

The Kibeho crisis: towards a more effective system of international protection for IDPs

by Stephanie T E Kleine-Ahlbrandt

In Rwanda in April 1995, hundreds of IDPs, mostly women and children, were killed in a military operation to close camps for the internally displaced.

This tragedy, which occurred in Kibeho camp in southwest Rwanda, raises several key issues regarding internal displacement, particularly that of the protection of internally displaced persons (IDPs) within camps and against forcible return, the screening of criminal elements and persons guilty of war crimes, and the coordination of international efforts to meet humanitarian and protection needs of IDPs.

A. Development of the Kibeho crisis

In the wake of the April 1994 Rwandan genocide, the Security Council's decision to reduce the UNAMIR peacekeeping force to 270 persons left the Rwandan Patriotic Front (RPF) as the only significant force capable of stopping the massacres, which in the span of three months had claimed the lives of 500,000 to 1 million persons. Massive displacement was caused by the widespread killings and fear of RPF reprisals.

By 4 July 1994, the French *Opération Turquoise* had created in the country's southwest corner a 'safe humanitarian zone' equivalent to roughly one-fifth of the national territory. By the time of the RPF's proclamation of a new government on 19 July, roughly 1.2 to 1.5 million IDPs had already fled to this zone, most of them having escaped the advance of the Rwandan Patriotic Army (RPA) in June and July. As the deadline for French withdrawal drew near, a collaborative effort between political, military and international humanitarian organisations successfully encouraged many of the displaced people in the southwest to remain in Rwanda rather than to contin-

ue their flight abroad. When *Opération Turquoise* ended on 21 August, some 390,000 IDPs remained in thirty-three camps¹

Events leading to the massacre

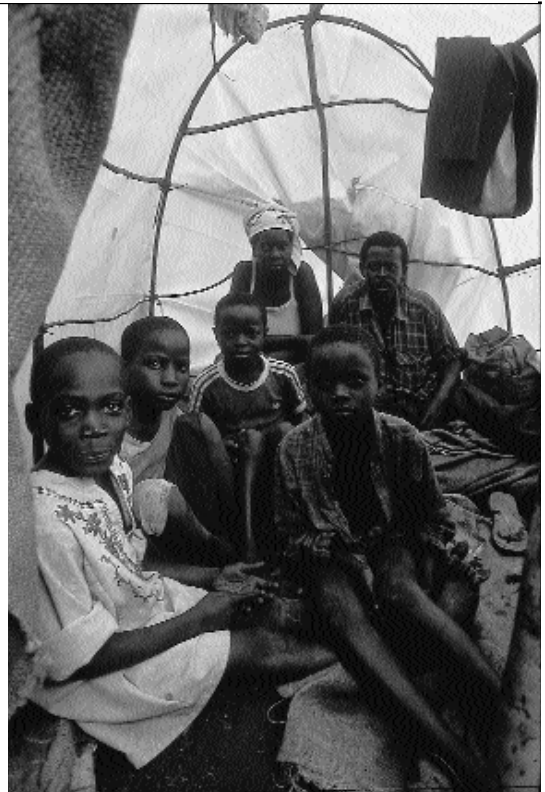
The new Rwandan government suspected that the IDP camps were providing sanctuary to persons implicated in the genocide and were being used for the formation of an anti-government militia. As neither the UN mandate for *Opération Turquoise* nor the objectives of the French government included disarming or arresting soldiers, criminal elements were able to consolidate in the camps. In addition, refugee populations surrounding Rwanda, which comprised both those responsible for the genocide as well as innocents under their authority, were re-arming and launching cross-border incursions, in spite of a UN arms embargo. Unable to diffuse this growing threat, the Government viewed the IDPs as compromising its territorial integrity.

Institutional responses

The Department of Humanitarian Affairs' field presence in Rwanda, UNREO, was charged with the inter-agency coordination of actions on behalf of IDPs, centralised through the Integrated Operations Centre (IOC), consisting of representatives of UN agencies, NGOs, major donors and the Rwandan government. At the end of 1994, the IOC launched *Opération Retour* to facilitate

voluntary return. During the first six weeks an estimated 40,000 IDPs returned to their home communes but the number fell drastically by the end of February 1995. Meanwhile, camp populations increased due to reports of returnee arrests, overcrowded prisons, and the illegal occupation of homes, as well as a lack of confidence in local judicial procedures. In Kibeho Camp the population grew from 70,000 to 115,000 in a fortnight.² By late March, some 220,000 IDPs still remained in the camps.

