NEW ISSUES IN REFUGEE RESEARCH

Research Paper No. 126

Forced displacement in Africa:
dimensions, difficulties and policy directions

Jeff Crisp

Special Advisor on Policy and Evaluation
UNHCR

E-mail : crisp@unhcr.org

July 2006

UNHCR
The UN Refugee Agency
Policy Development and Evaluation Service

Introduction

The large-scale displacement of people has become a defining characteristic of sub-Saharan Africa. During the past four decades, millions of people throughout the continent have been obliged to abandon their homes and to seek safety elsewhere, often losing the few assets they possessed and suffering great hardship in the process. Even in their places where they have taken refuge, the continent's displaced people have often been confronted with serious threats to their welfare and restrictions on their rights. For many, moreover, displacement has proven to be a protracted experience, lasting for years and even decades on end.

The first part of this paper examines the changing scope, scale and dynamics of the problem of human displacement in Africa, drawing on statistical data gathered by UNHCR and other organizations. The article then goes on to analyze a number of policy challenges related to this issue: the principle and practice of asylum; insecurity in refugee-populated areas; protracted refugee situations; the return and reintegration of displaced people; and the protection of people who have been displaced within their own country. The paper focuses on mass displacement and does not examine the movement of individual refugees, asylum seekers and migrants towards the Mahgreb states and South Africa.

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

The dimensions of displacement in Africa

While Africans constitute only 12 per cent of the global population, at the beginning of 2005, more than a third (i.e. 2.7 million) of the world's 9.5 million refugees and around half of the world's 25 million internally displaced persons are to be found in Africa. The total number of displaced people in Africa thus stands in the region of 15 million.

Of the 10 top 'refugee-producing' countries around the world, five - Sudan, Burundi, Democratic Republic of Congo (DRC), Somalia and Liberia - are to be found in Africa. Africa also has three of the world's top-ten refugee-hosting states (Tanzania, Chad and Uganda). 17 African states have refugee populations in excess of 50,000. According to the US Committee for Refugees, eight of the 20 countries with the highest ratio of refugees to local people are member states of the African Union (AU). With respect to IDPs, the figures are equally striking: Africa provides 9 of the 24 countries with the largest IDP populations.

The headline figures provided above do scant justice to the complexity of human displacement in Africa. It should be noted, for example, that not all countries or

subregions of the continent are equally affected by this problem. With the resolution of the longstanding conflicts in Angola, Mozambique, Namibia and South Africa between the late 1980s and early 2000s, the southern part of the continent has been transformed from a major to a relatively minor refugee-hosting area.

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

The precise reason for the rising number of IDPs in Africa, as well as its relationship to the decline in the size of the continent's refugee population, remains unexplored and to a large extent unexplained. Is it because inter-state wars are more likely to produce cross border refugee movements, whereas internal conflicts of the type that have occurred in Africa in recent years are more likely to generate internal population displacements? Is it because the intense international advocacy efforts which have been made on behalf of IDPs have led to an increasing awareness of their plight and a growing readiness to record their numbers? Or is it because displaced Africans have found it more and more difficult to leave their own country and to take refuge in another? For as the following section suggests, the principle and practice of asylum in Africa has come under mounting pressure in recent times.

The principle and practice of asylum

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

While there were certainly occasions on which states failed to act in accordance with these laws and standards, the period from the 1960s to the 1980s has with some justification (if a little exaggeration) been labelled the "golden age" of asylum in Africa In general, governments allowed large numbers of refugees to enter and remain on their territory. Many refugees enjoyed reasonably secure living conditions and were able to benefit from a range of legal, social and economic rights. Considerable numbers of refugees were provided with land and encouraged to become self-sufficient. In some states, refugees were allowed to settle permanently and to become

naturalized citizens. While the deportation and expulsion of refugees was not unknown, the principle of voluntary repatriation was broadly respected.

Pressures on asylum

There is now a broad consensus amongst refugee agencies and analysts that these conditions no longer prevail. Indeed, refugee protection principles are now being challenged and undermined in many parts of Africa. As a Tanzanian scholar has observed:

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

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

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

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

---

[1] Bonaventure Rutinwa, 'The end of asylum? The changing nature of refugee policies in Africa', *New Issues in Refugee Research*, no. 5, May 1999, p.2.

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

During the past two decades, the ideological and material underpinning of Africa's tradition of hospitality towards refugees has been progressively dismantled. Sheer numbers have played a distinct part in this process: while there were only around a million refugees in Africa in the early 1970s, that figure had climbed to almost six million by the early 1990s. The speed and scale of the continent's refugee movements also appeared to increase from 1980 onwards, leading to large-scale refugee influxes in countries such as Burundi, Ethiopia, Guinea, Kenya, Malawi, Sierra Leone, Tanzania and Zaire. No longer the victims of anti-colonial and liberation struggles, the new generation of African exiles has not been able to count on the support and solidarity offered to refugees in earlier years.

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

First, it should be noted that the industrialized states - rather than those in Africa – have taken the lead in eroding the right of asylum and undermining the principles of refugee protection. Indeed, since the early 1980s, the countries of Western Europe, North America and the Asia-Pacific region have introduced a vast array of measures specifically designed to prevent or dissuade the arrival of refugees.

At a time when the very countries responsible for establishing the international refugee regime are challenging its legal and ethical foundations in this way, then it is hardly surprising that other states, especially those with far more pressing economic problems and much larger refugee populations, have decided to follow suit. Thus increasingly, when African countries close their borders to refugees, they justify their actions by referring to the precedents which have already been set in more prosperous parts of the world.

Second, many of the African states which have admitted large numbers of refugees in the past now feel that their generosity has been too quickly forgotten, and that they have not been adequately compensated for the impact of refugee influxes on their economy and environment.

