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VOLUNTARY REPATRIATION:

Critique of the Preferred Solution to Today’s Refugee Problem

Ashley Haycock

ABSTRACT

Voluntary repatriation is not the ideal solution for today’s refugees; it is regarded as being based on the self-serving motives of the Northern states and their xenophobic and ethnocentric views of the refugee population. Most often, voluntary repatriation is a solution enforced by the UNHCR in favour of the Northern states which forces refugees back to their countries of origin, and to conditions which are less than satisfactory. The following paper will critique voluntary repatriation as a durable solution to today’s refugee crisis. Case studies of Ugandan refugees in Sudan and Zaire (modern-day Democratic Republic of Congo) will outline the significant impact voluntary repatriation has had on Ugandan refugees following the Ugandan Civil War. These case studies will provide the context in which to view the problem of voluntary repatriation.
Traditionally, there are three solutions to refugee problems as written by B.S. Chimni: resettlement in third countries, local integration, and voluntary repatriation. After the policy of repatriation was formally adopted by the International Refugee Organization (IRO), the solution of resettlement still prevailed in practice, especially after the onset of the Cold War. Following the mass influx of European refugees after World War II, the world experienced a redefinition and reimaging of the term ‘refugee.’ Instead of asylum seekers escaping the repressive Nazi regimes in many Eastern and Western European countries, these ‘new asylum seekers’ were largely from the Global South, fleeing from repressive, corrupt dictatorships and war-torn nations. With the arrival of the ‘new asylum seekers,’ the common viewpoint was re-evaluated in order to question the exile bias exhibited by the Northern states in regards to international refugee law. This challenging of the exile bias is seen as the basis for the argument against the preferred solution of voluntary repatriation.

Following the end of the Cold War and the end of a bi-polar global system, the Northern states attempted to realign the policy and procedures of the Refugee Convention which no longer seemed relevant. This attempt at altering the terms of asylum led to the destruction of the refugee practice which had been built up over the previous decades. In the post-Cold War period, an influx of asylum seekers flooded the Global North. The European and North American countries however, accused of closing the doors on asylum seekers, did not have legal provisions and operational procedures in place for being countries of first asylum. This prevented refugees from gaining temporary protection and assistance while waiting for political changes which would allow their repatriation. The term ‘Fortress Europe’ became common use in order to

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37 Ibid., 351.
rebuke governments for altering their view on policies in reaction to changes in the geopolitical structure.  

Today, Europe and North America place great stress on the solution of voluntary repatriation, which is described as the ideal and most desirable solution by the Northern states. The vast majority of Cold War refugees who sought sanctuary abroad were resettled; however at present the solution of resettlement is offered to a small percentage of refugees. This is a result of the increasing xenophobia in Northern countries towards contemporary refugees; xenophobia being the fear and hatred of strangers or foreigners. Many scholars believe that xenophobia plays a role in the refugee solution based on “the image of a ‘normal’ refugee being a white, male, anti-communist.”  

Having a pre-conceived notion that a refugee must conform to all characteristics which the Northern states support, it is inevitable that the Global North think that the ‘new asylum seekers’ would be a threat. It is with these notions that the Northern states have replaced resettlement with voluntary repatriation as the ideal solution.  

In light of these issues, I assert that voluntary repatriation is not the ideal solution for today’s refugees since it is regarded as being based on the self-serving motives of the Northern states and their xenophobic and ethnocentric views of refugee populations. Most often, voluntary repatriation is a solution enforced by the UNHCR in favour of the Northern states, which forces refugees back to their countries of origin and to conditions which are less than satisfactory. These conditions include lack of infrastructure involving security, roadways and

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39 Chimni, 357.  
40 Ibid.
transportation, as well as a lack of program coordination concerning food and aid distribution. I will present case studies of Ugandan refugees in Sudan and Zaire (modern-day Democratic Republic of Congo) which will outline the significant impact voluntary repatriation has had on Ugandan refugees following the Ugandan Civil War. These case studies will provide the context in which to view the problem of voluntary repatriation.

