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Discussion Paper No. 1

Rwandan Refugees in the Great Lakes Region:
Implementing the Proposed USG Strategy

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EXECUTIVE SUMMARY

[1] The USG recently proposed a strategy to address the refugee situation in the Great Lakes region. This strategy serves as a catalyst for stimulating a range of solutions and follow-up studies. It focuses upon four objectives: [a] voluntary repatriation; [b] cost reductions; [c] enhanced camp and border security; and [d] the provision of justice.

[2] The strategy would at this stage be difficult to operationalize. It does not adequately reflect prioritized objectives; nor does it address the inherent contradictions in attempting to achieve the four objectives within the strategy's assumed timeframe.

[3] The strategy proposes two sets of activities to achieve the four objectives, ie, [i] application of the exclusion clauses found in the Geneva and OAU conventions and [ii] relocation of the refugee camps. Each set of activities raises important policy and implementation issues.

[4] Some of the major policy issues raised by the application of the exclusion clauses include [i] possible accusations of unjust procedures in the absence of agreed standards of guilt [ii] the negative impact that application procedures could have upon immediate USG objectives affecting regional security and stability. On the level of implementation, the process of determining for whom the exclusion clauses applied would be costly and prolonged.

[5] Relocation of the camps also raises fundamental policy issues, including that of costs. For all the efforts that relocation would involve, there is little consistent evidence that it would [i] result in significant levels of repatriation, [ii] change the present dynamics of intimidation in the camps, and [iii] enhance security along the borders. Moreover, the implementation of a camp relocation exercise will have to address very difficult issues of camp security and logistics as well as resolve the extremely difficult issue of which camps should be moved as a priority.

[6] The proposed activities demand careful consideration by policy-makers and planners, as do the consequences of the implementation of such activities upon domestic political opinion in the United States. Similarly, the very nature of the refugee problem in the Great Lakes and the proposed strategy raise issues that transcend the immediate refugee problem, itself. These include the possibility of new integrated political/military/ humanitarian/human rights structures and threats to the principle of refugee protection.

[7] This review of the proposed strategy will be followed within one week's time with a brief on some alternative approaches to deal with the refugee situation in the Great Lakes.

IMPLEMENTING THE USG's PROPOSED STRATEGY CONCERNING RWANDAN REFUGEES: ISSUES FOR CONSIDERATION

I - Introduction: Expanding Options for Rwandan Refugees

The US Government [USG] has recently put forward a strategy to deal with the complex problems related to Rwandan refugees in the Great Lakes region. This paper is intended to serve as a discussion note, focussing on practical steps and possible implications of implementing the USG's proposed strategy. It reflects not only the opinions of its authors, but also the views of a broad spectrum of experts as well as analyses of earlier refugee return programs.

The paper is not intended in any way to serve as a plan, *per se*. Any viable plan would naturally have to be developed initially in the field and formulated in close collaboration with all relevant partners at headquarters and field levels.

The conclusion of the authors is that the proposed strategy serves as a useful catalyst for stimulating a wide range of approaches and follow-up studies for resolving this most complex issue. Nevertheless, as currently outlined the strategy would be difficult to operationalize. In a second paper to be completed by 2 August, the authors will suggest several long and short-term alternatives, including the option of permanent resettlement for refugees in Zaire and Tanzania.

II - The Strategy and its Objectives

Strategy

The proposed strategy reflects the concern of policy makers faced with a costly refugee situation that continues to present serious moral issues and practical problems affecting regional peace and stability. The three pronged strategy which has been put forward addresses the present security situation on Rwanda's borders and proposes options for the present refugee population, *viz*:

- [1] enhanced support for humanitarian and justice programs in Rwanda "to pull in" the refugees;
- [2] separation of refugees bearing arms or guilty of crimes against humanity; and,
- [3] replacing refugee camps in the most unstable regions with smaller sized camps in locations further from Rwanda's borders.

