary organizations. Certainly, when refugees are concentrated in a few locations, they become

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<sup>117</sup> See Harris p.525.

<sup>118</sup> See for instance Brownlie I., *Principles of Public International Law*, (Oxford: Clarendon Press, 1979), and p.571.

<sup>119</sup> See art.2 of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and art.33 of the 1951 UN Convention Relating to the Status of Refugees.

<sup>120</sup> See Kibraeb G., 'Local Settlements in Africa, A Misconceived Option?', *Journal of Refugee Studies*, Vol.2 No.4 1989, pp.468 – 490:473.

clearly visible, making it easier to obtain foreign aid for their sustenance. *Ipsa facto*, the burden imposed on the Asylum State is reduced.<sup>121</sup>

It may be inferred therefore that the concept of asylum has been interpreted by these states as an interim measure whereby states take in fleeing persons without the intentions of accepting such persons as permanent residents. Although this practice is in keeping with the requirements of international refugee law, especially the 1969 *OUA Convention Governing the Specific Aspects of Refugees Problems in Africa*,<sup>122</sup> it has various implications on the status of refugees.

UNIVERSITY OF NAIROBI  
EAST AFRICANA COLLECTION

Firstly, there arises the question of the precise meaning of "temporary". Some of the Eritreans whose flight was occasioned by the war of self-determination that lasted almost three decades spent many years in refugee camps in Sudan. They were expected to live in these camps until the situation at home became favourable for their return. The effect was that they were cut-off from the ordinary life that they had hitherto been accustomed to and had to get used to camp life. Thus, what was designed as temporary accommodation became, by default permanent. The uncertainty associated with this kind of settlement has meant for the refugees many years of living in limbo.<sup>123</sup> Most of the refugees in this category have since the end of the war in 1991 been faced with the prospects of repatriation and are expected to return home and carry on with the life they

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<sup>121</sup> See for instance Kuhlman T., 'Organised versus Spontaneous Settlement of Refugees in Africa' in Adelman H. and J. Sorenson (Eds.), *African Refugees: Development Aid and Repatriation*, (Colorado: Westview Press, 1994), pp.117-142:122.

<sup>122</sup> 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa: "where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangements for his resettlement in accordance with the preceding."

<sup>123</sup> See Amnesty International, *Refugees: Human Rights Have no Borders*, (London: Amnesty International Publications, 1997) p.11.

lived before.<sup>124</sup> As Loescher notes, confinement in segregated camps is not only unsatisfactory but can have extreme damaging psychological effects on the refugees.<sup>125</sup>

Further, there is sufficient evidence within the Horn of Africa region to show that even though the camps offer refugees services that may not easily be available if they leave the camps, the majority of the refugees have opted to stay outside the camps.<sup>126</sup> This latter group chooses to settle spontaneously within the host states. This is especially true of urban refugees who are relatively well educated, or are professionals unable to fit into the usually “rural” life provided for in camps. The danger of this option is that their refugee status is not recognised, and the UNHCR is therefore unable to espouse their rights. Lack of legal recognition renders this category of refugees vulnerable to exploitation and expulsion.

As was noted in Chapter three, in the case of Djibouti, the authorities have a deliberate policy of granting official refugee status only to persons living in the country’s refugee camps. Those outside refugee camps are not recognised as refugees and are usually treated as illegal aliens. *The United States Committee for Refugees (USCR)* reported in 1993 that out of a total of about 60,000 refugees in Djibouti, approximately 27,000 were spontaneously settled in the capital, Djibouti-ville.<sup>127</sup> This figure represents a large percentage of genuine refugees shut out of international protection. Similar cases have also been documented in other host states within this region. In the same year, for instance, UNHCR reported that about half of the 620,000 Eritrean and Ethiopian refugees

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<sup>124</sup> With the intensification of the Ethiopian/Eritrean territorial conflict that flared into an armed conflict in the early months of 1998, many Eritreans are now being expelled from Ethiopia and being sent back to Eritrea.

<sup>125</sup> Loescher G., *Beyond Charity: International Cooperation and the Global Refugee Crisis*, op.cit.p.

<sup>126</sup> Kibraeb, G., ‘Local Settlements in Africa, A Misconceived Option?’ op.cit.p. 476.

<sup>127</sup> See USCR, *World Refugees Survey*, 1994. P.52.

in Sudan lived on their own in cities or rural areas along the border.<sup>128</sup> In 1992, the USCR noted that out of an estimated 96,000 refugees living in Djibouti, between 20,000 – 25,000 lived unprotected by the UNHCR outside the official refugee camps.<sup>129</sup> These figures give a clear indication of the large numbers of refugees living unprotected in this region.

### Rights of Refugees

General human rights, the rights that all human beings ought to enjoy, apply also to refugees and ought to be observed. These rights are for conceptual purposes divided into three groups or generations.<sup>130</sup> The first generation of human rights is based on 18<sup>th</sup> Century notions of libertarian rights. They seek to protect an individual's civil and political rights from encroachment by the government. The *Universal Declaration of Human Rights* (1948) and the *International Covenant of Civil and Political Rights* (1966) are inspired by this way of thinking. Second generation Human Rights show a more social orientation. The thinking behind this generation of rights is that the achievement of social and economic rights is a precondition for the enjoyment of all other rights. Rights to employment, fair wages, social security and adequate standards of living conditions are some of the rights addressed. This thinking is reflected in for instance the *International Covenant of Economic, Social and Cultural Rights* (1966). The third generation unlike the first two, which limit themselves to national borders, are rights against the international community of states as a whole. They are also referred to as solidarity or brotherhood rights. This generation of rights espouses the international

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<sup>128</sup> Ibid., p.70.

<sup>129</sup> See USCR. *World Refugees Survey*, 1993, p. 59

protection of such rights as the right to self-determination, to a healthy environment, to peace and rights to development. Solidarity or brotherhood rights' thinking is reflected in for instance the *African Charter on Human and People's Rights* that came to force in 1986. Despite this categorization all these rights are intertwined, inalienable and ought to apply to all mankind.

Due to the unique circumstances of refugees, there are certain substantive rights provided specifically to them. These are clearly laid out in the various Refugee Conventions ;like the *1951 UN Convention Relating to the Status of Refugees* or the *1969 OAU convention governing the Specific Aspects of Refugees in Africa*. In its protection role, UNHCR tries to ensure that these refugees' rights are protected. How successful this has been is open to debate.

According to the *1951 UN Convention Relating to the Status of Refugees*, refugees must receive the same treatment as that accorded to aliens in regard to certain rights, amongst them the right to choose their place of residence and the right to move freely within the country.<sup>131</sup> This has however not been the practice in various cases in the Horn of Africa. In most cases, the authorities of the host states determine the residence of the refugees and usually place them in segregated settlements or camps. Generally, refugees are not allowed to leave the areas of refugees are not allowed to leave the areas of residence defined for them by the authorities concerned.<sup>132</sup>

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<sup>130</sup> For a deeper analysis on human rights see Kibwana K., Acheampong K. A. & M. Mwagiru, "Human Rights and Diplomacy in Africa: A Critical Perspective", (Kent Papers in Politics and International Relations), series 3, No.5 1994

<sup>131</sup> Article 26 of the *1951 UN Convention Relating to the Status of Refugees*; "Each contracting state shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances."

<sup>132</sup> See for instance Kibraeb G., 'Local Settlements in Africa: a Misconceived Option?', *Journal of Refugee Studies* Vol.2 No.4, 1989, pp. 468-490:471.

Failure to comply with this requirement can lead to imprisonment or punishment.