Third, donor states can be said to have exacerbated the decline in protection standards in Africa by making it increasingly clear that they are reluctant to support long-term refugee assistance efforts. And when new refugee movements take place, immediate efforts should be made to ensure the repatriation of the people concerned, thereby averting the need for long-term care and maintenance programmes.

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

Negative attitudes towards the issue of asylum have been reinforced by the perception that refugees receive preferential treatment from the international community. Despite attempts by UNHCR and other humanitarian organizations to promote integrated and area-based assistance programmes in situations of mass influx, it remains the case that international relief efforts are normally focused on refugees, rather than on members of the local population.

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

The hostile reception received by refugees in some African states is also related to political developments at the national level. Indeed, there is growing evidence of a linkage between the process of democratization on one hand and the decline in refugee protection standards on the other.

Prior to the 1990s, authoritarian governments and one-party states in Africa were relatively free to offer asylum to large refugee populations when they considered such a policy to be consistent with their own interests. But with the end of the cold war and the introduction of pluralistic systems of government in many parts of the continent, the refugee question has assumed a new degree of political importance. As in the industrialized states, both governments and opposition parties are prone to encourage nationalistic and xenophobic sentiments, and to blame their country's ills on the presence of refugees and other foreigners. In countries where large numbers of people are living below the poverty line and where income differentials are wide, such messages can have a potent appeal, irrespective of their veracity.

Reinforcing asylum in Africa

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

protection standards by failing to condemn states that violate international refugee law. As the preceding analysis has attempted to demonstrate, the current pressures on asylum in Africa are deeply rooted in the political economy of the continent. They also form part of a much broader global trend in refugee policies and asylum practices. In such a context, it would be naïve to imagine that the issue can be addressed by simply exhorting African governments, as well as donor states and aid agencies, to treat the continent's refugees with greater respect and consideration. And yet advocacy is one of the few tools available to the humanitarian community.

Successful advocacy often appeals to both values and self-interest. And this principle might be applied more effectively to the question of asylum in Africa. Respect for the principles of international refugee law is not inconsistent with the pursuit of national interest. Indeed, as the following section of this paper explains, the OAU refugee convention was introduced by African governments in order to ensure that cross-border population displacements were managed in a predictable manner and in a way that safeguarded national security and inter-state relations.

Similarly, the establishment of the international refugee regime and the introduction of the burden-sharing principle were based on an understanding that the problem of forced migration is an inherently transnational one which cannot be effectively addressed by means of bilateral action. In order to reinforce the institution of asylum in Africa, the principles of state responsibility and international solidarity must first be more widely respected.

Insecurity and the rule of law in refugee-populated areas

The notion of asylum is based upon the principle that people should be able to leave their own country when they are confronted with serious threats to their life and liberty, and that they should henceforth enjoy protection and security in the state which has admitted them to its territory. While levels of violence and insecurity are not easy to measure, there is a growing consensus amongst analysts and practitioners that the refugee camps of Africa are becoming increasingly dangerous places.

Indeed, far from finding a safe refuge in their country of asylum, the continent's refugees increasingly find that by crossing an international border, they exchange one form and degree of vulnerability for another. The sources of insecurity which exist in Africa's refugee camps and settlements are varied and numerous. But for the purposes of this analysis they can be placed in two principal groups.

On one hand, refugee-populated areas may be the target of direct military attacks, sometimes in the form of aerial bombing but more usually by means of land-based attacks. In the 1970s and 1980s, such raids were launched most frequently by the armed forces of South Africa, targeted at refugees and exiled groups in the front-line states. Since the 1990s, however, this phenomenon appears to have become more widespread and to have assumed some different forms.

A number of different examples can be cited in this respect: attacks on Sudanese refugee settlements in northern Uganda, undertaken by forces opposed to the Museveni government and associated with the authorities in Khartoum; incursions by the armed forces of Burundi into refugee-populated areas of neighbouring Tanzania,

intended to apprehend combatants and "subversives" living amongst the Burundi population; and, most recently, armed attacks on Sudanese refugee camps in Chad.

On the other hand, there is evidence to suggest that refugee-populated areas in Africa are now increasingly affected by a variety of non-military security threats, involving different forms of violence, coercion, intimidation and criminal activity. A study of camps in Kenya, undertaken by the author of this paper, presents a simple typology of the security threats which confront refugees in their daily lives. As well as domestic and sexual violence, those threats include rape and armed robbery, conscription into militia forces; abductions for the purpose of forced marriage; arbitrary arrest and punishment by refugee community leaders and members of the local security forces; violence between refugees and members of the local population; fighting between different clans and sub-tribes within the same refugee community; and armed confrontations between refugees of different nationalities.

Other recent studies suggest that the high levels of violence and insecurity experienced by exiled populations in Kenya are by no means untypical of refugee camps and settlements elsewhere in Africa. The violence and instability which prevail in many refugee-populated areas of the continent are of particular concern for a number of different reasons: because it jeopardizes the welfare of those people which the organization is mandated to protect; because it also poses a threat to the lives and livelihoods of local populations; because it adds weight to the argument that refugees are a source of insecurity, and that it is therefore legitimate for them to be excluded and or forcibly repatriated from countries of asylum; and because insecurity in refugee-populated areas, especially when it involves cross-border attacks and incursions, can easily lead to a deterioration of inter-state relations, a widening pattern of armed conflict and additional population displacements.

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

International refugee law, it is often forgotten, has a dual purpose. On one hand, instruments such as the 1951 UN Refugee Convention and the 1969 OAU Refugee Convention were established to protect people who were forced to leave their own country as a result of persecution, armed conflict and human rights violations. On the other hand, such conventions were established and ratified by states (not, it should be noted by UNHCR, by non-governmental organizations or by the human rights community) with the specific intention of protecting their national interests and addressing their own security concerns.