The principle of non-refoulement, as crucial as it is, is controversial when arguing against the proposed solution of voluntary repatriation. The Refugee Convention states, “Non-refoulement ensures that no refugee should be returned to any country where he or she is likely to face persecution or danger to life or freedom.” Although several international conventions have established the non-refoulement principle, including Article 32 and 33 of the 1951 Refugee Convention, there has been evidence of refugees being repatriated into situations which are unsafe. This evidence will be exhibited in the case study of the repatriated Ugandan refugees. Furthermore, Northern states are hesitant to grant refugees the ability to resettle in their countries, even when it is clear that repatriation is likely. This type of host hesitancy is based on more than simply financial reasons. Firstly, Northern states fear that local settlement would encourage more refugees to flee to the host country. They argue that it is difficult to determine whether or not an extreme influx would occur and therefore do not want to take the risk. Another common reason for host hesitancy is the fear of being accused of giving priority to

refugees as opposed to the country’s nationals, and further, that refugee settlement will result in increased job competition for the country’s citizens.\textsuperscript{44} This type of reluctance is based on xenophobic ideas and there is no legitimate research to substantiate it.

Language used by humanitarian agencies in literature which discusses refugee issues reflects the attitudes and beliefs of the Northern states from which the agencies originate. There is a common shift away from the concern for and welfare of refugees, as seen in the use of a term such as ‘mass exodus,’ which is used along with the idea that they are influenced by ‘pull factors,’ and suffer the ‘dependency syndrome.’ Most importantly, these terms promote further negative attitudes towards refugees by implying that they are not refugees at all, but simply economic migrants or opportunists. Barbara E. Harrell-Bond also notes that “some academics – without data to back up their statements – have parroted these views.”\textsuperscript{45} The consequences that flow from these misrepresentations are detrimental when conceptualizing today’s refugee crisis. These views perpetuate further xenophobia and the creation of the ‘us versus them’ idea, which many Northern states possess. This further impacts a nation’s immigration policies, as well as the opinions of its population, contributing to increased racism and prejudice within its boundaries.

Since the 1951 Refugee Convention was initially written to serve the European refugee crisis, it is unlikely that those responsible for drafting and approving these humanitarian principles realized the possibility that the United Nations would one day apply the convention again, and to such large numbers. It is also unlikely that the drafters suspected they would have


to apply the principles of the Convention universally, that is, outside of Europe. Considering that a large number of today’s refugee population is not European - and thus will bring a different culture, and perhaps different religion with them - host countries are less apt to propose the option of resettlement as they had done in the past. Therefore, these ethnocentric sentiments exhibited by the Global North play a significant role in the rejection of third country settlement for ‘new asylum seekers.’

Repatriation (whether voluntary or compulsory) is promoted by governments when the conditions which led to the exodus have not changed. The UNHCR has been severely criticized on a number of grounds for being involved in these exercises. Although the UNHCR was created to protect the interests of refugees, the pressure to also promote the interests of governments is visible in this policy. As Harrell-Bond states, governments at different stages of the process are:

1) donors whose funds maintain [UNHCR] offices, 2) the governments who are vulnerable to the economic and social pressures of hosting vast numbers of refugees; and 3) the governments whose policies created the refugees in the first place, who have a stake in any policy which will reduce international criticism of their human rights record over the human rights record of the refugees.

This method of eliminating the refugee problem through voluntary repatriation has been instigated by the governments of host countries, who are also donors to international organizations caring for refugees, largely because of racism and xenophobia within their own societies. Furthermore, while these governments are unwilling to share the burden of hosting the vast number of global refugees, they are also wishing to reduce the costs of assistance. It is this

46 Harrell-Bond, 49.
47 Ibid., 62.
48 Harrel-Bond, 44.
biased interest of host governments which is the central problem of today’s refugee crisis.