The Asylum Act of Sudan for instance stipulates that:

“No refugees...shall depart from any place of residence specified for him. The penalty for contravening this sub-section, shall be imprisonment for not more than one years.”<sup>133</sup>

This amounts to limitation on freedom of movement, which also contradicts article 13 of the *Universal Declaration of Human Rights* on the freedom of movement and residence within the borders of each state. Again, the UNHCR has no tools for enforcing adherence to refugee law and can only point out the shortcomings. Djibouti continues to form a great challenge to the UNHCR in this respect. It has continually found itself caught between espousing the rights of refugees and operating within the regulations of the country's government. UNHCR has repeatedly resisted the government's practice of forcibly transferring large numbers of refugees to the camps because of the camps; poor conditions. However the government steadfastly persists with this practice and the UNHCR is left with no alternative but to assist the refugees by transferring them to the camps. It transferred 5,400 refugees to camps in 1993 and planned to transfer 25,000 more in 1994.<sup>134</sup>

Limitation on the movement of refugees also implies that they are denied a chance to participate in the social and cultural life of the host societies. In the field of education for instance, the *UN convention on the Status of Refugees* guarantees the right of refugees to basic education<sup>135</sup> which has in most cases been interpreted by the UNHCR and the host governments to mean primary education. This is usually provided in makeshift schools within the camp or settlement environment. However, when funds are

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<sup>133</sup> Art.9(2) of the *Regulation of Asylum Act*, 1974.

<sup>134</sup> USCR, *World Refugee Survey*, 1994, p. 52.

<sup>135</sup> Article 22 of the 1951 UN Convention relating to the Status of Refugees; “The contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

short, education programmes are amongst the first to be eliminated. In most cases, secondary and university education remains out of reach for most of the refugees.<sup>136</sup>

A similar predicament faces the right of refugees to engage in gainful employment as provided for in article 17 of the *1951 UN Convention Relating to the Status of Refugees*. Limitations on movement mean that the majority of the refugees are unable to move freely in pursuit of business, employment or possibilities to practice their own professions. The effects of this are various ranging from reduction of productivity to the diminishing of self-esteem and dignity among the refugees. This practice also portends the danger of creating a dependence syndrome within the camps whereby refugees are unable to provide for themselves but keep depending on the refugee support system for all their requirements. UNHCR in conjunction with other UN agencies and NGOs have taken into account the danger of this phenomenon are now involved in various programmes aimed at enhancing self sufficiency within the camp situation. As UNHCR's Senior Economist and Planner, Larbi Mebtouche observes, in the post-cold War era, it has become increasingly difficult to raise funds to care for an maintain refugees.<sup>137</sup>

Hence, the UNHCR is putting aside some \$13 million - \$14 million annually for income-generating activities in a bid to get rid of the dependency syndrome inherent in most refugee camps.

Similarly, another consequence of the practice of organised settlement in this region has been the prohibition of refugees to own property and especially immovable property. This is despite the fact that the *1951 UN Convention Relating to the Status of*

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<sup>136</sup>Ferris E. G., *Beyond Borders: Refugees, Migrants and Human Rights in The Post-Cold War Era*. (Geneva: WWC Publications, 1993). P. 103. See also Kibraeb G. 'Local Settlements in Africa: A Misconceived Option?' op.cit., p.471.

<sup>137</sup> See UNHCR, *Refugees*, No. 105, Vol.III, 1996, p.24.

*Refugees* gives clear guidelines in this issue. In article 13 for instance, it provides for "... treatment as favourable as possible...[but] not less favourable than that accorded to aliens..." In matters relating to, for instance, acquisition of property. The Sudanese *Regulation of Asylum Act* provides that "No refugees shall own lands or immovables in the Sudan".<sup>138</sup>

Judging from this, it seems that asylum states in the Horn of Africa have no intention of integrating refugees into their communities. For them, the refugee issue is regarded as a transient matter with the refugees being offered temporary asylum no matter how long it takes to solve the problems that occasioned their flight.

### **Effects of Intermittent Conflicts and Insecurity**

As was noted in Chapter Three, the refugee problem in the Horn of Africa is inextricably linked to the series of armed conflicts which have rocked the region over the last three or so decades. Current conflicts, such as the fighting in Southern Sudan, intermittent clan warfare in Somalia, and the renewed territorial conflict between Ethiopia and Eritrea have created a sense of insecurity in the region which has affected the protection efforts. In the 1990s, the UNHCR has either been forced to pull out completely or reduce considerably its presence in areas of conflict due to insecurity. In Somalia for instance, UNHCR has maintained its presence in the north (Somali-land) citing the relative peace prevailing there whereas it maintains a skeletal presence in the southern part. In late 1990s as was to oust Siad Barre intensified, the UNHCR office was attacked and looted forcing the UNHCR to stop its operations. The staff was also redeployed to other offices because of insecurity. UNHCR now maintains only a few

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<sup>138</sup> Article 9 of the *Regulation of Asylum Act*, 1974.



members of staff who operate together with other UN agencies in the region. The effects of this has been that a number of Ethiopian refugees still living in this region and some Somali returnees from Kenya are either unprotected or receiving minimal assistance from the UNHCR staff still present.<sup>139</sup> Similarly, although southern Sudan is still home to a number of Ethiopian/Eritrean refugees, the UNHCR does not have a direct presence in the region. Its operations there are mainly co-ordinated from Khartoum in the north.<sup>140</sup>

Insecurity has also had a direct impact on the refugees in camps. Indeed, the General Assembly of the United Nations has given the issue of security of refugees. In 1981 for instance, the protection of asylum seekers in situations of large-scale influx was acknowledged, together with the need for special measures to secure the safety of refugees against armed attack.<sup>141</sup> Likewise, in 1986 and 1987, the General Assembly condemned all violations of the rights and safety of refugees and asylum seekers, including those arising from military, armed attacks and other forms of brutality.<sup>142</sup> Despite this, research shows that harassment of refugees and attacks on their settlements are growing in scale and frequency.<sup>143</sup>

In the Horn of Africa, incidences of violence and armed attacks in refugee settlements are attributed to the presence of arms within the settlements (among refugees themselves) or to external attack by warring parties. Copson reports that in the late 1980s and early 1990s, Ethiopian refugees in northern Somalia were caught up in the

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<sup>139</sup> Interview on 21<sup>st</sup> of August 1998 at the UNHCR Nairobi Office with Mr. P. Karani, Senior Regional Refugee Law Training Co-ordinator.

<sup>140</sup> *Ibid.*

<sup>141</sup> UNGA Res. 36/125, 14 Dec. 1981

<sup>142</sup> See UNGA Res. 41/124, 4 Dec. 1986; also UNGA Res. 42/109, 17 Dec. 1987.

<sup>143</sup> See The Independent Commission on International Humanitarian Issues, *Winning the Humanitarian Race?* (New Jersey: Zed Books Ltd., 1988). P.102

Somali war and many conscripted into the Somali army. During this period, the refugee camps suffered numerous guerrilla attacks.<sup>144</sup>

The war in Somalia also forced numerous refugees into Ethiopia. Many of these were reportedly armed. This created insecurity in the camps where they settled. Indeed, the violence seemed to worsen in the evenings when camp workers withdrew for security reasons and moved to other nearby towns.<sup>145</sup> The nature of continuing conflicts has also affected the search for durable solutions for the refugee crisis in this region as is discussed below.

### **The Search for Durable Solutions**

There is a clear relationship between the protection of refugees and the search for the solutions to the refugee crisis. Thus, while protection may include the use of the law to secure the rights, security and welfare of refugees, the final objective, beyond the immediate needs of refugees, is finding solutions. These are achieved through the voluntary return of refugees to their countries of origin or through the acquisition of a new nationality in a new state. Hence, as Goodwin-Gill<sup>146</sup> observes, to be truly effective, the activity of providing protection cannot isolate itself from its objective namely the re-establishment of the refugee within a community.

As was noted in Chapter Three, the solutions of local integration and resettlement in third countries of asylum, for refugees in the Horn of Africa, are faced by resistance by the would-be providers of asylum and are therefore the solutions to a very small

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<sup>144</sup> Copson R. W. *Africa's Wars and Prospects for Peace* (New York: M. E. Sharpe Inc., 1994) p. 8

<sup>145</sup> See USCR, *World Refugees Survey*, 1991, p. 42.

<sup>146</sup> Goodwin-Gill G. S., 'The language of Protection' *International Journal of Refugee Law*, Vol. 1 No. 1 (1989), pp.6 – 19:16.

percentage of the refugees.<sup>147</sup> Voluntary repatriation has been the most favoured solution in the Horn of Africa as indeed in the rest of Africa. Voluntary repatriation presupposes a willingness on the part of refugees to return home on the basis of the conviction that circumstances that occasioned the flight have ceased.