The international community and the Rwandan government disagreed on the conditions under which IDPs should return. While international agencies believed that IDPs should not return until a certain level of security existed in the country, the Rwandan government believed that security could only be established when concentrations of dis-



Shelter in Kibeho camp

photograph: Adrian Abiby/Sill Pictures

placed populations had dispersed. The IOC developed a strategy to reconcile the Government's preoccupation with national security with the international community's concern for 'voluntary return in safety and dignity' [see C.i. below for discussion of use of this term]. Although the use of force was to be avoided, the strict meaning of 'voluntary return' was compromised: the camps were to be closed by ending food and relief distribution and transferring IDPs to home communes.

Massacre at Kibeho

However, even before the implementation of this strategy, on 18 April the RPA moved to close the camp at Kibeho by surrounding it and cutting off its food and water supply. For the next three days, the concentration of 80,000 people on one hill and the rapid deterioration of humanitarian conditions resulted in panic and casualties when soldiers met stone-throwing with machine gun fire. On the fourth day, a large group of IDPs tried to break the cordon. The RPA opened fire on the crowd, killing several hundred people and causing a stampede which claimed more lives. The government put the death toll at 338 while the UN put the figure at 2,000. UNAMIR troops were present during the massacre but were ordered not to intervene despite their mandate to "contribute to the security and protection of displaced persons..." (Security Council Resolution 918 of 17 May 1994).

Over the next three weeks, the IDP camps in southwest Rwanda were evacuated. Thousands of IDPs returned to their home communes but several thousand others crossed into Zaire. Many returning IDPs refused to register with local authorities or to proceed to their communes of origin, and instead hid in rural areas. Some IDPs eventually mingled with Burundian refugees in camps in Rwanda.

The International Commission of Inquiry

In an effort to restore its reputation, the Government of Rwanda established an Independent International Commission of Inquiry. The Commission's report, issued on 17 May 1995, indicated that the government could have taken steps to prevent the massacre. The Commission correctly faulted the RPA for its lack of communication, its inexperience and its

inappropriate training for what was basically a police operation.

B. Analysis of the crisis

The Kibeho tragedy was avoidable. Signs of an impending disaster existed. The first involved the divergent priorities and perspectives of the Rwandan government and international agencies regarding IDPs. The IOC failed to appreciate the urgent concerns of the Rwandan government, thus heightening its suspicions about the international community's intentions. The IOC also lacked the flexibility and resources to implement projects in order to encourage voluntary IDP return or to devise an effective camp closure strategy in a time-frame which could have responded to the government's security concerns. Furthermore, the integrated concept of the IOC did not reflect the current reality. Not only did UN agencies not ensure consistent representation on a high enough level within the IOC but the Rwandan government's participation was sporadic and did not include the key ministries of Defence and Interior.

Monitoring of the camps fell within UNAMIR's mandate but the force did not ensure a sufficient presence in the camps prior to or during the crisis - only a single contingent of fewer than 100 soldiers (of a full strength of 5,529 soldiers) remained in the camp throughout the events. UNAMIR officers and Human Rights Field Officers could have played a more substantial monitoring role in the camps. A strategy for an increased UN presence in the camps, including Human Rights Field Officers, should have been included directly in the provisions of *Opération Retour*.

The divergence between the international community and the Rwandan government concerning internal displacement reflected a lack of political will on the part of the international community to develop a coherent approach to the post-genocide situation in Rwanda and in the larger Great Lakes region. The Rwandan Government pledged to respect human rights and refrain from reprisal killings but lacked the resources to rebuild its

devastated infrastructure, in particular its judicial system. At the same time, donors provided substantial resources for humanitarian assistance to refugee camps in neighbouring countries harbouring forces of the former regime, without supporting efforts to separate those who should have been excluded from refugee status.

The inability of the IOC to reconcile humanitarian with political and strategic interests, and its reluctance to recognise the fragility of the consensus between all parties, allowed the Kibeho tragedy to develop. The Rwanda experience indicates that solutions to the problems of internal displacement cannot ignore regional dynamics nor allow humanitarian action to substitute for military, political or diplomatic solutions.