In regards to the UNHCR, it is argued by many critics that the organization has never been able to act independently, as it is a creation of governments. Donor governments exercise the greatest power over refugee policy and have become increasingly frustrated with the increasing cost of supporting the budget of the organization. These governments are therefore interested in seeking means of reducing their obligations, one such method is the promotion of repatriation as the appropriate solution. The returnee programs organized by the UNHCR are cheaper and much shorter in length compared to the assistance programs offered in the host countries. Ironically, the host countries which formerly set themselves up as ‘human rights monitors’ evidently have an interest in reducing the numbers of refugees within their borders.49

As stated above, the UNHCR cannot always act as a neutral body because it is dependent on the states which fund it. Thus, the organization lacks the necessary freedom of action to genuinely represent the interests of refugees, especially when these interests do not coincide with those of the states supporting it. Similar to many outside organizations, the UNHCR lacks the capacity to manage and administrate the social and economic reintegration of returnees into their home society. Moreover, they lack the power to ensure the protection of refugees once they are repatriated.50 The UNHCR is normally limited to one year in assisting voluntary repatriation. Thus, it is impossible for the organization to effectively address economic and developmental difficulties in the country of origin; efforts which are crucial to ensuring an improvement in the living conditions of repatriated refugees.51

49 Ibid.
50 Ibid., 45.
51 Stein, 269.
Furthermore, once refugees are repatriated, they are often subjected to the same conditions from which they fled in the first place. A lack of regime change in the nation of origin is the most important reason all or many refugees are repatriated into unsafe situations. For many victims of revolutionary change, such as middle-class targets of communist revolutions, and ethnic groups that have been expelled, return is usually impossible. Refugees that have been deliberately attacked by their governments will only be able to safely return home if the regime has been removed or they surrender their characteristics which initially marked them as victims, if that is even possible.52

Additionally, there are a number of social problems often encountered by repatriates. Newly independent countries or post-conflict societies possess fragile, insecure governments, and thus must struggle to rebuild the nation in the face of many challenges such as armed opposition, conflict with or in neighbouring countries, weak infrastructure, and often a suffering economy. Therefore, even post conflict, refugee flows may continue to increase as insecurity and instability remain and living conditions worsen. Thus, a new approach to voluntary repatriation is needed when returning refugees to nations that are newly independent, or still have a troublesome regime in power.53

The longer refugees have been outside of their home country, the greater their acculturation to their host society. It is especially difficult for first, second and even third generations of refugees to withhold the cultural identity of their countries of origin. For many long-term refugees, repatriation does not necessarily mean ‘going home.’ Instead, they return to social environments that are different or appear to have changed from when they had previously

52 Ibid., 266.
53 Ibid., 268.
lived there. Further, there are even instances where the resident population regards the returnees as strangers, because of differing customs and beliefs which they have acquired while in refugee camps in neighbouring countries. There are considerable challenges of readjustment that arise for both returnees and for the communities to which they return.\textsuperscript{54}

Additionally, these problems are accentuated by language barriers which occur when refugees return from countries where they adopted a different language. Refugee children may have been educated in schools where a different language had been used, therefore they may experience more difficulty in learning once they return to their home country. In some cases, second generation refugees may have never learned the language spoken in their parents’ homeland. Examples of these problems are seen in Eastern Sudan, where Eritrean and Tigrean refugee children are educated in Arabic (language and script) using a Sudanese curriculum. Repatriated refugees are also subject to economic problems since they have often become self-reliant in their asylum states.\textsuperscript{55} As well, their families may have lost all property or assets they left behind when fleeing their homes, returning them to no means of sustenance. It is evident that there are many negative consequences of repatriation, and it is not always the ‘durable’ solution the Northern states promote it to be.