In the post-Cold War period, a lot of emphasis has been placed on this option. Indeed, the UNHCR declared 1992 the “Year of Voluntary Return.”<sup>148</sup> In the Horn of Africa, voluntary repatriation has continued to face numerous impediments. At the 1990 Extraordinary Executive Committee of the UNHCR meeting, several asylum states among them Ethiopia and Sudan complained bitterly that “refugees were awaiting the helping hand of the international community in order to return home”, but that the funding crisis had reduced the prospects of repatriation.<sup>149</sup> Repatriation efforts in this region have been focused on the two main refugee populations, namely the Somalis in Ethiopia and Eritreans fled from their homelands with the largest number moving westwards to Sudan.<sup>150</sup> With the cessation of the conflict in 1991, there was great expectation within the international community that the refugees would be able to go back to their homes. The reality however has been that progress has been slower than anticipated. In a study carried out by Kibraeb in 1995 among Eritrean refugees in Sudan, of some 714 sample household heads he interviewed, 90% were positively predisposed to voluntary repatriation, with 80% having plans to return to their country provided, among

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<sup>147</sup> Due to the increasing numbers of refugees, chances of substantial resettlement outside Africa are so remote, for political reasons, and are given minimal considerations. Meanwhile the African countries of asylum have been reluctant to encourage the permanent integration of numerous refugees within their borders by declining to offer them full citizenship. See United Nations Research Institute for Social Development (UNRISD), *Refugees Returning Home*, ( A Report on the Symposium for the Horn of African on the Social and Economic Aspects of Mass-Voluntary Return Movements of Refugees, Addis Ababa, 15 – 17 September 1992). (Geneva: UNRISD, 1993). P.13.

<sup>148</sup> See Ferris E. G., *Beyond Borders*, op.cit. p. 101.

<sup>149</sup> See USCR, *World Refugee Survey*, 1991, p. 21.

<sup>150</sup> See UNHCR, *The State of the World's Refugees: A Humanitarian Agenda*, (New York: Oxford Univ. Press, 1997), p. 76.

other things, that a social economic capacity to absorb them existed in the areas of return.<sup>151</sup> In explaining this phenomenon, he notes that there is misconceived belief that voluntary repatriation is the sole function of political changes that take place in refugee producing countries. This is not sufficient. The economic, social, military and environmental factors must also be addressed.<sup>152</sup>

Those who chose to remain in Ethiopia are currently faced with the prospects of being forcibly returned to Eritrea. In early 1998, tension between Ethiopia and Eritrea, (over the territorial disputes that were never solved since the latter's independence in 1993), intensified and war finally broke out in May. Government officials in Addis Ababa reacted by ordering Eritreans to leave and return to their country. Many were rounded up by police and put on trucks heading north, to a country some have never known.<sup>153</sup>

Various factors have contributed to the slow progress of repatriation to Eritrea. Initially, large-scale repatriation was delayed mainly by the devastation that had taken place in Eritrea and the refugees' caution in returning to such conditions. The problem was further worsened by Eritrea's ambiguous international diplomatic status (Eritrea became an internationally recognised agreement between itself, the UNHCR and Sudan. Eritrea's lack of a recognised government meant that the authorities' legitimacy was questionable, as was its ability to ensure that Eritreans would be repatriated in safety and dignity. A disagreement between Eritrean authorities and the UNHCR over the funding of repatriation programme.<sup>154</sup>

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<sup>151</sup> Kibraeb G., *Ready and Willing ...but Still Waiting: Eritrean Refugees in Sudan and the Dilemmas of Return* (Uppsala: Life and Peace Institute, 1996) p.1.

<sup>152</sup> *Ibid.*

<sup>153</sup> See for instance British Broadcasting Corporation (BBC), Focus on Africa, October – December 1998, pp.22-25.

<sup>154</sup> USCR, *World Refugee Survey*, 1994, p. 53.

Intense negotiations in 1993 helped to solve these problems as the Eritrean authorities and the United Nations agreed on a \$260 million repatriation and reintegration programme for refugees in Sudan. By 1994, UNHCR had launched a six-month pilot project involving the return of 25,000 Eritreans.<sup>155</sup> This pilot project has however been affected negatively by the deterioration of the relationship between Sudanese and Eritrean governments that resulted in severing of diplomatic relations and growing insecurity around the border are resulting from the conflict in Sudan.<sup>156</sup> The repatriation process in Eritrea therefore continues albeit at a slow pace. Estimates show that by the beginning of 1997, at least 200,000 Eritreans had repatriated with with about half the number having done so independently (outside the organised programmes of UNHCR).<sup>157</sup>

Repatriation to Somalia is slow and inconsistent. The processes of repatriation, which have taken, place since 1990 involve three major blocks of returnees. The long-established refugees from Somalia, who fled the Ogaden in 1978; the refugee population that fled the destruction of Hargeisa; and those who fled to Kenya after 1991.<sup>158</sup> These processes have been marked by various problems. Lack of adequate planning and funding have been cited as some of the major problems slowing the process down. Another contributing factor was the conflict that rocked most parts of central and southern Somalia rendering the area unsafe for return. In the words of one UNHCR official, “the events of war overtook the process [of repatriation].”<sup>159</sup> The planting of

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<sup>155</sup> UNHCR, *The State of the World's Refugees: A Humanitarian Agenda*, op. Cit., p. 76

<sup>156</sup> Ibid.

<sup>157</sup> Ibid., p. 144.

<sup>158</sup> Waldron S. and N. Hasci, ‘Somali Refugees in the Horn of Africa: State of the Art Literature Review’ (A Report prepared for the Studies on Emergencies and Disaster Relief), Nordiska Africainstitutet, 1995. P. 69.

<sup>159</sup> Ibid.

numerous minefields especially in the north worsened the situation further.<sup>160</sup> Finally, commentators have criticized the cross-border operations in Hargeisa (in the north) and Kenya (in the south). They argue that the repatriation process was not only treating them as burdensome caseloads rather than human beings in need".<sup>161</sup> Implicit in these allegations is the idea that the cross-border operations in Kenya and Hargeisa were more of a socially engineered process than a voluntary exercise on the part of refugees. The concept of "voluntariness" is therefore questioned, as it is in cases where refugees returned home when war broke out in their country of asylum. The Horn of Africa has experienced a number of such cases. The collapse of Siad Barre's regime and the subsequent war in Somali in the early 1990s saw a lot of Ethiopian refugees who had fled to Somalia return to Ethiopia.<sup>162</sup> In a like manner, a number of Somali and Sudanese refugees who sought refuge in Ethiopia were caught up in the violence that erupted in Ethiopia after Mengistu's ouster. They therefore chose to return home even though the conditions there had not changed drastically.<sup>163</sup>

The second possible solution for the refugee problem is local integration. The interpretation of this option has however varied between regions. As was noted in Chapter Three, local integration within the Horn of Africa is interpreted to mean local settlement. The difference is that the former implies a social and cultural process through which refugees become permanent members of the host society. The latter involves the placement of refugees in segregated sites where their needs are met by the international

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<sup>160</sup> On the effects of the mines planted mainly in Somaliland, see De Waal, and R. McGrath *Violent deeds Live On: Landmines in Somalia and Somaliland* (London: African Rights and Mines Advisory Group, 1993), p. 8.

<sup>161</sup> Waldron S. and N. Hasci, 'Somali Refugees in the Horn of Africa: State of the Art Literature Review' (A Report prepared for the Studies on Emergencies and Disaster Relief), Nordiska Africainstitutet, 1995. P. 69.

<sup>162</sup> USCR *World Refugee Survey* 1993, p. 61.

<sup>163</sup> See for instance, USCR, *World Refugee Survey*, 1992, p. 54.

refugee support system, in the hope that the causes that occasioned the flight will cease and enable them to return to their countries. Local settlement can therefore not be perceived as a permanent solution but as an interim measure no matter how long it takes for the refugees to return home. The intentions of authorities in these regions are captured in words of two former Refugee commissioners. According to a former Sudanese Commissioner for Refugees,

“[R]efugees should be given a certain place to live in, to continue their own sort of relation with their own people, not to forget their country, because we are not interested that they will forget their countries; they have to go back. We don't want more population in this country.<sup>164</sup>

A former Extraordinary Commissioner for Refugees in Somalia is quoted to have said:

“Somalia, due to its meagre resources and with an economy already weakened by refugee burden, the biggest in Africa, cannot integrate... refugees on its land.<sup>165</sup>

The temporary nature of this option, as was noted earlier in this Chapter, has various negative effects in the rights of refugees.