While recognizing that all three elements of the strategy are closely inter-related and from a planning perspective must be carefully integrated, the thrust of this paper

focuses upon the strategy's second and third elements, principally as they relate to Zaire.

Objectives

The US Government is committed to promoting peace and stability in the Great Lakes region. An avowed element of this commitment is to support the voluntary repatriation of refugees to Rwanda. However, current realities on the ground make large-scale repatriation unrealistic in the short term, and it is quite likely that a certain proportion of the refugees will never choose to return. Hence, an alternative strategy for dealing with the present refugee population is essential.

There are explicitly or implicitly at least four principal objectives in the strategy: supporting voluntary repatriation, improving security in the region, reducing costs associated with camp maintenance, and addressing the moral questions presented by the profile of the camp population.

[1] Repatriation. A large body of opinion assumes that only the repatriation of a substantial number of Rwanda refugees will stabilize the situation not only in Rwanda but also along its borders, and, therefore throughout much of the region. Whether this assumption is correct or not, an objective of the strategy is to promote through "push and pull" a significant though by no means total return movement over an unstated period of time;

[2] Security. Cross-border tensions are clearly exacerbated by the presence of armed elements in and near refugee camps across borders in Tanzania as well as Zaire. If such tensions are to be mitigated and relative calm restored in the region, actions are required to address the security aspect of the camps;

[3] Cost Reduction. The USG is no longer willing or possibly even able to bear such financial burdens, and the attitude of the USG seems to be shared by other principal members of the donor community;

[4] Camp composition. A moral issue is presented by continued support, out of operational convenience, of those directly responsible for the 1994 genocide. On a more practical level, without addressing that issue the confidence and cooperation of the Government of Rwanda will be difficult to sustain on a political/military level.

Though each objective is important, there are inherent contradictions in trying to achieve nearly any combination of these in the foreseeable future. As one example, if the objective of the strategy is primarily to improve regional security, then implementation of the necessary elements might well run counter to an objective that focussed principally upon substantial cost reductions.

Thus, the strategy requires greater clarity about the relative weight to be given to each objective and the timeframe in which the components of the strategy are to be introduced. Such clarity will help to determine how best to implement each of the strategy's elements and to anticipate the intended consequences, be they political, security, or humanitarian. In the final analysis, though, policy-makers will ultimately have to accept that in this instance most available options are imperfect. The tenuous balance that will determine success or failure at any level will need to be considered in terms of US domestic politics over the next four months.

III - Issues Specific to the Proposed Strategy

The strategy's objectives are dependent upon two specific sets of actions, namely, application of the exclusion clause and relocation of the refugee camps. Below are issues that need to be considered in anticipation of implementing these two sets:

Application of Exclusion Clauses. Consistent with exclusion clauses found in the Geneva and OAU conventions, the strategy calls for the removal of refugee status for those bearing arms or guilty of crimes against humanity.

1. Policy Issues.

[1] The process for applying the exclusion clause will demand considerable efforts and costs in time and staff to ensure fairness and justice. While such a process may well be justified, the USG will not want to become embroiled in a process that could be regarded as disguised *refoulement*;

[2] In implementing exclusion clause tests, one needs to recognize that uncertainties relating to the very nature of guilt still need to be resolved. The USG will therefore not wish to presume standards that do not reflect those accepted by appropriate international bodies;

[3] The USG will have to consider whether application of the exclusion clause is at this stage essential to meet objectives that might be regarded more critical and immediate, eg, security. Relocation of camps, for example, might enhance security. Also, exclusion clause tests might well unsettle camp populations, possibly triggering panic and violence, and would significantly delay the relocation process;

[4] The application of the exclusion clause would most likely be warmly greeted by the Government of Rwanda, depending of course on a variety of factors, including exclusion standards acceptable to the GOR. To that extent,

the application of the exclusion clause might well establish a more favorable negotiating climate for dealing with other aspects of the refugee problem, leading to enhanced "pull factors". In the short-term, however, more abiding objectives may make it impossible to offer the GOR that carrot; and, the USG might wish instead to stress to the GOR its efforts to enhance border security and to strengthen the GOR's justice and police system;

[5] While the application of the exclusion clause may not be appropriate within the presumed timeframe of the strategy, the moral issues that flow from it are fundamental, and should not be sacrificed over time to a perpetual policy of pragmatism.