The case studies of repatriated Ugandan refugees from Sudan and Zaire (modern day Democratic Republic of Congo) highlight the severe weaknesses in the proposed solution of voluntary repatriation. In the six years after the other-throw of Idi Amin’s regime, an overwhelming number of West Nile Ugandans sought refuge in neighbouring Sudan and Zaire. Following the exodus from West Nile, two solutions were proposed:


\textsuperscript{55} Ibid.
first, that short term relief programmes must be developed along with infrastructural developmental projects promoting self-sufficiency among the refugees and their local hosts; secondly, that greater efforts must be made to encourage voluntary repatriation to their country of origin.\textsuperscript{56}

In May 1979, it was namely supporters and beneficiaries of the ousted president that sought refuge in fear of persecution from the new government. It is estimated that 30,000 Ugandans fled to Southern Sudan, while 50,000 fled to Haut-Zaire. Beginning in 1981, the Uganda National Liberation Army (UNLA) initiated a series of grueling attacks on the rebel guerrillas of the Uganda National Rescue Front (UNRF) in the West Nile region. This caused the number of refugees in Southern Sudan to swell to 200,000 by 1983. Throughout the continued attacks, the civilian population was the principal victim of the UNLA’s indiscriminate acts of violence.\textsuperscript{57}

In June 1981, newly named President Obote (Uganda’s People’s Congress, UPC), along with President Numeiri of Sudan, and President Mobutu of Zaire, agreed to encourage the repatriation of refugees back to Uganda. Along with many initiatives of the Ugandan government, the UNHCR launched a $7 million Special Programme of Humanitarian Assistance in Uganda. Over the next 3 years, an additional $7.7-$10.7 million was designated both for immediate relief and for the reconstruction of public health, education and transport facilities in West Nile.\textsuperscript{58}

Many of the refugees who arrived in Sudan and Zaire after 1979 knew that it would never be safe to return to Uganda as long as the existing UPC was in power. Among the refugees were previous soldiers in Amin’s Uganda Army or members of families who grew rich under his administration. Even those refugees that would not be specifically prone to victimization upon

\textsuperscript{56} Crisp, 163.
\textsuperscript{57} Ibid., 164.
\textsuperscript{58} Crisp, 166.
their return to Uganda were fearful of repatriation, due to the UNLA’s ruthless operation in the
West Nile region. Despite this well-founded fear of persecution, the UNHCR continued to direct
the programme of returning refugees. Throughout this period, the UNLA continued to battle the
guerrillas of the UNLF in areas of West Nile. Accounts of old and disabled people being stoned
to death, whole families being burnt alive in their huts, and dismembered bodies of men being
displayed on the branches of trees represent only some of the atrocities that were committed
during this time. The UPC did little to dispel the refugees’ fears. The UNLA continued to
intimidate the population of West Nile, even in areas where the rebels were not active.
According to a Catholic priest, “the Ugandan soldiers are undisciplined, unpredictable; they
oppress and rob the few civilians remaining in the area. Hardly conditions that would entice
refugees to return.” An aid worker made a similar point: “Obote's boys seem to regard all
refugees, especially those who return, as guerrillas. Whenever there is any fighting near the
border, there is a wave of atrocities all the way back to Arua [capital of West Nile].”
These personal accounts of the insecurity and violence which Ugandan refugees faced are evidence that
policies of repatriation are often accompanied with dire consequences; these issues must not be
overlooked.

Moreover, serious logistical problems were also to blame in regards to the inefficiency of
the repatriation of the Ugandan refugees. According to Crisp, operations of the UNLA destroyed
much of the region’s infrastructure, leaving roads impassable, vehicles unobtainable, and
communications unreliable. This was compounded with poor planning and coordination by the

59 Ibid., 169.
60 Ibid., 171.
61 Crisp, 173.
UNHCR. In Aura, the capital of West Nile, no food, accommodation or fuel was available to groups of refugees taken back by the UNHCR. Repatriated refugees were abandoned in the town and left to find their own way back to their homes. The rehabilitation programme was also flawed to the extent that some returnees abandoned the struggle to survive in Uganda and went back to Sudan to resume life in exile.