As governments recognized when these conventions were drafted, unless the rights and obligations of refugees are properly codified, unless refugee problems are managed in a consistent and predictable manner, and unless the humanitarian character of asylum is respected, then there is a considerable risk that the presence of refugees will have a destabilizing impact on both countries of asylum and countries of

origin. In more specific terms, and as outlined below, a number of objectives might be pursued.

Effective refugee protection and the separation of refugees from other exiles

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

The UN Refugee Convention identifies certain categories of person who do not deserve international protection and who therefore cannot be considered or treated as refugees. These include people who have committed a crime against peace, a war crime or a crime against humanity; people who have committed serious non-political crimes before entering another country; and people who have been guilty of acts which are contrary to the purposes and principles of the United Nations. Regrettably, as demonstrated in the Great Lakes region of Africa during the 1990s, it has not always proved possible to implement these provisions of international refugee law. To address this problem effectively, a two-track approach is required, ensuring both the physical and the legal separation of refugees from those who do not qualify for that status.

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

In situations where the national authorities lack the capacity to take such action, alternative approaches might be considered, including the deployment of international or regional military and civilian police forces. In situations of large-scale influx, when people arriving in a country of asylum are recognized as refugees on a prima facie basis, it is clearly not possible to identify every individual who may be excluded from refugee status. When there is some doubt about the validity of a person's claim to refugee status, the host government, supported as appropriate by UNHCR, should establish effective screening procedures and thoroughly assess each case on an individual basis. Such procedures should, of course, meet internationally recognized standards for the determination of refugee status.

Finally, if the integrity of international law is to be upheld, and if the security of refugee-populated regions is to be enhanced, then individuals who have committed genocide and other crimes against humanity must not be allowed to escape from

justice by claiming refugee status. Asylum seekers and prima facie refugees who are suspected of such crimes should consequently be arrested, tried and judged by the due process of law and in accordance with international standards.

Establishing and relocating camps away from borders

UNHCR's governing board, the Executive Committee, has stated that the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving state. More specifically, it has agreed that asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of the country of origin. Similarly, the OAU Refugee Convention clearly states that "for reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin". As indicated earlier in this paper, it has not always proved possible to achieve those objectives, in some cases because states have failed to cooperate in this endeavour. As a direct result, the protection of refugees has been jeopardized and the negative impact of the refugee presence on local, national and regional security has undoubtedly been exacerbated.

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

Countering intimidation and disinformation

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

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

cause tension between Member States, and in particular by use of arms, through the press or by radio".

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

Establishing the rule of law in refugee-populated areas

Maintaining law and order in and around refugee camps has a number of important purposes: it enhances the protection of refugees; it reinforces the security of the local population; it contributes to the task of ensuring that refugee camps are not used for subversive purposes; and it helps to establish an environment in which refugees can freely choose whether or not to repatriate.

But establishing the rule of law in and around refugee camps is rarely a simple task. When large numbers of displaced and destitute people are obliged to live alongside poor members of the local population, tensions and even conflicts can be anticipated. When camp populations include individuals and groups who have been responsible for terrible crimes in their country of origin, the potential for disorder and violence is evidently even greater.

To address this important problem, several different but complementary approaches might be explored. First, UNHCR should continue to solicit funds and other resources from the international community in order to strengthen the judicial system in countries of asylum so that legal charges can be pursued against criminal elements. In addition, efforts should be made to reinforce the police and security forces which are deployed in refugee-populated areas of asylum countries.

As well as providing practical support in the form of vehicles, communications equipment, office supplies and uniforms, donor states should expand the efforts which are currently being made to provide local security forces with effective training. Such training should evidently include a specific focus on human rights and the principles of refugee protection, and should therefore be undertaken in cooperation with UNHCR.

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

Third, additional efforts could be made to limit the level of tension and conflict that inevitably exists in refugee camps. The establishment of mechanisms to resolve disputes between individuals and groups of people should be encouraged, building where possible on the social and legal traditions of the refugee population, and again recognizing the special role which women can play in this respect. Educational, cultural and sporting activities could be encouraged, targeted particularly at those adolescent males who are most likely to become involved in destabilizing criminal, political or military activities.

Vocational training and income-generating programmes could also be established, thereby improving the quality of life experienced by refugees and providing them with some hope for the future. Above all, perhaps, Africa's refugees should again be given access to land and agricultural opportunities, as they usually were in the 1960s and 1970s, rather than being confined to camps for years on end without any prospect of becoming self-sufficient. Such situations are the subject of the following section.

Protracted refugee situations

Using a crude measure of refugee populations of 25,000 persons or more who have been in exile for five or more years, there were 38 different protracted situations in the world at the end of 2003, accounting for some 6.2 million refugees in total. 22 of those situations were to be found in sub-Saharan Africa, involving 2.3 million refugees.

Why have so many refugee situations in Africa persisted for such long periods of time, leaving millions of uprooted people without any immediate prospect of a solution to their plight? The answer to this question can be found in a number of different, but interrelated factors.

First and most obviously, a large proportion of Africa's refugee situations have become protracted because the armed conflicts which originally forced people to leave their own country have dragged on for so many years, making it impossible for them to return to their homeland.

In this respect, it should be recalled that almost all of the wars that have affected the continent in recent years - Angola, Burundi, DRC, Liberia, Rwanda, Sierra Leone and Somalia, for example - have been characterized by intense ethnic and communal antagonisms, high levels of organized violence and destruction, as well as the deliberate targeting and displacement of civilian populations. In many of these armed conflicts, moreover, the fighting has been sustained by the fact that various actors - politicians, the military, warlords, militia groups, local entrepreneurs and international business concerns - have a vested economic interest in the continuation of armed conflict.