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C. Lessons learned for the future protection of IDPs

i. Legal issues

The Kibeho tragedy underlined the necessity for agencies and governments to be able to refer to a body of guiding principles on internal displacement. A set of minimum international guidelines applying to situations of internal displacement would have facilitated the channelling of political pressure on the government to encourage it to develop more appropriate ways to deal with the IDP issue. The IOC had to elaborate its own guidelines, which were more easily compromised because they were self-created.

The Guiding Principles on Internal Displacement, submitted by the Representative of the Secretary-General on IDPs to the 54th session of the Commission on Human Rights and endorsed by the Inter-Agency Standing Committee (IASC) on 26 March 1998, should help to facilitate the work of organisations acting on behalf of IDPs as well as to provide a basis for the

development of more effective responses to internal displacement in the wake of complex humanitarian emergencies. Section V of the **Guiding Principles**, concerning return, resettlement and reintegration, could have been of particular use in the Rwandan context given the lack of clarity and consensus on principles on IDP issues. Such principles may also have encouraged a more serious investment of resources and energy in the first phase of the plan espousing voluntary return. In addition, these principles could have helped foster an international consensus after they were violated in Kibeho, by providing the Independent International Commission of Inquiry with objective principles upon which to base its evaluation and conclusions.

The Rwanda example shows that the **Guiding Principles** are useful where a general legal norm exists but a more specific right, that would ensure implementation of the norm in the case of IDPs, has not been articulated. The term 'voluntary return' was borrowed from refugee law. Since no international legal norm exists explicitly protecting people against individual or mass transfer from one region to another within their own country, the norm must be inferred from the right to freedom of residence and movement. However, the Rwandan government did not consider itself bound, through inference, by the right of its citizens not to be forcibly relocated.

Rwandan authorities repeatedly invoked their sovereign right to address the security threat presented by the camps.

Having no clear or specific basis upon which to insist upon the concept of "voluntary return in safety and with dignity" for IDPs (Principle 28 of the **Guiding Principles**), the international community could only negotiate with and exert pressure on the Government to resolve the problem through means consistent with a peaceful solution to the IDP problem. A humanitarian disaster ultimately precipitated the Kibeho massacres. Attempts by UN agencies and the Special Representative of the Secretary-General to exercise their good offices to address the denial of camp access by humanitarian agencies during the RPA cordon were ineffective in addressing the extreme food and water deprivation which resulted in the escalation of the crisis. In this regard, Section IV of the **Guiding Principles** relating to Humanitarian Assistance could provide a future basis for coordinated UN intercession with governments, especially in humanitarian crisis situations involving IDPs.

ii. Institutional issues

Implementation of the **Guiding Principles** will depend on the existing institutional arrangements and political will in any given country. The case of Rwanda demonstrated that where the authorities' will to protect IDPs is weak, only strong institutional arrangements with substantial political weight and expertise can make a difference in IDP protection.

One means for improvement in the international institutional protection of IDPs thus lies in better coordinating and

supporting the efforts of institutions currently undertaking activities on behalf of IDPs. The UN Secretary-General's 1997 Programme of Reform reaffirms that the Emergency Relief Coordinator's (ERC) role is to ensure that issues of protection and assistance for internally displaced people are addressed. The IASC recommended that the ERC should help mobilise resources and identify gaps; assign responsibilities, including camp management; develop information systems; and provide support to the field. The ERC and its Working Group, which has recently been designated as the main inter-agency forum on IDPs, should be able to play a mobilising role with regard to the internally displaced by initiating a division of labour of agencies, by developing agreed strategies where necessary and by helping to ensure that humanitarian assistance is not substituted for political action. The participation of the High Commissioner for Human Rights and the Representative of the Secretary-General on IDPs in the IASC and its working group should help ensure the integration of a protection perspective in decisions involving IDPs. In appropriate contexts, one agency can assume primary responsibility for ensuring that protection and assistance are provided to IDPs by increasing awareness of their plight and mobilising support on their behalf. This lead agency model has been found to better meet the needs of IDPs than when no single agency is designated as such.³

Agreements between agencies are also a welcome form of coordination. For example, UNHCR and HRFOR (UN Human Rights Field Operation in Rwanda) signed an agreement in Rwanda in September of 1995 which outlines the responsibilities of the two agencies regarding the protection of the security and physical integrity of returning refugees and IDPs and allows for joint intervention in specific cases.