Problems are amplified when poor planning and coordination are accompanied by issues of corruption, favouritism, and political interference. The distribution of food relief, for example, was delegated to the chiefs of West Nile, some of whom took it across the border to be sold in Zaire. The staff members that distributed aid and carried out operations were selected by the Ugandan government, as opposed to outside agencies, therefore increasing political bias. Adding to this were the poorly paid troops in the West Nile who relied on stealing from the villagers to survive, further limiting the resources available to the repatriated refugees. One experienced World Food Program representative stated, “this is the most difficult project I have ever come across . . . sometimes I think that I am not running the project, but the project is running me.”62 This statement depicts the severity and size of the problems facing post-conflict societies, issues that are multiplied when refugees return en masse to a nation and society which are struggling to rebuild, therefore further condemning the proposed solution of voluntary repatriation.

These experiences of Ugandan refugees are direct evidence of a flawed procedure and solution to the refugee problem. It lacked coordination, planning and above all, a true assessment of the conditions to which the repatriated refugees were being subjected. Assessment

62 Ibid.
is necessary to evaluating and building upon policies, and to ensure that they continue to be effective as the world’s refugee crisis changes. In the case of Ugandan refugees, even if the state of the areas to which they were returning was stable, the UNHCR lacked the coordination and sufficient aid to sustain the population. Based on Crisp’s conclusions, it appears as if there were political reasons behind the repatriation. It is noted that the mass exodus from West Nile after the 1980 elections caused considerable concern and embarrassment for Obote and his UPC. The continuous flight of Ugandans weakened claims that conditions within Uganda were improving. More importantly however, the refugee camps in Southern Sudan had provided a base for the rebels who continued to operate in West Nile. Hence, it was no surprise that the Sudanese President agreed to the repatriation of the Ugandan refugees.

It is evident that there is a need for extensive research and further assessment and evaluation of the solutions of today’s refugee crisis to test the assumptions which have been the basis for promoting repatriation. Until this research is conducted and the practices are questioned, the interests and well-being of refugees will continue to be overlooked in the decision making circles of organizations and governments. Further research will be a more effective method of approaching repatriation - and its strengths and weaknesses - than relying on ‘expert’ interviews and existing public documents produced by agencies. Harrell-Bond argues,

Academics who write about refugees too often employ terms used by agencies e.g., integration, push-pull factor, as concepts without carefully defining them. ‘Armchair’ academics tend to place an uncritical reliance on agency literature as sources without actually studying refugee situations.

63 Ibid.
64 Ibid., 165.
65 Harrell-Bond, 42.
She also argues that there is need for researchers to examine and document how not only the lack of deep understanding of other societies, but differences in language, class, culture, and negative stereotypes, influence policies and practices concerning today’s refugees. A thought-provoking question she asks is, “Why, for example, is it more common to speak of ‘mass exodus’ today than it was during the period following the Second World War?” Orientalist ideas and the creation of a hierarchical binary of the world (North versus South, East versus West) contribute to this view of refugees from the Global South. It is this underlying bias in many Northern states that perpetuates the alienation of today’s refugee populations.

The reality that so many refugees do in fact decide to return home without ‘protection’ from the UN is a reflection of how effective the protection process is thought to be. The fact that refugees are willing to forgo assistance also indicates how aid is regarded during this point in a refugee’s journey. The return of refugees to their homelands under these circumstances is cause to rethink the concept of voluntary repatriation, as well as the methods of its implementation. It is commonly perceived that “refugees are caused by government action and achieving durable solutions are dependent on the political will, diplomacy, and statesmanship of governments.” With this thought in mind, it is important to realize that secure economic conditions can ease integration, and that political will controls the access to the solution of today’s refugee problem. While it must be acknowledged that solutions to the refugee problem are very complex issues with many factors to consider, there is no excuse for the evidentiary bias that the

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66 Ibid., 47.
67 Ibid., 47.
69 Stein, 267.
70 Ibid.
Northern states uphold towards the ‘modern’ refugee. In addition, this bias should not transcend into the policies and actions put forth by the UNHCR. If these trends perpetuate without being challenged, refugee populations will continue to be trapped in a cycle of neglect; neglect not only from their countries of origin, but also from their countries of sanctuary.
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