2. Implementation Issues.

[1] UNHCR estimates that it would require 600 full time professionals, working 5 days per week over 4 1/2 years, to adequately undertake normal interviews that would could serve as a reasonable basis for determining whether or not the exclusion clause should be applied. UNHCR's estimate assumes that there will be an adequate number of experienced interviewers, conversant in Kinyarwanda, to undertake the activity;

[2] Based on experience with IDPs in Rwanda as well as with other refugee situations, there is considerable likelihood that interviewees would be "trained" by others in the camp to give "the right answers". This would clearly undermine the interviewing process;

[3] The interview process could become a negative *cause celebre* within the camps which in turn could make camp management precarious and jeopardize security.

Relocation of Camps

1. Policy Issues.

[1] Experts differ about the possible cost savings that would result from relocating the present camps. One body of opinion suggests that relocating camps into the Zairian interior would result in significant savings from, for example, water tankering. Others contend that such savings would be significantly offset by transport costs associated with other bulk commodities. Similar differences arise between experts over the cost effectiveness of large camps and a greater number of smaller camps;

[2] The assumption that camp relocation into Zaire's interior would also generate a substantial return movement is not universally supported. Hence, any cost savings from repatriation is not evident. In this regard, USG will have to determine the extent to which it will continue to support humanitarian aid in light of a relatively stable refugee population;

[3] There are strong indications that the GOZ would resist any efforts to establish new camps in the interior of the country. If this is so, the issue of appropriate sites will prove to be a considerable diplomatic challenge to the USG. Within the context of essential negotiations, the USG will also have to determine appropriate ways to deal with the former government of Rwanda, a large portion of whom control events in the camps from the borders of Zaire;

[4] Proposals to move the camps 20 kms further into Zaire might lead to certain cost savings. However, while such limited moves might keep supply lines within reasonable distances from key centers, some experts believe that such a relatively short distance will do little to enhance border security. This sort of limited relocation also needs to be balanced between the objective of voluntary repatriation and security. To achieve security, many argue that camps should be located at least 100 kms into the interior. Yet, to encourage voluntary repatriation, others argue that a 20 km zone would make a very significant and positive difference;

[5] Relocation of refugee camps even with "successful" application of the exclusion clause would only achieve the desired separation of genuine refugees from others "on paper". Various forms of "taxation" by interhamwe or other elements will be almost impossible to block, and they will continue to benefit from the largesse of the international community. In the extreme such actions might adversely affect the nutritional and health status of the refugees, as evidenced in the early days of Goma. The tentacles of this network could well operate no matter where the camps are relocated, unless the USG can agree on a solution with the GOZ.

2. Implementation Issues.

Political

[1] The USG has assumed the lead in this effort but must obviously seek support for the strategy from key donors in order to share not only the financial burden but also the political risk involved. The dialogue must also address the question of continued leadership of the strategy and the extent to which the USG would want to play an active operational role [See IV/1, below];

[2] Decisions will be required about which camps to move first. This issue has serious security implications, as noted in 2/7/e, below. At the same time, it has symbolic as well as practical operational significance, since the success from relocating an "easy camp" might set the tone for the operation as a whole. Conversely, failure resulting from attempts to relocate a "difficult camp" could threaten the whole exercise. On a broader level, planners may have to consider whether a camp in Tanzania might be used "to test" the initial effort, even though the refugee situations in Zaire and Tanzania are markedly different;