Wars, human rights abuses and protracted refugee situations have also become endemic in parts of Africa because of the international community's failure to bring them to an end. In this respect, an instructive comparison can be made with Northern Iraq, Bosnia, Kosovo and East Timor - four armed conflicts which produced (eventually) a decisive response from the world's more prosperous states, enabling large-scale and relatively speedy repatriation movements to take place.

In each of these situations, the US and its allies had strategic interests to defend, not least a desire to avert the destabilizing consequences of mass population displacements. In Africa, however, the geopolitical and economic stakes have generally been much lower for the industrialized states, with the result that armed conflicts - and the refugee situations created by those conflicts - have been allowed to persist for years on end.

The presence of so many protracted refugee situations in Africa can be linked to the fact that countries of asylum, donor states, UNHCR and other actors have given so little attention to the solution of local integration during the past 15 years. Indeed, from the mid-1980s onwards, a consensus was forged around the notion that repatriation - normally but not necessarily on a voluntary basis - was the only viable solution to refugee problems in Africa and other low-income regions. In practice, however, many refugees were unable to go home because of the conflicts that continued in their countries of origin.

Rather than responding to this impasse in innovative ways, the principal members of the international refugee regime (host and donor countries, UNHCR and NGOs) chose to implement long-term 'care-and-maintenance' programmes which did little or nothing to promote self-reliance amongst refugees or to facilitate positive interactions between the exiled and local populations. According to some critics, this was partly because UNHCR, as well as governmental and non-governmental refugee agencies, had a vested interest in perpetuating the 'relief model' of refugee assistance, which entailed the establishment of large, highly visible and internationally funded camps, administered entirely separately from the surrounding area and population.

Characteristics of protracted refugee situations

One must be cautious in making generalizations about protracted refugee situations in Africa, as each of these situations has its own history, dynamics and peculiarities. Nevertheless, it is possible to identify some features which are common to many of the continent's protracted refugee situations.

One of the most evident characteristics of Africa's protracted refugee situations is that they are usually to be found in peripheral border areas of asylum countries: places which are insecure, where the climatic conditions are harsh, that are not a high priority for the central government and for development actors, and which are consequently very poor.

A second characteristic of Africa's long-term refugee camps and settlements is that they tend to be populated by a large proportion of people with special needs, such as children and adolescents, women, and the elderly. This situation has arisen because able-bodied men are most likely to leave a camp and to look for work elsewhere in order to support themselves and their family; because refugees who are able to survive without assistance may not choose to live in a camp but will prefer to be 'spontaneously settled' in their country of asylum; and because some refugee households and communities choose to disperse in different locations (camps, villages and cities) in order to minimize risk and maximize opportunities;

Third, protracted refugee situations in Africa are often starved of funds. In recent years, UNHCR, donor states and other international actors have tended to focus their attention and resources on high-profile crises in which people are either fleeing in large numbers to countries of asylum or repatriating in large numbers to their country of origin. Protracted situations, which drag on for years and where there is no immediate prospect of a durable solution for the refugees concerned, have consequently been neglected. As a result, assistance programmes have been deprived of resources.

A fourth characteristic that is common to many protracted refugee situations in Africa is the inability of exiled populations to avail themselves of basic human rights - including those rights to which refugees are entitled under the provisions of the 1951 Refugee Convention and other international instruments. These restrictive conditions, which are common to many of the protracted situations in Africa, include limited physical security; limited freedom of movement: limited civil and political rights; limited legal rights; limited freedom of choice; and limited economic opportunities, such as the ability to engage in agricultural, wage-earning and income-generating opportunities. In some countries of asylum, refugees do not have access to land, they are not allowed to enter the labour market, and restrictions on their freedom of movement make it difficult for them to engage in trade.

Finally, and unsuprisingly in view of the preceding analysis, those people who are trapped in protracted refugee situations in Africa; are obliged to live in conditions of great deprivation and danger. As a series of studies have shown, Africa's long-term refugees are confronted with material hardship, pyscho-social stress, and sexual and gender-based violence. They are consequently obliged to engage in negative coping mechanisms and survival strategies, such as prostitution, exploitative labour, illegal farming, the manipulation of assistance programmes and substance abuse.

Resolving Africa's protracted refugee situations

It would be highly misleading to suggest that there are any quick or easy solutions to the problem of protracted refugee situations in Africa. Indeed, some of the proposals currently made in relation to such situations - including the notion of linking refugee aid to development programmes that also involve and bring benefits to the host population - have been tried in the past with relatively little success.

Other suggestions - such as the 'rights-based' proposal that long-term refugees should not be confined to camps but should be allowed to settle wherever they wish in their country of asylum - would not appear to be politically feasible in many refugee-hosting countries. Indeed, it is clear that many refugees in Africa would be at risk of early refoulement if UNHCR were to advocate such an approach. While it is difficult to be at all optimistic, a number of proposals might warrant additional consideration if the problem of Africa's protracted refugee situations is to be effectively addressed.

First, the international community as a whole must give greater attention to resolving the conflicts that are at the root of most protracted refugee situations. In too many situations, longstanding conflicts have been allowed to fester for years, to gain their own momentum and to pass unresolved from one generation to another.

Second, the international community must maintain and promote the principle of voluntary repatriation. With so many refugees trapped in protracted situations, and with refugee-hosting countries expressing growing reluctance to accommodate exiled populations on their territory, there has been a tendency in some quarters to challenge the principle of voluntary repatriation. As long as conditions in the country of origin appear safe, it has been argued, why not simply tell the refugees to go home - and oblige them to do so if they refuse?