The third option is resettlement in a third country. Normally the decision to resettle a refugee is made in the absence of other options such as voluntary repatriation and local integration. No country is legally obliged to resettle refugees and each country of resettlement sets down criteria and decides who to admit.<sup>166</sup> Troeller<sup>167</sup> notes that of the 185 member states of the UN, only ten governments establish and announce refugee resettlement quotas. He gives the figures as follows: -

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<sup>164</sup> Quoted for Kibraeb G., 'Local Settlements in Africa: A Misconceived Option' op.cit. p. 472.

<sup>165</sup> Ibid.

<sup>166</sup> See for instance UNHCR, *Resettlement Handbook*, (Geneva: UNHCR, 1997), which gives details on criteria of admission set by governments of various resettlement countries.

Table 4.1

Refugee Resettlement quotas

COUNTRY OF ASYLUM	NO. ACCEPTED FOR RESETTLEMENT	COUNTRY OF ASYLUM	NO.ACCEPTED FOR RESETTLEMENT
US	125,000	NEW ZEALAND	800
AUSTRALIA	14,000	DENMARK	500
CANADA	13,000	FINLAND	500
SWEDEN	1,250	NETHERLANDS	500
NORWAY	1,000	SWITZERLAND	250

Source: *International Journal of Refugee Law*, Vol.3, No.3 July 1991.

Commenting on the practice of resettlement, Ferris<sup>168</sup> notes that the authorities of four traditional receivers (US, Australia, Canada and New Zealand) usually look for people judged to be capable of integrating into, and contributing to, the host society. It therefore appears that in some cases, humanitarian and protection considerations take a back seat to economic needs of the host country.

In the last decade, industrialised states (the traditional states of resettlement) have individually and collectively introduced a wide range of restrictive measures relating to arrival, admission and entitlements of people who wish to claim refugee status on their territory. These mechanisms dubbed “*non-entrée*” include measures such as fines on airlines and shipping companies for bringing undocumented passengers, imposition of

<sup>167</sup> Troeller Gary, 'UNHCR Resettlement as an Instrument of International Protection: constraints and Obstacles in the Arena of Competition for Scarce Humanitarian Resources' *International Journal of Refugee Law*. Vol.3 No.3, July 1991, p. 569.

<sup>168</sup> Ferris E. G., *Beyond Borders: Refugees, Migrants and Human Rights in The Post-Cold War Era*, op.cit., p. 106.



visa requirements on refugee producing countries and the safe third country rule.<sup>169</sup> The latter is a measure that prevents admission of refugees deemed to have passed through another country on their way to the state in which they claim asylum. The argument is that the countries through which they passed should be responsible for providing assistance without any regard as to whether or not such a state is willing or able to avail assistance.<sup>170</sup> International refugee law does not however require that refugees seek asylum in the first territory they reach.

The European Union states on their part have implemented a number of policies which can be interpreted as a busing the principla of "first country of asylum". In international refugee law, the principal of "first country of asylum" means that a refugee can not be denied asylum in a second country if he has found effective protection in a first country of asylum. These policies are embodied in the *Schenegan Supplementary Agreement* (entered into force in 1995)<sup>171</sup> and the *Dublin convention* of 1990.<sup>172</sup> The former foresees the creation of an information system containing computerised data on individual asylum applicants while the latter spells out the obligations of signatory states to share data on trends in asylum applications, country of origin assessments, legal issues and individual cases. The effect of these treaties is that when an asylum seeker's application is rejected by one Member State, it will not be considered by another member

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<sup>169</sup> See for instance Matas, David 'A History of the Politics of Refugee Protection' in Mahoney K and P. Mahoney (eds.) *Human Rights in the Twenty-First century: A Global Challenge* (Dordrecht: Martinus Nijhoff Publishers, 1993), pp. 619-628: p. 621.

<sup>170</sup> See Amnesty International, *Refugees: human Rights Have No Borders*, (London: Amnesty International Publications, 1997), p. 4.

<sup>171</sup> The *shenegan Supplementary Agreement* is the convention applying the *Schenegan Agreement* of 14 June 1985. It was initially signed by an initial group of five European Union States, (benelux Countries, Germany and France) in June 1990. Further E. U. member states joined and it entered into force on 26<sup>th</sup> April 1995. *Ibid.*, p. 74

<sup>172</sup> The Dublin convention has as of mid 1997 been signed by all member of States of the European Union except Denmark. See Amnesty International, *Refugees: Human Rights Have no Borders*, (London: amnesty International Publications, 1997), p. 4.

state.<sup>173</sup> All these restrictive measures affect refugees from all regions. Consequently, refugees are prevented from exercising their right to seek and enjoy asylum.

## Conclusion

From the foregoing, various issues have arisen which have been identified as the possible factors that have led to the weakening of the refugee assistance regime.

Firstly, the right of asylum remains a prerogative of states and they have interpreted this right to fit the policies that they pursue. As a result, within the Horn of Africa, refugee asylum is mainly in the form of local organised settlements which are of a 'temporary' nature meaning that the refugee problem is still seen to be a transient issue. Secondly, the continuous conflicts within the Horn of Africa have also affected assistance efforts. Insecurity has affected both the function of the UNHCR and the security of refugee camps. Further, the search for solutions for the refugee crisis is still going on though dogged by numerous impediments. These range from difficulties of repatriation to an increase in restrictive policies pursued by possible states of resettlement. Finally, the problem of internally displaced persons within the Horn of Africa is real and a possible threat to regional stability, yet there is no clear-cut international framework for the assistance of this group of people.

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<sup>173</sup> Ibid.

## CHAPTER FIVE

### STRENGTHENING THE UNHCR'S HUMANITARIAN ASSISTANCE TO REFUGEES IN THE HORN OF AFRICA: A CRITICAL ANALYSIS

#### Introduction

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Chapter One dealt with the African refugee problem, literature review and the methodology. Chapter Two surveyed the causes of refugees in the Horn of Africa. It emerged clearly that the main cause of refugees in the Horn of Africa is armed conflicts. Chapter Three examined the UNHCR and the African refugees and the programmes that have been developed for the refugees. In Chapter Four, a survey of the limitations that UNHCR faces in providing humanitarian assistance was made. This chapter illustrates that the complexity of modern day involuntary movements calls for a more dynamic and innovative approach to the issue of humanitarian assistance to refugees. Attention must be given to the pre- and post-flight situation. Such an approach needs to shift away from the traditional reactive approach that only responds after displacements have occurred. It must also depart from its preoccupation with only states of asylum, and address the role that states of origin should play. The search for durable solutions must also continue earnestly while employing strategies to ensure that the solutions are truly durable.

It is clear that the UNHCR cannot continue acting single handedly in matters pertaining to the humanitarian assistance of refugees. Although it remains the main international body mandated to protect and assist refugees, it must work very closely with other state and non-state actors to ensure that the function of protection becomes more effective. International solidarity, driven by the international will to assist refugees is crucial.

This chapter will examine the emerging trends as regards in the humanitarian assistance to refugees. It will also explore how best some of these trends can be implemented in the Horn of Africa in order to strengthen the humanitarian assistance regime.

### **International Solidarity**

The issue of international solidarity is of great importance in refugee assistance. This was envisaged and endorsed in the preamble to the 1951 *UN Refugee Convention*.<sup>174</sup> Practice has shown that international co-operation to assist and protect the refugees is characterized by vague promises of solidarity among governments, marked by incompatible national policies and undependable funding.<sup>175</sup> The practice of humanitarian assistance to refugees is flawed. Hence the distribution of state responsibility towards refugees is based primarily on accidents of geography and relative ability of states to control their borders.<sup>176</sup> Various states have put up stringent immigration laws that act to deter would be asylum-seekers from entering those particular states. This state-centric approach is as undesirable as it is treacherous. Large numbers of uncared for refugees are a threat to both regional and international peace and security. Indeed, as was noted by officials of the former Federal Republic of Germany in 1981 in the UN General Assembly, massive flows of refugees affect not only the domestic order and stability of states of first refuge, but can jeopardize the stability of entire regions and

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<sup>174</sup> See Preamble of the *UN Convention Relating to the Status of Refugees*, 1951.