[3] The support of non-governmental organizations will be key in selling the strategy because of their importance in implementation and also because of their political contacts in US and European capitals. It is worth noting that most NGOs are ahead of some donors in supporting a decisive policy by the USG, including one that might lead to camp closures. This support should be capitalized on at the early planning stage;

[4] Press relations and public education, especially over the next few months, will be a key element of any plan;

Humanitarian

[5] UNHCR would continue under the present strategy to be the lead in managing the repatriation and relocation of refugees. UNHCR staff would work with Zaire to select appropriate sites (which would involve directing appropriate socio-economic, geological, agricultural studies) and developing and directing the installation of camp infrastructure (including roads, water points, latrines, garbage dumps, food distribution points, warehousing, housing and headquarters for UN and NGOs operations, etc.). However, the role that UNHCR normally plays in such situations might be affected by the very nature of the operation. Hence, consideration might have to be given to the limits of UNHCR's mandate. [See: IV/1, below];

[6] Not only will decisions be required about prioritizing camp closures, but also consideration will have to be given to whom within the camps will be moved first. In other words, an acceptable basis or criteria will have to be established about who moves, when and where.

Security

[7] Though elaborated in various papers elsewhere, some security issues may be worth repeating:

- [a] Risks to refugees and relief workers from intimidators when relocation announcements are made and the potential for confrontation with security elements involved in the relocation are very real concerns. In this context should construction of relocation sites begin before the announcements or after? Will ninety days (as currently proposed) be sufficient to prepare numerous sites in Zaire? What are the implications of any delays in the timetable?
- [b] Protection of individuals during and following the interview process when they would elect to repatriate or relocate will have to be carefully designed and managed to thwart intimidation of those who follow;
- [c] Assuming that separation of populations occurs, planners will have to anticipate strategies for those excluded from refugee status. Otherwise those individuals could attempt to disrupt the selection process, resulting in riots and deaths not only of refugees but of relief workers as well. UNHCR experiences with refugee registration in places such as Somali camps in Ethiopia, and even in the Zaire camps point out the risk this involves;
- [d] Planners will need to consider the possible movements and designs of those individuals excluded from continued refugee status. Will they regroup and strengthen the stronghold in Masisi, other areas? How will this be viewed by states in the region;
- [e] The strategy proposes relocating populations in the most difficult camps first. Already concern is being expressed that once armed elements become aware of the international community's intentions, security will become an acute problem for refugees and relief workers. Planners would need to consider the tradeoff between political/security risks and the desirability of having a success story in the short term, which implies considering other Zaire camps, and even possibly Tanzania in the first instance.

IV - Overarching Issues

From a broader perspective, the USG's proposed strategy poses various challenges that have long-term implications that in many ways transcend the immediate issue of Rwandan refugees. As the USG begins to take steps towards formulating a framework for implementing its strategy, such overarching issues should also be considered.

[1] The Nature of the Problem and Appropriate Response Structures. The USG's proposed strategy is intended to deal with a refugee problem, but that problem is by no means a conventional refugee situation. The required solutions, too, need to be more than those offered through conventional refugee assistance. They need to reflect the fundamental political and military nature of the issue. While humanitarian assistance will continue to be required to support solutions in the short-term, only full attention to the political-military nature of the problem will result in the problem's acceptable resolution.

This fact has consequences for the strategy's planning and implementation structure. Conventional humanitarian response mechanisms, including UNHCR, may not be adequate to deal with the essential dimensions of the USG's proposed strategy. Humanitarian institutions might well find themselves in support roles in broader-based planning and implementing structures.

In this regard, the USG will have to consider not only the nature of such structures but also the role it will play in them. One possible model would be an integrated international task force possibly led by the United States, the European Union and the Organization for African Unity;

[2] Regional Context and Reconciliation. The refugee issue has to be seen in its regional context. No initiative can be taken in isolation; no move in one part of the region can be made without impacting upon other parts of the region. Extremism throughout much of the region has become the norm, and reconciliation is more and more part of a vague and distant future.