A number of different arguments can be made against this position. It is contrary to international and African refugee law. It ignores the fact that there is a well-established mechanism - the cessation clause of the 1951 Convention - that can be invoked to terminate refugee status when the reasons for flight have been resolved. It will inevitably jeopardize the safety and security of some refugees, who may have good reason not to return to their homeland, even if conditions there appear to have improved. And it is likely to lead to further instability in the country of origin. How better to destabilize a country which is recovering from a period of violence and destruction than to send large numbers of people back there against their will, and to areas which are unable to absorb them?

While insisting on the principle of voluntary repatriation, every effort must be made to promoting this solution to long-term refugee situations. As proposed earlier in this paper, this means bringing an end to those wars and communal conflicts that have forced people to abandon their homeland. But it also requires the rehabilitation and reconstruction of countries where the fighting has come to an end or significantly diminished in intensity.

Third, the international community should explore alternative solutions to protracted refugee problems. In this respect, some realism is required. Very few of Africa's long-term refugees are likely to be accepted for resettlement, which is in any case a relatively complex and costly way of finding solutions to refugee problems. Similarly, local integration is not a solution that is available or feasible for a large proportion of Africa's refugees - either because their country of asylum does not want them to settle permanently, or because the refugees themselves would prefer to return to their homeland.

Fourth, the international community should promote the principle of refugee self-reliance, pending the time when voluntary repatriation (or, in a much smaller number of cases, local integration or resettlement) becomes possible. The notion of 'self-reliance pending return' has advantages for all of the stakeholders in a protracted refugee situation. It would improve the quality of life for refugees, giving them a new degree of dignity and security. It would enable refugees to make a contribution to the economy of the host country and thereby make their presence a boon, rather than a burden, to the local population. And it would enable UNHCR, its donors and implementing partners to withdraw from costly and complicated 'care-and-maintenance' programmes which only enable refugees to survive at the level of basic subsistence.

Such a policy will not necessarily be welcomed by many refugee hosting countries, which claim that refugees who develop a degree of self-sufficiency and who become 'comfortable' in their country of asylum will never want to go home. But this need not be the case. In fact, experience shows that refugees who have led a productive life

in exile, received an education, developed practical skills, and accumulated some resources may actually be better prepared and equipped to go home and contribute to the reconstruction of their country than those who have languished in camps for years, surviving on minimal levels of humanitarian assistance.

The return and reintegration of displaced populations

More than five million refugees in Africa are known to have repatriated during the past decade, and while the number of IDPs who have been able to return to their own community is unknown, it is almost certainly much higher.

Despite a well-established legal principle that refugee repatriation should take place on a wholly voluntary basis and in conditions of safety and dignity, a substantial proportion of Africa's most recent returnees have gone back to their homes in conditions which do not meet these standards. In some situations, the pressure placed on refugees has been deliberate in nature, exercised by host governments, local communities, militia forces and other actors with the specific intention of inducing refugees to go back to their homeland. In other situations refugee returns have been induced by a more general deterioration of conditions in countries of asylum, resulting from social and political violence, declining economic opportunities or reductions in the level of international assistance.

The importance of voluntary repatriation

As indicated already, the principle of voluntary repatriation is an important one to defend, not only because it upholds the rights of refugees, but also because refugees who return freely to their homeland can play an important part in the recovery of countries which have experienced prolonged periods of turmoil and violence. Refugee movements and other forms of forced displacement are symptomatic of a situation in which the state is unable to protect its citizens and in which different groups of citizens are unable to live in peace alongside each other. The voluntary repatriation and effective reintegration of uprooted people is thus an important manifestation of the transition to political stability and human security.

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

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

Finally, the return of displaced populations can make an important contribution to the economic recovery of war-torn societies. Returnees in the world's poorer countries

may not bring a great deal of financial or physical capital with them when they arrive in their country and area of origin. But they often possess a considerable amount of human and social capital: skills, experience and survival strategies which they have acquired in exile; family, clan and community networks which can be activated once they have returned; and a collective determination to rebuild their livelihoods and communities. There is, however, another and less positive side to the repatriation coin, both for returnees themselves and for the societies to which they return.

Reintegration difficulties

As far as the refugees are concerned, one should not be too sentimental about the circumstances of the returning exile, particularly those who repatriate under duress. Indeed, such returnees are often confronted with several different forms of insecurity.

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

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

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

Material insecurity. Refugees and displaced people rarely possess many resources when they go back to their homes. And yet when they arrive in their place of origin,

they must survive in an environment which has been laid waste by armed conflict; where the marketing and banking system has disintegrated; where shops, warehouses, bridges and other elements of the infrastructure have been deliberately destroyed; where agricultural land and irrigation systems have fallen into disuse. In such circumstances, they may be obliged to live a precarious, hand-to-mouth existence, dependent for their survival, in the initial stages at least, on emergency relief assistance. Thus in Somaliland, a large number of the refugees who returned from Ethiopia found themselves living in an overcrowded shanty-town in Hargeisa, their material conditions of life no better (and perhaps even worse) than they had experienced before their return.

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

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

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

But recent experience in Africa and other parts of the world suggests that the challenge of return, reintegration and reconciliation requires much more than short-term interventions and assistance from the UN and other international actors. How, for example, can the rule of law and human rights principles be established in countries where large sections of the population have been subjected to terrible human rights abuses? What can be done to promote fair and effective governance in states which have always functioned in an authoritarian and kleptocratic manner? And how can countries which are marginal to the global economy and of strategic insignificance to the world's most powerful states achieve the economic growth and equitable distribution of income which appear to act as an essential underpinning to social and political stability?

As these questions suggest, reintegrating Africa's displaced populations - and averting the need for people to flee from their homes in the first place - are objectives which go well beyond the limited influence and resources of the humanitarian community.

Responding to this challenge, UNHCR and other humanitarian organizations have in recent years placed a new degree of emphasis on the sustainable reintegration of returnee populations, implementing community-based projects designed to strengthen the infrastructure and kick-start the economy in areas of return.