<sup>175</sup> See Loescher G., *Beyond Charity: International Cooperation and The Global Refugee Crisis*, New York: Oxford University Press, 1993, p. 131.

<sup>176</sup> See Hathaway James C., 'Towards the Reformation of International refugee Law: (A Research Report by the Centre for Refugee Studies), York University, Toronto, Canada, 1997.

hence pose a threat to international peace and security.<sup>177</sup> It is therefore not surprising that successive UNHCR Executive Committee conclusions endorsed by the General Assembly have called for international solidarity and burden sharing, enjoining all states to take an active part in collaboration with the UNHCR in efforts to support the capacity of host states to receive and protect refugees.<sup>178</sup> Non-state actors must play a more crucial role. Low-income developing countries with their strained resources are most affected by sudden mass influx of refugees.

To illustrate this, the following section looks at such efforts as exemplified by the International Conference on Assistance to Refugees in Africa (ICARA) and the International Conference on Central America refugees (ICCAR). The latter is said to have been a success while the former was a failure.<sup>179</sup>

#### ICARA and ICCAR

These two initiatives were a reaction to the realization that by hosting numerous refugees, many developing countries experience a great strain, which affects their attitude towards the refugees. There was therefore a necessity to create an awareness of the need for the international donor community to assist these states in order to help them to cope with the burden of hosting refugees and hence alleviate the plight of refugees.<sup>180</sup> Both initiatives brought together the office of the UN Secretary General, United Nations Development Programme (UNDP), UNHCR and the OAU. Government representatives from states in the respective regions were also represented at each conference.

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<sup>177</sup> See UNGA Res. 35/124. As quoted from Conley Marshall, 'The International Framework of Refugee Law and Political Forces' in Mahoney K.E. and P. Mahoney (Eds.), *Human Rights in the Twenty-First Century: A Global Challenge*, Dordrecht: Martinus Nijhoff Publishers, 1993, pp. 629-643:640.

<sup>178</sup> See Executive Committee of the High Commissioner's programme, (46<sup>th</sup> Session).

<sup>179</sup> See UNHCR, *The State of the World's Refugees: In Search of Solutions*, New York: Oxford University Press, 1995 p. 50; also Smyser W.R., *Refugees: Extended Exile*, Washington D.C. 1987, pp. 114-115.

ICARA 1, for Africa, held in Geneva in April 1981 failed to meet its goal of raising additional resources intended for strengthening the social and economic basis of African host countries. Subsequently, the General Assembly adopted a resolution calling for the convening of yet another international conference on assistance to refugees in Africa.<sup>181</sup> This led to the convening of ICARA II in Geneva in July 1984. The main objectives of this second conference were to urge the international community to provide additional development assistance to countries affected by refugees so as to improve the quality of assistance to both refugees and returnees. The conference considered a total of 128 refugee-related infrastructure projects submitted by 14 African states with significant refugee and or returnee populations.<sup>182</sup> However, most of these projects did not materialize. Various reasons were cited, including the 1984-85 famine in the Horn of Africa and the 'unprecedented financial crisis' that faced the UNHCR in the years immediately following ICARA II. The bottom line however was that the transfer of refunds that had been hoped for did not materialize.<sup>183</sup>

On the other hand, ICCAR had substantive success. The conference held in Guatemala City in 1989 at a time when the civil wars rocking El Salvador, Guatemala and Nicaragua had displaced 2 million people.<sup>184</sup> One of its main guiding principles was that lasting peace cannot be achieved without initiatives to solve the problems of refugees, displaced persons and returnees.<sup>185</sup> Strategies were laid out on how to achieve these goals. These included the voluntary return of refugees, settlement and integration

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<sup>180</sup> Kibraeb G., 'Local Settlements in Africa: A Misconceived Option?', *Journal of Refugee Studies*, Vol. 2 No. 4, 1989, pp. 468-490:487.

<sup>181</sup> UN General Assembly Res. 37/197.

<sup>182</sup> From the Horn of Africa, Ethiopia presented 14 projects; Somalia 14, and Sudan 30 projects. See UNHCR, *Refugees*, No. 7, July 1984.

<sup>183</sup> Ferris E.G. *Beyond Borders: Refugees, Migrants and Human Rights in the Post-Cold War Era*, Geneva: WWC Publications, 1993, pp. 136-137.

of refugees unable to return to their homeland, and implementation of development programmes to benefit refugees and returnees. Within five years, most of the set goals were achieved. The success of this initiative was attributed to, *inter alia*, political will from the heads of states from that region, major donor states, UN agencies and NGOs. The result was the honoring by the donor states of their part of the bargain (paying up) which allowed the UNHCR and its partners to implement the identified projects.<sup>186</sup>

Hence, the international community in solidarity to assist poor countries which in most cases host the greatest number of refugees, has the potential of improving the quality of humanitarian assistance accorded to refugees. Such efforts must nevertheless be accompanied by international will from all parties involved. The African case, unlike the South American one was faced with problems from the beginning. The outset of the drought and famine that rocked the continent shortly after the conference meant that a lot of the funds that should have been used to initiate refugee-related infrastructure projects were diverted to relief efforts thereby grounding most of the proposed projects. This factor confounded by the fact that most donor states did not honour their pledges, served to decrease the morale of most officials from African states and interested NGOs. Most did not even bother to resurrect the stalled projects or start new projects. Eventually, an idea that could have greatly enhanced the assistance of refugees in the region failed to take proper root. The main lesson that African states can learn from this experience is that the ICARA or ICCAR ideas are portent ideas. However, they can only work if there is genuine will power and support amongst the involved parties. It is now time that the ICARA idea was revisited and revived.

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<sup>184</sup> See UNCHR, *The State of the World's refugees: In Search of Solutions*, New York: Oxford University Press, 1995, p. 50.

<sup>185</sup> *Ibid.*, p. 52.

<sup>186</sup> See UNHCR, *The State of the World's Refugees: In Search of Solution*, op. Cit., p. 51.

## The Strengthening of the Institutional Actors' Capacity

The assistance accorded to refugees requires concerted effort from various institutional players. UNHCR's role of providing assistance can greatly be strengthened if it gets proper support from regional organizations such as the OAU, sub-regional bodies such as IGAD and from the state governments and institutions.

## The UNHCR

The extension of the High Commissioner's mandate has always been effected by the General Assembly through successive resolutions. From the inception of the UNHCR, the General Assembly acknowledged that it would be necessary and desirable to modify and extend the competence of UNHCR to new groups of refugees and to new fields of activity.<sup>187</sup> It is therefore not surprising that the mandate and functions of the UNHCR have been continuously evolving over the years to reflecting emerging refugee situations. Indeed, as early as 1957, the General Assembly authorized UNHCR to use its "good offices" in dealing with displaced Chinese fleeing to Hong Kong who fell outside its mandate.

Another step taken in the expansion of UNHCR's mandate was in 1975, when the General Assembly called for humanitarian assistance to "displaced persons" who fell outside the legal "refugee" definition. In the following year, the General Assembly endorsed a resolution by the Economic and Social Council (ECOSOC) that stated that the High Commissioner's mandate be extended to "refugees and displaced persons, the victims of man-made disasters".<sup>188</sup> The mandate of the UNHCR continued to be expanded and in 1985, in response to the drought emergency in the Horn of Africa, the

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<sup>187</sup> See for instance UN GNA Res. 319(IV), December, 1949, by which UNHCR was required to discharge not only the function enumerated in the mandate but also "such other functions as the General Assembly may from time to time confer upon it".

<sup>188</sup> ECOSOC Res. 2011 (LXI), 2<sup>nd</sup> August 1976, endorsed by UNGA Res. 31/55 of 30<sup>th</sup> Nov. 1976.