The 52nd, 53rd and 54th sessions of the Commission on Human Rights called upon the Office of the High Commissioner for Human Rights to develop technical cooperation projects to promote the human rights of IDPs. These may help alleviate the causes of internal displacement and encourage voluntary IDP return by heightening respect for legal procedures, harmonising national law

18 April 1995, the day the RPA moved to close the camp at Kibeho. Family heads identify victims of an earlier crush incident.

photograph: Mark Culbert/Brown



with international human rights standards, providing support to independent national human rights institutions and strengthening civil society and NGOs.

Human rights field officers play an integral role in the establishment of confidence necessary for voluntary return of displaced populations and act as a deterrent to human rights abuses. They should be sufficiently deployed in areas with large concentrations of IDPs and should make available information relative to the situation of IDPs and analyses of trends to, *inter alia*, host governments and the Representative of the Secretary-General on IDPs. Future human rights operations could include in their mission agreements specific provisions allowing access of human rights personnel to internally displaced populations, and should make reference to the *Guiding Principles*.

In line with the Secretary-General's 'Programme for Reform' which identified human rights as an issue which cuts across all areas of United Nations activities and set as a major task for the Organisation to fully integrate human rights in its broad range of activities, UN staff must be better trained in human rights norms and IDP concerns. This would allow them to raise protection issues on behalf of IDPs and to better integrate protection concerns with the provision of relief. Such training would also facilitate the development of common UN approaches in response to serious violations of human rights and humanitarian law that could lead to internal displacement.

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For a comprehensive analysis of the Kibeho crisis, see Kleine-Ahlbrandt S *The Protection Gap in the International Protection of Internally Displaced Persons: the case of Rwanda*, Geneva, Institut Universitaire de Hautes Etudes Internationales, 1996, 172pp.

1 Adelman H and Suhrke A, *Early Warning and Conflict Management*, Study II of the DANIDA Joint Evaluation of Emergency Assistance to Rwanda, The International Response to Conflict and Genocide: Lessons from the Rwanda Experience, March 1996, p 94.

2 In-Country Report, United Nations Rwanda Emergency Office, 9 February 1995.

3 See Cohen R and Deng F *The Forsaken People: Case Studies of the Internally Displaced and Masses in Flight*, pp 172-174: see pp 37 of this FMR for details.

From village to camp: refugee camp life in transition on the Thailand-Burma Border

by Edith Bowles

The Karen, Mon and Karenni refugee camps along Thailand's border with Burma have traditionally been small, open settlements where the refugee communities have been able to maintain a village atmosphere, administering the camps and many aspects of assistance programmes themselves. Much of this, however, is changing.

Since 1995, the 110,000 ethnic minority refugees from Burma have faced new security threats and greater regulation by the Royal Thai Government (RTG). An increasing number of the refugees now live in larger, more crowded camps and are more dependent on assistance than ever before. At the beginning of 1994, 72,000 refugees lived in 30 camps, of which the largest housed 8,000 people; by mid 1998, 110,000 refugees lived in 19 camps, with the largest housing over 30,000 people.

Background

Burma is home to one of the longest running civil wars in the world. Over the last 50 years, opposition organisations representing a variety of political agendas have taken up arms against the central government in Rangoon. Since 1962, the country has been run by a succession of military governments, including the current ruling junta, the State Peace and Development Council (SPDC). The primary victims in Burma's protracted civil war have been ethnic minority people, like the Karen, Mon and Karenni, in

Burma's rural areas. Although since 1989 most of the armed opposition groups have entered into cease-fire agreements with the Burmese government, there is still fighting along the Thailand-Burma border.

The Burmese government has one of the worst human rights records in the world. People flee to the refugee camps in Thailand from forced labour, forced relocations and military offensives. Each dry season (October-May) the Burmese military launches an offensive against the opposition armies, often displacing large numbers of refugees into Thailand. The military offensives are associated with widespread abuse of civilians, including summary execution, torture and rape, as well as looting and destruction of property. The Burmese army has also carried out massive forced relocations of rural villages, with the intention of eliminating civilian support for opposition groups or clearing ground for infrastructure projects. Furthermore, in the dry season, villagers are routinely forced to work without pay on building roads, railways, irrigation ditches and other infrastructure projects.