At the same time, persistent efforts have been made to link such relatively short-term and localized reintegration programmes with the larger and longer-term activities of development organizations such as UNDP and the World Bank. Unfortunately, this has proven to be a difficult objective, due to the different cultures, working methods, funding arrangements and institutional linkages of humanitarian and development organizations. Filling this gap continues to be one of the major challenges in relation to the situation of displaced people in Africa.

Protecting and assisting internally displaced people

They have been forced from their homes for many of the same reasons as refugees, but have not crossed an international border.[2] Often persecuted or under attack by their own governments, they are frequently in a more desperate situation than refugees. They also outnumber refugees two to one. No international agency has a formal mandate to aid them. But they are increasingly at the forefront of the humanitarian agenda. They are sometimes called 'internal refugees', but are more often known as internally displaced persons. Currently there are an estimated 1.4 million people displaced by conflict in Uganda, at least 1.5 million in the Democratic Republic of Congo (DRC) and six million in Sudan.

Why do people become internally displaced, rather than crossing a border and claiming refugee status? Sometimes, mountains and rivers impede flight across borders, or people may flee to other parts of their own country to remain in relatively familiar surroundings. Even when they do manage to cross national frontiers, however, the displaced rarely find a welcome. Hostility to refugees and asylum seekers has grown in Africa, with many countries seeing it as too costly or destabilizing to admit them. In some recent emergencies, states have closed their borders to refugees or adopted restrictive admission policies. As a result, there is an inverse relationship between the rising number of internally displaced persons and the declining figure for refugees.

The special needs of IDPs

The plight of the internally displaced has been well documented over the past decade. But there is still debate over whether they should be recognized as a special category of persons for humanitarian purposes. The International Committee of the Red Cross (ICRC), for example, provides assistance and protection to all civilian victims of armed conflict and prefers to target assistance on the basis of vulnerability, not category. The fear is that singling out one group could lead to discrimination against others, fostering inequity and conflict.

---

[2] This section draws upon material published in Chapter Four of *The State of the World's Refugees*: *Human Displacement in the New Millennium*, UNHCR and Oxford University Press, Oxford, 2006.

Nonetheless, Africa's IDPs do have special needs. Displacement breaks up families and severs community ties. It leads to unemployment and limits access to land, education, food and shelter. The displaced are particularly vulnerable to violence. These special needs have often been ignored, and as a consequence, the internally displaced frequently suffer the highest mortality rates in humanitarian emergencies. In Uganda, for example, the HIV/AIDS rate among the internally displaced is six times higher than in the general population.

Even when the internally displaced and other vulnerable groups such as refugees face the same problems and are in similar circumstances they are not treated the same. For instance, tensions arise when UNHCR gives returning refugees seeds and tools but internally displaced persons returning to the same area receive none. In protracted situations, many internally displaced persons remain in near-destitute conditions.

The purpose of formally identifying internally displaced persons as a category for humanitarian action is not to confer privileged status on them, but to ensure that their unique needs are addressed. Sometimes, approaches that target all affected populations may be the most practical means of reaching the internally displaced. Nonetheless, experience has shown that special attention to particular disadvantaged groups – whether refugees, internally displaced persons, minorities or women – has enhanced their protection. Singling out the internally displaced makes it easier to call upon governments to assume responsibility for them and to press for international action on their behalf.

Internally displaced persons are often intentionally uprooted by their governments on ethnic, religious or political grounds, or as part of counterinsurgency campaigns. In civil wars along racial, ethnic, linguistic or religious lines, the displaced are often perceived as the enemy. They may be associated with an insurgent group or an opposing political party or ideology, or be considered inferior or threatening. In other cases the displaced may be trapped between opposing sides in civil wars or come under direct attack by insurgents, as in the DRC. Competition over scarce resources or land often aggravates such conflicts, with the displaced bearing the brunt of the violence. When states disintegrate into anarchy, as in Sierra Leone and Somalia, some of the worst atrocities have been inflicted on the internally displaced.

Internal displacement disrupts the lives not only of the individuals and families concerned but of whole communities and societies. Both the areas left behind by the displaced and the areas to which they flee can suffer extensive damage. Socio-economic systems and community structures often break down, impeding reconstruction and development for decades. Conflict and displacement also spill over into neighbouring countries, as has been seen in West Africa. Clearly, both humanitarian and geo-political reasons prompted UN Secretary-General Kofi Annan's call to the international community to strengthen support for national efforts to assist and protect internally displaced persons.

Sovereignty and IDP protection

Many countries – Sudan is a good example - use sovereignty as a justification for resisting or obstructing international aid efforts. Sometimes governments categorize internally displaced persons as 'migrants' or 'terrorists' to avoid responsibility for

them, or they fail to develop policies and laws to help the displaced. Getting states to assume their responsibilities can be a challenge for the international community.

This is particularly so in civil wars, where governments fear that aid to the displaced could strengthen insurgent groups. International efforts to negotiate with insurgents are often obstructed by national governments fearful that such engagement could legitimize the rebels. During the Angolan civil war, the government objected to UN agencies negotiating with the rebel UNITA group. As a result the United Nations had no access to large numbers of displaced persons in insurgent areas. Only in 2002, with a ceasefire, did the widespread starvation and disease affecting these people come to light.

Nonetheless, over the past 15 years a perceptible shift has occurred in international thinking about the internally displaced. It is now widely recognized that people in need of aid and protection in their own countries have claims on the international community when their governments do not fulfill their responsibilities, or where there is a disintegration of the nation-state. While reaffirming respect for sovereignty, United Nations resolutions have authorized the establishment of relief corridors and cross-border operations to reach people in need. UN Security Council resolutions have demanded access for the delivery of relief in Darfur (Sudan), Mozambique and Somalia, among other places. In exceptional cases the United Nations has authorized the use of force to ensure the delivery of relief and to provide protection.