General Assembly asked the High Commissioner to assist people in refugee-like situations who fled to Sudan from Chad and Ethiopia, as the drought had affected food production, and relief supplies were hampered by internal conflict.<sup>189</sup>

The General Assembly, through its resolutions has rendered the roles of the UNHCR inherently flexible. Given the changing world order, this is a very functional characteristic. In the words of the then UN High Commissioner for Refugees, Sadako Ogata, the range of functions of the UNHCR is tending towards a "three pronged strategy of prevention, preparedness and solutions".<sup>190</sup> This strategy has the potential of strengthening assistance and would therefore be usefully applied to the Horn of Africa to ameliorate the refugee protection problem.

Despite all these changes, the UNHCR still faces certain handicaps that affect the performance of its functions. The UNHCR does not for instance have a resource base. It depends heavily on contributions from mainly the industrialized states. The implications of this are various. Firstly, its independence on voluntary contributions forces it to adopt policies that reflect the interests and priorities of the major donors.<sup>191</sup> Major donor states, in pursuit of their own foreign policy objectives, may contribute more to certain emergencies and withhold funds from others. Such was the case in Somalia. After the US led UN Peacekeeping mission of 1992, US/Somalia relations continued to deteriorate. Consequently, the US (the UNHCR's major donor) threatened to withdraw its financial support for refugee camps in the country.<sup>192</sup> To avert major human disasters, repatriation programmes were put in place for thousands of refugees especially in the

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<sup>189</sup> Smyser W.R. *Refugees: Extended Exile*, op. cit., p. 19.

<sup>190</sup> Sadako Ogata speaking in the UN Third Committee in November 1992; also see UNCR, *World Refugee Survey*, 1993, pp. 14-19:16.

<sup>191</sup> Waldron S. and Hasci, 'Somali Refugees in the Horn of Africa: State of the Art Literature Review', (A Report prepared for the Studies on Emergencies and Disaster Relief). Nordiska Afrikainstitutet, 1995, p. 64.

Hartiseikh region, to return refugees to their countries of origin despite the conflict that continued to rage there.

Having an independent source of finances would greatly enhance the functioning of the UNHCR . This would be further strengthened by revising the mandate period of the UNHCR to a much longer period of perhaps ten years, or else making a permanent agency. As it currently stands, the mandate of the UNHCR expires every five years and is extended after a review is done. This is in line with the provisions of the UNHCR statute. At the inception of the UNHCR, the refugee situation was a small problem that seemed temporary. Hence there was no need to give the UNHCR a long-term mandate.

The UNHCR mandate is supposed to be non-political and entirely humanitarian. The non-political clause was integrated into the Statute with the aim of preventing interference in the internal affairs of UN member states in line with the provisions of article 2(7) of the UN Charter.<sup>193</sup> This implies the rights of the High Commissioner to intervene on behalf of refugees without necessarily becoming involved in the debate on the causes of, or responsibility for, the actual movement.<sup>194</sup>

Given that the UNHCR depends on governments for its budget and requires the governments' permission to operate within their territories, this makes such a role questionable. Further, the UNHCR is mandated to protect victims whose causes of flight are basically political. By shunning political issues, UNHCR will continue to deal with symptoms as opposed to causes of refugeehood. In current times there is a growing debate as to the extent to which sovereign states can hide behind the notion of non-interference in internal affairs. What emerges is that where lives are threatened and

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<sup>192</sup> See Chapter 1, paragraph 2 of the Statute of the Office of the UNHCR.

<sup>193</sup> Article 2(7) of the UN Charter provides in part that "Nothing ... shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state ...."

human rights abused, the international community may intervene on humanitarian grounds. Such reasoning is based on the notion that human rights are fundamental to all, meaning therefore that a state has no right to withhold them (human rights) from any of its subjects. Although the debate on this is still rife, UNHCR ought to revisit its 'non-political' clause in cases where there are obvious abuses of human and especially refugee rights. This issue may be solved by expanding the 'non-political and entirely humanitarian' role to include observance of refugee rights. In this way, the UNHCR should be given the mandate to intervene and protect victims of abuse of human and especially refugee rights perpetuated by government authorities or *de facto* authorities in power.

### **The Organization of African Unity.**

In strengthening the humanitarian assistance to refugees in Africa and the Horn of Africa in particular, the AU must play an active role. Its contributions can be made through efforts to avert population displacements by playing an active role in conflict management and resolution.

Despite the growing complexity and scope of the refugee crisis, the Bureau for Refugees continues to perform dismally. This is largely attributed to lack of finances, disorganization and lack of autonomy. For instance, one of its key duties is to inform member states about refugee movements in Africa, their causes and consequences. By so doing, it was hoped that member states would be able to prepare themselves for refugee influxes. It is however disheartening to note that the Bureau has since ceased to meet the obligation of maintaining a data-bank on the 'patterns, causes and consequences' of refugee movements and to disseminate information to those involved in the Africa

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<sup>194</sup> See Conley Marshall, 'The Institutional Framework of Refugee Law and Political Forces', in Mahoney

refugee question.<sup>195</sup> In this respect, it would be prudent for the Bureau to make efforts to revive the *African Refugees* publication, which served as a useful tool for information dissemination.

With regard to education and capacity building (which is another key role of the Bureau), its education and training programmes have undoubtedly helped a number of refugees. Education and training are vital for refugees' self-reliance, which helps to lessen the burden on the asylum state. The Bureau of Refugees should therefore strive to intensify its efforts in this regard. OAU member states should support this venture by making their contributions regularly. It is from these that the Bureau gets a large percentage of its budget.

There are however various constraints that afflict the Bureau. These include under-funding, lack of autonomy and institutional policies.<sup>196</sup> To augment its financial standing, the Bureau has to improve on its resource management and avoid diversion and waste of its funds. These are the key issues that deter donor states from contributing to the Bureau's programmes. The Bureau's lack of autonomy means that it is unable to criticise member states or vigorously urge them to adhere to their obligations under the *AU Governing the Specific Aspects of Refugee Problems in Africa*. Conferring such autonomy on it would truly enhance its functions. The Bureau would be able to detach itself for the organization's politics based on shifting alliances of AU member states. Only by taking such actions will the Bureau be able to resuscitate itself and carry out its functions more effectively and expeditiously.

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K.E. and P. Mahoney (Eds.), *Human Rights in the Twenty-First Century*, op. Cit., 629-643:632.

<sup>195</sup> See for instance, The Lawyers Committee for Human Rights (LCHR), 'Africa Exodus: Refugee Crisis, Human Rights and the 1969 OAU Convention', a 1997 Report, p. 6.

<sup>196</sup> *Ibid.*, p. 7

The OAU can also play a role in minimizing population displacements and hence reducing the number of refugees in the Horn of Africa. One of the strategies that can be employed include the strengthening of the OAU's Mechanism for Conflict Prevention, Management and Resolution.<sup>197</sup>

Traditionally, the OAU sought to intervene in only inter-state conflicts in line with article 3(2) of its Charter that prohibits interference in internal affairs. However, noting the upsurge of intra-state conflicts in the post-Cold War era, the OAU reviewed its role and established a Division of Conflict Management in March 1992. In July of the same year, OAU Heads of States and Governments agreed in principle to establish a Mechanism for Conflict Prevention, Management and Resolution.<sup>198</sup> The Mechanism was formally established within the OAU in June 1993. Although this development greatly enhanced OAU's conflict management mechanism, it still suffers numerous handicaps.<sup>199</sup>

### **The Inter-Governmental Authority on Development (IGAD)**

Most modern day conflicts will continue to be handled better by sub-regional bodies such as the Inter-Governmental Authority on Development (IGAD) or the Economic Community of West African States (ECOWAS). As a sub-regional organization, IGAD<sup>200</sup> has been deeply involved in the mediation of the Sudanese conflict and to a much lesser extent of the Somali conflict. If these efforts were to succeed, the causes of population displacement would be eliminated. The peace restored

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<sup>197</sup> See Farrag Mayar 'Managing International Migration in Developing Countries', *International Migration, Quarterly Review*, Vol. 35, No. 3, 1997 pp. 315-330.

<sup>198</sup> Johnstone Ian & Nkiwane, 'The OAU and Conflict Management in Africa', A Report of Joint OAU/IPA Consultation, Addis Ababa, Ethiopia, 19-21 May 1993, p. 4.