An implementing structure is needed that is truly regional in scope to deal with the political, military, humanitarian and human rights dimensions involved in resolving the refugee situation in the Great Lakes, and should be viewed in the context of remarks made in IV/1, above.

In this context, the USG must address a perverse dilemma. A large portion [est. 70%] of refugees may never return to Rwanda as conventional returnees. A minority regime will therefore exist in Kigali constantly under pressure from disaffected Rwandans across the borders. Even should a large number of refugees return to Rwanda the Tutsi-dominated "broad-based government" will not relinquish its control; hence, the USG will be placed in a position of supporting an inherently undemocratic system. And, yet to press for democratic rule, or, rule of the majority will mean that large numbers of "genociders" will not only have gone unpunished but that Hutu domination may result once again in the suppression of the Tutsi minority;

[3] Refugee Status and Refoulement. In applying the exclusion clause in a situation of considerable conceptual and factual uncertainty, the USG will want to bear in mind two inter-related and fundamental humanitarian issues. The first concerns the need to protect the spirit as well as the specific principles surrounding the protection of the refugee. As noted in III/1/2, above, the likelihood of failing to give due regard to fair process is high; and ultimately at risk is a principle that should be sustained against all the pressures of pragmatism.

Secondly, in the absence of an alternative to voluntary repatriation, *refoulement* becomes an unacceptable though not unrealistic possibility. *Refoulement*, however, need not always be the result of direct physical removal, but can be indirect and equally as pernicious. Significant reductions of assistance to a refugee population in a host country and promises of far greater provisions in a refugee's country of origin can also be interpreted as coercion, perhaps a subtler form of *refoulement*. The USG will want to be careful about the precedents that its efforts establish in the Great Lakes that may impact on refugee situations elsewhere;

[4] Economic and Political Impact of Humanitarian Assistance. In formulating its program for the Great Lakes region, the USG will want to analyze the political and economic benefits indirectly obtained by Tanzania and Zaire from the considerable humanitarian assistance provided over the past two years. Both governments have complained about the ecological as well as political threats posed by the refugee population, but at the same time there is considerable evidence that these same governments have benefitted both economically and politically from the employment and income-generating activities arising out of international humanitarian efforts. Such net benefits may be a useful lever when it comes to substantive negotiations with these governments. That said, both governments would be interested in ways that the donor community could support infrastructure repair and environmental programs, now required as a result of the refugee influxes;

[5] Security Forces for the Proposed Strategy. Reliance upon host government forces to meet security needs in and around the camps is an issue that needs to be very carefully explored. Alternatively security forces from the African continent might be considered, but here lessons from ECOMOG, for example, must be borne in mind. While the likelihood of forces from outside the continent seems increasingly less likely, it is an option that has considerable merit, though limited political domestic support in most relevant countries.

Whatever the force configuration, the USG may well be required to ensure that the designated forces are appropriately equipped for their security missions.

Beyond the issue of camp security is that of border security; and though the GOR has consistently rejected the need for international support for cross border security, this issue should by no means be dropped from inter-governmental discussions.

V - The Next Steps

As noted earlier, this strategy demands careful consideration. At the same time, it should be weighed against a spectrum of alternatives, some designed to address immediate concerns, others to set forth a longer-term design to promote enduring peace, stability and development.

In the immediate term one needs to consider for example whether a concept of "resettlement", in which refugees would receive small plots of land and a one-off assistance package in their present host countries, would for many be an acceptable alternative to repatriation or camp relocation. For the international community this approach might help deal with the difficult issue of the exclusion clause. From a longer-term perspective, one will have to look for example at the consequences of adopting a regional mass migration focus rather than clinging to the assumptions inherent in a refugee return strategy.

These types of alternatives and essential follow-up studies will be the subject of a second paper to be completed by 2 August 1996.