Today, many governments allow some form of access to their displaced populations, among them DRC and Uganda. In response to international pressure, the Khartoum government agreed to Operation Lifeline Sudan to allow international aid to reach displaced people under insurgent control in the south.

The former Representative of the Secretary-General on Internally Displaced Persons, Francis Deng, who is himself from Sudan, believes that while governments have the primary responsibility to care for their displaced populations, when they are unable to do so they must request and accept outside help. If they refuse, or deliberately obstruct access to the displaced, the international community has a right, even a responsibility, to become involved. International engagement could range from diplomatic dialogue and negotiation of access for relief supplies to political pressure. In exceptional cases, it could lead to sanctions or military action.

While no government has explicitly challenged this concept, states have expressed fears that international humanitarian action could be a pretext for interference by powerful states in the affairs of weaker ones. Nonetheless, the concept of 'a collective responsibility to protect' the displaced when their national authorities are unable or unwilling to do so has gained ground. Indeed, it was most recently upheld in the World Summit document adopted by heads of government in September 2005.

The Guiding Principles on Internal Displacement

Among the more effective tools for addressing situations of internal displacement are the Guiding Principles on Internal Displacement. The principles constitute a comprehensive minimum standard for the treatment of the internally displaced. They

set forth the rights of the displaced and the obligations of governments, insurgent groups and other actors toward these populations.

The principles are not legally binding but are derived from international human rights treaties and humanitarian law. Since their presentation to the UN Commission on Human Rights in 1998, a growing number of governments, regional bodies, UN agencies and NGOs have begun to use them. Resolutions of the Commission and General Assembly regularly refer to them as 'an important tool' and 'standard' for dealing with situations of internal displacement. In the World Summit document of 2005, heads of government recognized the Guiding Principles as 'an important international framework for the protection of internally displaced persons.

Over the past five years, governments have begun to make the Guiding Principles a basis for their policies and laws on internal displacement. Angola, for example, based its 2001 law relating to the resettlement of displaced persons on the principles. Burundi and Uganda have also based national policies on the principles, and Liberia's President has announced its adoption of them.

The Guiding Principles have empowered internally displaced persons and their representatives. In Sierra Leone, displaced persons used the principles to call on UN agencies to provide education in camps. Even armed rebel groups have acknowledged the value of the Guiding Principles: the southern Sudan People's Liberation Movement and Army (SPLM/A), in collaboration with the UN's Office for the Coordination of Humanitarian Affairs (OCHA) and the UN Children's Fund (UNICEF), has drafted a policy on internal displacement based on them.

But are the Guiding Principles actually improving conditions on the ground? No comprehensive study has yet been undertaken to evaluate their impact. Governments may announce laws and policies based on the principles but not necessarily implement them. While the Guiding Principles have been well received at the rhetorical level, their implementation remains problematic, and often rudimentary.' Much is needed in the way of monitoring, advocacy and the engagement of international and local actors to promote their implementation.

It is frequently asked whether compliance would be greater if there were a legally binding treaty on internal displacement. Sudan has pointed out that the Guiding Principles were not negotiated by governments or formally adopted by the UN General Assembly. Those who favour a treaty argue that it would hold states accountable if they disregarded its provisions. However, others point out that the Guiding Principles do have 'legal significance' and are being applied internationally by a growing number of states.

Human rights treaty-making at the international level can take decades, with no guarantee that states will ratify instruments or observe their obligations. The process could also lead to watering-down of the accepted provisions of international law on which the principles are based. Until the international community is ready to adopt a binding instrument that accords with the protection level set forth in the Guiding Principles, the majority opinion is that the best approach is to expand the application of the principles at the national level. Nonetheless, at the regional level the African Union is using the Principles to develop a treaty on internal displacement for the continent.

Whatever the outcome of this debate, for the time being the Guiding Principles fill a major gap in the international protection system for internally displaced persons. They provide the displaced with a document to turn to when they are denied their rights. For their part, governments and other actors have guidelines to follow in designing national policies and laws on behalf of the displaced. Indeed, some experts are building upon the Guiding Principles to spell out issues related to restitution, compensation and land use for the displaced in more detail.

The collaborative approach and clusters

A multitude of international organizations offer protection to internally displaced persons and help them with aid for reintegration and development. First come the various UN agencies, ranging from UNHCR to UNICEF to OCHA. Others in the field are the ICRC, the International Organization for Migration and many NGOs. The overall UN response is the responsibility of the Emergency Relief Coordinator, who heads OCHA. Since 1997 he has served as the United Nations' 'focal point' for internally displaced persons. In addition, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons serves as principal 'advocate' for the internally displaced.

Under the 'collaborative approach' adopted by the international community in the early 2000s, all agencies shared responsibility for responding to situations of internal displacement. The system was decided upon by default. Neither the political will nor the resources existed to create a new agency to address the needs of the internally displaced. Such a new entity, it was feared, would duplicate the work of other agencies and almost certainly meet with opposition from governments that object to international involvement with their displaced populations.

A second, frequently suggested option – the enlargement of UNHCR's mandate to enable it to assume the responsibility – was also rejected. The scale of the problem, it was argued, was too large for one agency. Even the 'lead agency' option, in which one agency assumes the main role in the field was largely sidelined by the collaborative approach, which substituted coordination by the Emergency Relief Coordinator at headquarters and by Resident/Humanitarian Coordinators (RC/HCs) in the field.

Between 2000 and 2004, a number of different actors expressed their reservations about the effectiveness of the so-called collaborative approach, while other analysts warned that the UN's effectiveness in IDP situations would prove to be the key test of the organization's humanitarian capacities. But international attention had turned to Iraq and Afghanistan, and it was not until the middle of the decade, when the Darfur crisis slowly dawned on the world's consciousness and conscience that the spotlight was again focused on the UN's humanitarian machinery.