<sup>199</sup> Mwangiru M., 'The Organization of African Unity (OAU) and the Management of Internal Conflicts', *International Studies*, Vol. 33 No. 1, 1996, pp. 6-20.

would hopefully create the first steps towards the reconstruction of physical infrastructure, and subsequent repatriation. These are however still dreams, as the resolution of these conflicts has been extremely slow. Lack of political will especially among antagonists is partly to blame as is the half-hearted efforts on the part of the member states involved in the mediation.

Despite the obvious linkage between refugees, conflict and the environment in the Horn of Africa, IGAD does not have a specialized organ mandated to deal specifically with refugee matters. Thus the refugee issues are handled under the Political and Humanitarian Affairs Department, which is still not well established partly due to lack of finances and qualified personnel.<sup>200</sup> The obvious lack of involvement with refugee matters by IGAD has ironically given the prominence of refugee problems in the region. It would therefore be vital for IGAD to create within itself an organ to deal specifically with the refugee question to complement the work of UNHCR in the region.

### **The Responsibility of State of Origin and State of Asylum**

The UNHCR humanitarian activities are supposed to commence after the refugees have entered the state of asylum. It is for this reason that the various refugee conventions are replete with provisions of what asylum states ought to do while they remain silent on the role of the states of origin. When referring to the rights of refugees, Refugee Conventions stipulate the obligations of asylum states to refugees. At the dawn of the 21<sup>st</sup> century, countries of origin should share the burden that is imposed upon the

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<sup>200</sup> IGAD was formed in 1986 as IGADD. It was renamed IGAD, dropping the D for drought after the realization that peace was the most crucial aspect in the Horn of Africa. It brings seven countries; Ethiopia, Djibouti, Eritrea, Somalia, Sudan, Uganda and Kenya.

<sup>201</sup> Ibid.

asylum states. Countries of origin are hence being called on to strengthen their responsibility for their own citizens.<sup>202</sup>

The responsibility in this respect is two-fold. It should have a preventive aspect, where governments are held accountable for actions which force people to flee and seek asylum in other countries. A state which fails to observe human rights law, fails the test of legitimacy and the international community can intervene to ensure that human rights are protected. Although this is still under a lot of debate, it is increasingly gaining currency. Within the Horn of Africa, a major attempt at intervening in Somalia was not successful. In 1992, UN Security Council vote called for the use of all necessary means to establish a secure environment for humanitarian relief, and also authorized a military intervention to restore peace, stability and law and order with a view to facilitating a political settlement.<sup>203</sup> The United Nations Operation in Somalia (UNOSOM II) took over in May 1993 but had to abandon the mission by mid 1994 due to various problems amongst them the lack of a clear-cut chain of command.<sup>204</sup> The departure of the mission saw Somalia revert back to a state of lawlessness and anarchy. Thus, although it is clear that states should not hide behind national sovereignty while human rights get abused within their territories, humanitarian intervention missions must provide effective and durable solutions so that peace can be sustained even after pullout.

The other aspect of state responsibility is remedial. This means that governments of countries of origin should be encouraged to create conditions which will allow refugees to return to their homeland. In 1992 for instance, the UNHCR put in place an

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<sup>202</sup> See Executive Committee of the High Commissioner's Programme (42<sup>nd</sup> Session), 9<sup>th</sup> September 1991.

<sup>203</sup> Frelick Bill, 'Preventing Refugee Flows: Protection of Peril?' USCR, *World Refugee Survey*, 1993, pp. 5-13:6.

across-border operation to stem the flow of Somalia refugees into Kenya.<sup>205</sup> In order to achieve this, the UNHCR established five outposts in the Southern region of Somalia, which monitored the security situation there and distributed food and shelter materials. This led to the reduction in members of the people fleeing across the border. Some who had already fled the country returned. Escalating conflict in Somalia and the subsequent insecurity cut short this initiative and flight continued. In order for this initiative to succeed, it must also have the support and encouragement of the government of the state of origin.

### **Strengthening the Humanitarian Assistance to Refugees in the Horn of Africa**

The most common form of humanitarian assistance granted to refugees in the Horn of Africa is local settlement. Local settlement is a temporary form of asylum that assumes that the refugees will one day go back to their countries of origin. In some cases, however, it has taken long for such solutions to be found. This was the case of Eritrea and currently in Sudan. When this occurs, confinements in settlements becomes inhumane as refugees are denied a chance to gain a sense of stability and certainty in their lives.<sup>206</sup> The crucial question that the international community needs to answer therefore is how long temporary asylum should be. International refugee law does not address this issue. While article 34 of the 1951 *UN Convention Relating to the Status of Refugees* urges governments to facilitate the assimilation of naturalization of refugees; article 2(5) of the 1969 *OAU Convention Governing the Specific Aspects of the Refugee Problems in Africa*, requires states to afford only temporary protection guaranteeing a critical series of

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<sup>204</sup> Sommer J.G., 'Hope Restored? Humanitarian Aid in Somalia 1990-1994' (A Study by the Refugee Policy Group), Washington, November 1994, p. 49.

<sup>205</sup> See UNHCR, *Refugees*, No. 105, Vol. 11, 1994, p. 25.

<sup>206</sup> Hathway James C. and R.A. Neve, 'Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection', *Harvard Human Rights Journal*, Vol. 10.pp.56-58.



fundamental human rights to refugees. As Hathway and Neve<sup>207</sup> argue, the determination of such a time limit would be difficult, but two factors must be born in mind. Firstly, the duration of temporary settlement must be long enough to make a meaningful contribution to the revitalization of asylum capacity. Thus, it should be long enough to allow refugee-producing factors in the state of origin to end. Secondly, if there is evidence to show that continued temporary protection exacts a serious and immediate cost to refugees' well being after a given period of time, that time period should inform the moment when temporary settlement should come to an end. Based on these two issues, Hathway and Neve suggest that five years is a reasonable temporary settlement period.<sup>208</sup> Given that conflicts in the Horn of Africa region are protracted and keep recurring, the reasonable period of temporary settlement and other humanitarian assistance should be between five and ten years. After this period, if repatriation is still not viable, resettlement or integration must be considered.

The international community should also continue to urge and support asylum states to honour refugee rights as provided for in international refugee law. The rights of refugees to engage in gainful employment and to have access to educational refugee law and the rights of refugees to engage in gainful employment and to have access to education facilities are given more emphasis as they enable the refugee to be self-reliant and to reduce the burden on the asylum state and the entire refugee assistance regime.<sup>209</sup> Hence, asylum states need to remove the discriminatory provisions that stop refugees from enjoying their rights from national legislation, policy and practice.

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<sup>207</sup> Ibid., p. 182.

<sup>208</sup> Hathway J.C. and R.A. Neve, 'Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection', *Harvard Human Rights Journal*, op. cit., p. 183.

Refugees in camps and settlements face the risk of physical, military or armed attack. Various factors have been attributed to the growing prevalence of insecurity, and include such factors as armed attacks by rebel groups, the presence of small arms amongst refugees in camps, and the increase in sexual and other forms of violence committed especially against refugee women and girls.<sup>210</sup> The international community should therefore be keen to urge, but also support (financially and otherwise) asylum states so that refugees do not become the objects and victims of armed attacks.

In the past few years, awareness has been increasing about the specific need of refugee women and girls who constitute the majority of refugees and displaced people. Like all refugees, women and girls face all the problems related to displacement and life in refugee camps. Their predicament is further worsened by their vulnerable status in society.<sup>211</sup> On the basis of their gender, refugee women are more vulnerable to violence in form of beatings, torture and rape. The problem of sexual violence is by far more worrying. Sexual violence was brought to the limelight in 1993 by the large number of rapes reported in the Somali refugee camps in the Kakuma and Dadaab refugee camps in Kenya.<sup>212</sup> The UNHCR has been trying to address the problem of sexual violence in a more systematic manner. It has for instance produced a set of guidelines suggesting ways in which sexual violence can be combated and victims assisted. This however boils down to improving security in refugee camps and settlements which must involve the governments of the asylum states in the Horn of Africa and other actors involved in the refugee regime.

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<sup>209</sup> Erickson L.G., G. Melander & P. Nobel (Eds.) *An Analyzing Account of the Conference on the African Refugee Problem, Arusha, May 1979*, Uppsala: Scandinavian Institute of African Studies, 1981, p. 23.

<sup>210</sup> See USCR, *World Refugee Survey*, 1995, pp. 60-61.