For political, geographical and logistical reasons, Darfur presented the UN and other members of the international humanitarian system with enormous challenges. Providing protection to people who had been attacked and deliberately displaced by militia forces, and meeting the basic needs of these people in an isolated and almost infrastructure-free desert area were never going to be simple tasks. And yet as the Darfur crisis progressed, it became difficult to escape the conclusion that the UN's response to the emergency had been sorely lacking.

Analyzing that response, one aid worker deployed in western Sudan observed that "the current framework for responding to the humanitarian crisis in Darfur is the Collaborative Response." "Is it this methodology," he asked, "which is failing UNHCR, the relief agencies and ultimately the beneficiaries?" Answering that question in the affirmative, the author pointed out that OCHA's stated prerequisites for the effective implementation of the collaborative approach, "effective leadership, effective communication and transparent decision-making," had not been fulfilled in Darfur. [3]

Writing earlier in the same journal, the Secretary-General's Representative on IDPs had observed that "the problem in Darfur was that the Collaborative Approach allowed agencies to say 'no' to playing specific roles, especially in the area of protection, and gave the government the possibility to opt for solutions that it found the least threatening." [4]

Another critique of the UN's role in Darfur was provided by the UK's Parliamentary Committee on International Development. "There have been and remain large coordination gaps," it observed, "particularly as regards specific issues: providing relief and protection to IDPs; and managing the huge camps which in Darfur are now home for 1.8 million people." "That conflicts cause the displacement of people within the borders of their own country should not come as a surprise," it continued. "That the international humanitarian system remains ill-equipped to deal with such people is shocking." "If the international community is to be able to fulfill its responsibility to protect," it concluded, "it must act now to ensure that it is able to deal effectively with crises involving IDPs. Ad hoc arrangements will not see duties adequately fulfilled. To respond to IDPs' needs with excuses about institutional mandates would be laughable if it did not have such tragic human consequences."[5]

Stinging criticism of this kind, prompted OCHA to initiate an urgent Humanitarian Response Review (HRR) in December 2004. On its completion the following year, OCHA concluded that "the humanitarian response system was designed well over a decade ago. In general, it has stood the test of time well, and while there is no need for major reform we do need a 'system upgrade' that makes the tools that we developed in the 1990s work more effectively in the environment of 2006."[6]

In practical terms, this 'system upgrade' was to comprise of three components: the establishment of an expanded and more flexible central emergency Revolving Fund; a reform of the way in which the UN's resident coordinators and humanitarian coordinators are selected and supported; and the introduction of a "cluster approach," establishing an agreed division of labour amongst the UN's humanitarian agencies in any new conflict-related and non-refugee emergency. In future, UNHCR would act as "cluster lead" in relation to protection, shelter and camp coordination, while nutrition, water and sanitation activities would be the primary responsibility of UNICEF. The

---

[3] Daniel Turton, "Darfur Dilemmas: The Need for Leadership," *Forced Migration Review*, no. 24, (October 2005), p.31.
[4] "Interview with Walter Kalin," *Forced Migration Review*, no. 23 (May 2005), p. 25.
[5] House of Commons International Development Committee, *Darfur, Sudan: The Responsibility to Protect*. (House of Commons, London, March 2005) p. 25.
[6] "Humanitarian Response Reform" in *OCHA in 2006: Activities and Extra-Budgetary Funding Requirements*, (New York: United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA), 2006), p.124.

health cluster would be led by WHO, WFP would assume responsibility for logistics, while UNDP was allocated the cluster of "early recovery." The cluster approach is currently being tested in a number of countries, including DRC, Liberia, Uganda and Somalia.

Whether the cluster approach will have a substantial impact on the welfare of Africa's IDPs remains to be seen. Improved inter-agency coordination and a more predictable response to IDP emergencies are certainly required. But the new arrangements introduced as a result of the HRR will not by themselves affect the fundamental factors that have made it so difficult to provide effective protection and assistance in situations of internal displacement: limited funding, poor access to the populations concerned, lack of security for humanitarian personnel, and limited cooperation from the governments of countries with large IDP populations.

SOURCES

This paper was prepared for an International Conference on Migration and Development organized by the Centro Studi di Politica Internazionale and the Society for International Development, with the assistance of the Director-General for Cooperation, Italian Ministry of Foreign Affairs, held in Rome, 6-8 July 2006.

The statistics presented in this paper are derived from data provided on the websites of UNHCR (www.unhcr.org) and the US Committee for Refugees (www.refugees.org).

The analysis presented in the paper draws upon a number of the author's previous publications, including the following:

'A new asylum paradigm? Globalization, migration and the uncertain future of the international refugee regime', in K. Inhetveen (ed*.), Flucht als Politik: Berichte von funf Kontinenten*, Rudiger Koppe Verlag, Cologne, 2006

Safeguarding asylum', in *The State of the World's Refugees: Human Displacement in the New Millennium*, UNHCR and Oxford University Press, Oxford, 2006

'No solutions in sight: the problem of protracted refugee situations in Africa', *New Issues in Refugee Research*, Working Paper No. 75, UNHCR, Geneva, 2003

'Mind the gap! Humanitarian assistance, the development process and UNHCR', *International Migration Review*, vol. 35, no. 133, 2002

'Africa's refugees: patterns, problems and policy challenges', *Journal of Contemporary African Studies*, vol. 18, no. 2, 2000

'A state of insecurity: the political economy of violence in refugee-populated areas of Kenya', *African Affairs*, vol. 99, no. 397, 2000

'The refugee crisis in the Great Lakes region of Africa', *Refugee Survey Quarterly*, vol. 17, no. 2, 1998 (with Elizabeth Tan)