<sup>211</sup> See Mwangiri M. and N. Karuru, *Women's Land and Property Rights in Conflict Situations*, Nairobi: Centre for Conflict Research & Women and Law in East Africa – Kenya, 1998, pp. 36-44.

The other vital aspect of strengthening the assistance to refugees is finding lasting solutions to the refugee problems. This however means that national protection is reinstated, ensuring that if refugees return to their country of origin or resettled in the asylum state, they be accorded protection.

In the Horn of Africa, the integration of refugees within asylum states is not very likely because of economic and political reasons. The only two possible alternatives left are resettlement in a third country and voluntary repatriation. Resettlement, although on a small scale, has been occurring. The USA has topped the list of industrialized countries that have offered resettlement to refugees from the Horn of Africa region.<sup>212</sup> In Africa, member states of the OAU should endeavour to put into practice the principle of burden sharing in line with article 2(4) of the 1969 OAU Convention. This article provides that if a country of asylum is overwhelmed by the burden of refugees such a state may apply directly to member states or through the OAU so that other member states can take measures to lighten the burden by resettling some of the refugees. In this respect, the Bureau of Refugees could play a co-ordinating role. As such all states of asylum overwhelmed by refugee influxes should notify the Bureau of their plight. The Bureau should then liaise with the other member states and work out modalities for relieving the over-strained asylum state of refugees.

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It can be argued that voluntary repatriation is the most viable solution to the refugee problem in the Horn of Africa. Before being repatriated, the refugees should be furnished with full information about the conditions in the country of origin. States of asylum should also refrain from actions that may coerce refugees to repatriate.

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<sup>212</sup> UNHCR, *The State of The World's Refugees: In Search of Solutions*, op. cit., p. 60.

<sup>213</sup> Interview Conducted on 31<sup>st</sup> August 2000 at the UNHCR Nairobi Office with Ms. M.A. Mutuli, Assistant Public Information Officer.

However, experience in the Horn of Africa and other parts of the world has shown that repatriation is not an end in itself. In most cases, where reintegration of returnees is not effected, there is the danger of the returnees going back to reintegration as the anchor of repatriation.<sup>214</sup> Within the Horn of Africa, proper reintegration should be supported firstly by the resolution of conflicts, and secondly by rebuilding destroyed social and economic infrastructure. Rebuilding social and economic infrastructure calls for concerted efforts among many actors to ensure that ventures to restart development, restore education, health and economic sectors are successful.

The introduction of Quick Impact Projects<sup>215</sup> is one of the strategies that have been used in reintegration of refugees. These are simple small-scale projects located in areas where returnees and displaced people are concentrated. They include projects such as rehabilitation of water supply systems, digging of new wells, repair of roads, sanitation, health and other facilities, restoration of agriculture, livestock, forestry and other productive activities. This initiative is guided by the goal of anchoring repatriation as a durable solution by maximizing returnees' chances of significant reintegration into their communities.<sup>216</sup>

In 1992, the UNHCR initiated the cross-mandate approach in eastern Ethiopia.<sup>217</sup> This aimed at easing the situation of the Somali refugees. The effort called for the pooling of resources by all UN agencies so that aid could be delivered to all the affected refugees.

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<sup>214</sup> Hathaway James C. & R.A. Neve, 'Making International Refugee Law Relevant Again ...' *op. cit.*, p. 186.

<sup>215</sup> See UNRISD, 'Refugee Returning Home' a report on the Symposium for the Horn of Africa on the Social and Economic Aspects of Voluntary Return Movements of Refugees, Addis Ababa 15-17 September 1992.

<sup>216</sup> *Ibid.*, p. 19.

The Quick Impact Projects model strategies have the potential of making repatriation durable.<sup>217</sup> However, the general level of poverty and infrastructural devastation in the Horn of Africa region makes it difficult to realize the intended goals. Governments of donor countries and the NGO world should therefore step in and help to fund these initiatives to make voluntary repatriation truly durable as a sure way of solving the refugee problem in the Horn of Africa.

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<sup>217</sup> See UNHCR, *Refugees*, No. 105, Vol. III, 1996, p. 12.

## CHAPTER SIX

### CONCLUSIONS

This study has investigated the Horn of Africa in general and sought to examine the challenges facing humanitarian assistance of refugees in the region. The choice of this region does not imply that the problem is unique to the region. Contrary to this, humanitarian assistance to refugees is facing numerous challenges globally after the Cold War. Concentrating a given region helps to focus on the study and facilitates a deeper analysis. An understanding of the problems that the region faces guides the formulation of policies and strategies that states within the region ought to take as a remedy. There is a danger however in generalizing the findings of one region to other regions. Although all regions may face a particular general problem, each has its own peculiarities and remedial measures must be based on such unique attributes.

The Horn of Africa, which has been synonymous with refugees for the last two decades provides a good case study because of the different aspects of refugeehood that it exhibits. Cessation of certain conflicts like the Eritrea war of self-determination implies that the region must deal with the prospects of repatriation and reconciliation. Meanwhile, on-going conflicts like the Sudanese conflict mean that new waves of displaced persons are still being churned out. The region also faces insecurity as evident from the continuing conflict in Sudan, intermittent conflicts in Somalia and to a lesser extent in Djibouti. Such conflicts affect not only the refugees but also the UNHCR and other organizations in providing humanitarian assistance. The collapse of the state and government of Somalia and its subsequent slip to anarchy has worsened the security situation in the Horn of Africa especially through the proliferation of small arms. Refugee

settlements and camps are no longer secure as they are open to attacks not only from external armed groups but also from refugees themselves, some of who are armed.

A brief analysis of conflicts in the region was made and justified on the grounds that they are the major causes of refugeehood in the region. The study argues that although currently it is difficult to make a clear distinction between intra-and inter-state conflicts, most of the conflicts in the region are to a large extent intra-state. These conflicts have also had an adverse effect on the economies and environment of states in the region. The road to reconstruction is therefore long and hard. The first step requires states in the region to resolve conflicts and create a conducive environment for development. The establishment of strong democratic systems respect of human rights and good governance will further help to not only to stem out causes of refugeehood but to also transform the Horn of Africa from a sea misery and destitution to a land of peace.

The study argues that the search for durable solutions must continue in earnest for it remains the most favored solution in the Horn of Africa. One of the prerequisites of voluntary repatriation in this region is the resolution of conflicts. Although there are various efforts to resolve these conflicts as seen in the efforts of IGAD member states in the Sudanese and Somalia conflict, more needs to be done.

The issue of reconstruction of destroyed environment must be addressed. After years of war, it is inevitable that the physical infrastructure and the environment are destroyed. States of origin must take on the arduous task of reconstruction. The international community should only reinforce the efforts of the affected states in the reconstruction. The developing countries and in particular the Horn of African states should show interest in the reconstruction of their own countries. These countries should come up with viable projects, which should not only be seen through to completion, but

should regularly be assessed. To ensure that projects actually materialize and no duplications occur, proper co-ordination between all parties - developing states, UNHCR, the donor community, non-governmental organizations, voluntary organizations and others- must be guarded.

This study has highlighted the challenges facing the humanitarian assistance to refugees in the Horn of Africa. However, much more research needs to be carried out to determine how the role of the donor community can be enhanced to supplement the UNHCR's efforts to deal with the modern day complexities.

In assisting refugees, it is important to note that the refugee problem is a global problem, which if not dealt with, would have negative repercussions on global security. States in the Horn of Africa and the world at large must abstain from pursuing policies and practices that compel people to flee their homes. As such, strong democratic systems need to be embraced and supported. Human rights observance must also be adhered to. Where all these fail and populations are forced to flee, the international community must step in and assist those who have fled. The rights and lives of those in exile must be protected and efforts taken to ensure that they lead as normal lives as possible while in exile. Efforts must continue to bring to an end the causes of flight and pave way for repatriation through reconstruction.

Certainly, it is time for the international community to come up with more practical approaches in assisting refugees. This study has found out that an integration approach should be seriously considered. Instead of keeping refugees in camps, they should be re-integrated with the local community. The Horn of Africa states should take up the lead in supplementing the UNHCR's efforts in assisting the refugees instead of waiting for funding from the donor community.



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